

[21 & 22 GEO. 5.] *York Corporation* [Ch. lxxxvii.]  
(*Trolley Vehicles*) Order Confirmation Act, 1931.



**CHAPTER lxxxvii.**

An Act to confirm a Provisional Order made by the Minister of Transport under the York Corporation Act 1914 relating to the York Corporation trolley vehicles. [31st July 1931.]

A.D. 1931.

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**W**HEREAS under the authority of section forty-three of the York Corporation Act 1914 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed :

4 & 5. Geo. 5.  
c. clxxxviii.

And whereas a Provisional Order made by the Minister of Transport under the authority of the said section is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the York Corporation (Trolley Vehicles) Order Confirmation Act 1931.

Short title.

2. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act.

Confir-  
mation of  
Order in  
schedule.

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SCHEDULE.

YORK CORPORATION (TROLLEY VEHICLES).

*York Corporation.*

*Provisional Order authorising the lord mayor aldermen and citizens of the city of York to provide maintain and use trolley vehicles upon a route in the city of York and the parish of Fulford Water in the rural district of Escrick.*

Short and collective titles.

1.—(1) This Order may be cited as the York Corporation (Trolley Vehicles) Order 1931.

(2) The York Corporation Act 1914 and this Order may be cited together as the York Corporation (Trolley Vehicles) Act and Order 1914 and 1931.

Interpretation.

2. In this Order the following expressions have unless the subject or context otherwise requires the meanings hereinafter assigned to them (namely) :—

“The Corporation” means the lord mayor aldermen and citizens of the city of York;

“The city” means the city of York;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“The trolley vehicle route” means the route upon which the Corporation are by this Order authorised to work and use trolley vehicles;

“Road authority” means with reference to any road over which the trolley vehicle route will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

“The Act of 1902” and “the Act of 1914” mean respectively the York Corporation Act 1902 and the York Corporation Act 1914.

Additional trolley vehicle route.

3.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle route which is situate in the city

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and in the parish of Fulford Water in the rural district of Escrick and is— A.D. 1931.

Route No. 1 (1 mile 4 furlongs and 9 chains or thereabouts in length) commencing at the junction of Parliament Street High Ousegate and Pavement and passing thence along Piccadilly Fishergate Fulford Road (to its junction with Heslington Lane) and Heslington Lane to and terminating at the junction of Heslington Lane with Back Lane.

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(2) Provided that—

(a) before equipping the trolley vehicle route to include a turning point or before arranging for a new turning point thereon the Corporation shall submit plans of the turning point to the Minister of Transport for approval;

(b) nothing in this Order shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

4.—(1) (a) Before the Corporation commence to run the trolley vehicles authorised by this Order over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Order of a trolley vehicle service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening. Adaptation of roads.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run trolley vehicles over the road or part of a road or bridge in question.

(c) If the Corporation give notice in writing to the road authority that they intend to run trolley vehicles over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate

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which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run trolley vehicles over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(2) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(3) The road authority shall not make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the trolley vehicles of the Corporation.

Power for Corporation to suspend traffic.

5. The Corporation may for the execution of any works by the Corporation or at the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the city or the safety of the public may deem necessary order that the running of trolley vehicles on the trolley vehicle route or part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof.

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6. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Order and to any byelaws for the time being in force with respect to trolley vehicles) use the trolley vehicles authorised by this Order for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation.

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 Use for sanitary purposes.

7.—(1) The following sections of the Act of 1902 and the Act of 1914 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say) :—

Application of provisions of previous enactments.

The Act of 1902—

- Section 150 (Mode of raising money);
- Section 151 (Provisions of Public Health Act as to mortgages to apply);
- Section 153 (Mode of payment off of money borrowed) as amended by section 116 of the Act of 1914;
- Section 154 (Sinking fund);
- Section 155 (Protection of lender from inquiry);
- Section 156 (Corporation not to regard trusts);
- Section 157 (Appointment of receiver);
- Section 159 (Return respecting sinking fund to Local Government Board);
- Section 160 (Application of money borrowed);
- Section 161 (Expenses of execution of Act);
- Section 175 (Application of sections 265 and 306 of Public Health Act 1875).

The Act of 1914—

- Section 21 (As to electrical works);
- Section 22 (Corporation to have exclusive right of using apparatus for working trolley vehicles);
- Section 24 (Licence duties on trolley vehicles);
- Section 25 (Approval of vehicles and equipment by Board of Trade);
- Section 26 (Inspection by Board of Trade);
- Section 29 (Working agreements &c.);
- Section 30 (Provisions for safety of public);
- Section 31 (Special provisions as to use of electrical energy as motive power);
- Section 32 (For protection of Postmaster-General);
- Section 33 (As to use of posts by Postmaster-General);

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- Section 34 (Rates for passengers);  
Section 35 (As to fares on Sundays and holidays);  
Section 36 (Rates for special trolley vehicles);  
Section 37 (Passengers' luggage);  
Section 38 (Cheap fares for labouring classes);  
Section 39 (Rates for goods &c.);  
Section 40 (Periodical revision of rates and charges);  
Section 42 (Application of certain provisions of Tramways Act 1870 to trolley vehicles) except section 52 (Transient offenders);  
Section 45 (Payment of fares rates and charges);  
Section 46 (Corporation may appoint stopping and starting places);  
Section 47 (Provisions for dealing with traffic on race meetings and other special occasions);  
Section 48 (Penalty for malicious damage);  
Section 50 (Shelters or waiting rooms);  
Section 51 (Lost property);  
Section 52 (Attachment of signs indicating stopping places to lamp-posts &c.);  
Section 53 (Conveyance of mails);  
Section 54 (Attachment of brackets to buildings);  
Section 55 (Trolley vehicles and motor omnibuses to form part of light railway undertaking).

(2) Provided that subsection (B) (4) of the said section 32 of the Act of 1914 in its application to this Order shall be read and have effect as if the words "generated or used by or supplied to the Corporation enter any of the Corporation's works" were inserted in that subsection in substitution for the words "generated for the purposes of this Act at any works of the Corporation enter thereon."

(3) In respect of the exercise of any powers or duties conferred on the Minister of Transport by this Order or the giving by him of any consents under this Order the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Power to  
borrow.

8.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table

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the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenue of the light railway undertaking of the Corporation and the general rate fund and the general rate and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

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Purpose.	Amount.	Period for Repayment.
(a) For the provision of trolley vehicles	£ 6,000	Ten years from the date or dates of borrowing.
(b) For the provision of trolley vehicle equipment and the construction of other works necessary for working trolley vehicles on the trolley vehicle route.	3,000	Twenty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of this Order.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Transport.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 167 (Power to use one form of mortgage for all purposes) of the Act of 1902.

9. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of money to be borrowed under the powers of this Order for that purpose.

Costs of Order.

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