

[26 GEO. 5. & *Huddersfield Corporation*
1 EDW. 8.] (*Trolley Vehicles*) Act, 1936.

[Ch. liii.]



CHAPTER liii.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Huddersfield in regard to their trolley vehicles undertaking and for other purposes. A.D. 1936.

[14th July 1936.]

WHEREAS the mayor aldermen and burgesses of the borough of Huddersfield (hereinafter referred to as "the Corporation") in pursuance of various Acts and Orders are the owners of and work tramways a tramroad and a light railway in the borough of Huddersfield (hereinafter called "the borough") and in certain districts in the vicinity of the borough and are also authorised by the Huddersfield Corporation Act 1913 and the Huddersfield Corporation (Trolley Vehicles) Schemes 1932 and 1934 to provide and work trolley vehicles along various routes in the borough :

3 & 4 Geo. 5.
c. xcv.
23 & 24
Geo. 5. c. i.
24 & 25
Geo. 5. c. vii.

And whereas it is expedient that the Corporation should be empowered to work trolley vehicles along the routes of their tramways tramroad and light railway both within and beyond the borough and along the other routes referred to in this Act and that the provisions with reference to the abandonment of such tramways tramroad and light railway and the further powers with reference to the running of trolley vehicles which are contained in this Act should be enacted :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The provision of trolley vehicles - -	240,000
The provision of electrical equipment and the construction of other works necessary for working trolley vehicles	79,318
The removal of the tramways tramroad and light railway of the Corporation and the reconstruction of roads upon which such tramways and light railway so removed are situate -	87,501
The reconstruction of other roads on which trolley vehicle routes are situate - - - - -	10,197
The erection and equipment of buildings for the purposes of the trolley vehicles of the Corporation - -	71,594

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

1.—(1) This Act may be cited as the Huddersfield Corporation (Trolley Vehicles) Act 1936.

(2) The Huddersfield Corporation Acts 1852 to 1920 and this Act may be cited as the Huddersfield Corporation Acts 1852 to 1936.

(3) So much of the Huddersfield Corporation Act 1913 and of the Huddersfield Corporation (Tramway and Trolley Vehicles) Scheme 1932 as relates to trolley vehicles together with the Huddersfield Corporation (Trolley Vehicles) Scheme 1934 and this Act may be

23 & 24
 Geo. 5. c. 51.

Short and
 collective
 titles.

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cited as the Huddersfield Corporation (*Trolley Vehicles*) A.D. 1936.
Acts and Schemes 1913 to 1936. —

2. The Lands Clauses Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (except the provisions of those Acts with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845). Incorporation of Acts.
8 & 9 Vict.
c. 18.

3. In this Act unless the subject or context otherwise requires— Interpretation.

“The Corporation” means the mayor aldermen and burgesses of the borough of Huddersfield;

“The borough” means the county borough of Huddersfield;

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

“The Act of 1900” “the Act of 1913” “the Act of 1920” “the Order of 1922” and “the Scheme of 1932” mean respectively the Huddersfield Corporation Tramways Act 1900 the Huddersfield Corporation Act 1913 the Huddersfield Corporation (General Powers) Act 1920 the Huddersfield Corporation Light Railway Order 1922 and the Huddersfield Corporation (Tramway and Trolley Vehicles) Scheme 1932; 63 & 64 Vict.
c. cclxvii.
10 & 11
Geo. 5.
c. cxlv.

“The Corporation tramways” means and includes all tramways belonging to the Corporation at the date of this Act together with Tramroad No. 1 authorised by the Act of 1920 and the light railway authorised by the Order of 1922;

“Trolley vehicle” has the meaning assigned to it by section 21 (Power to use trolley vehicles) of the Act of 1913;

“The trolley vehicle routes” means the routes on which the Corporation are authorised to work and use trolley vehicles by the Huddersfield Corporation (*Trolley Vehicles*) Acts and Schemes 1913 to 1936;

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“The trolley vehicles undertaking” means the trolley vehicles undertaking of the Corporation as from time to time existing;

“Local authority” means the council of any borough urban district or rural district;

“Road authority” in relation to any road means the authority (being either the council of a county the council of a borough or the council of an urban district) which is responsible for the maintenance of the road;

9 & 10
Geo. 5. c. 57.

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“The Act of 1933” means the Local Government Act 1933;

“The Minister” means the Minister of Transport.

Power to
use trolley
vehicles.

4.—(1) The Corporation may use trolley vehicles—

(a) along the whole or any part of the route of all or any of the Corporation tramways;

(b) along the following routes (namely):—

(i) In the borough and in the rural district of Halifax—

Route No. 1 (1 mile 1 furlong 5·95 chains or thereabouts in length) commencing at the junction of Netheroyd Hill Road with Bradford Road passing along Bradford Road to its junction with Bradley Road Bradley Road and Clough Lane to and terminating at the junction of that road with Broomfield Road;

(ii) In the borough—

Route No. 2 (4 furlongs 9·17 chains or thereabouts in length) commencing at the junction of Woodhouse Hill with Ash Brow Road passing along Woodhouse Hill and Fartown Green Road to and terminating at the junction of that road with Bradford Road;

Route No. 4 (3 furlongs 1·18 chains or thereabouts in length) commencing at the junction of Blackmoorfoot Road with Dryclough Road passing along Blackmoorfoot Road to and terminating at its junction with Crosland Hill Road; A.D. 1936.

Route No. 5 (4 furlongs 4·91 chains or thereabouts in length) commencing at the junction of Newsome Road with Newsome Road South passing along Newsome Road South to and terminating at the junction of that road with Caldercliffe Road;

Route No. 6 (1 furlong 3·71 chains or thereabouts in length) commencing at the junction of Colne Road with Queen Street South passing along Colne Road to and terminating at the junction of that road with Chapel Hill;

Route No. 7 (3 furlongs 9·91 chains or thereabouts in length) commencing at the junction of Queen Street South with East Parade passing along Queen Street South Ramsden Street High Street and Market Street to and terminating at the junction of that street with Westgate;

Route No. 8 (2 furlongs 2·53 chains or thereabouts in length) commencing at the junction of Manchester Road with Outcote Bank passing along Outcote Bank and Manchester Street to and terminating at the junction of that street with High Street :

Provided that the Corporation shall not run trolley vehicles along the route of so much of the Tramroad No. 1 authorised by the Act of 1920 as is not constructed along a road until a new road shall have been constructed along the route of so much

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of such tramroad as aforesaid and such road shall have been opened for traffic;

- (c) with the consent of the Minister over any lands acquired or appropriated by the Corporation for trolley vehicle purposes or along any street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point either within or beyond the borough;
- (d) with the consent of the Minister and (in the case of a street or road beyond the borough) of the local and road authority along any other street or road which the Corporation think it necessary or convenient to use for the purpose of connecting trolley vehicle routes or of connecting any trolley vehicle route with any depot garage building or work of the Corporation. Provided that nothing in this paragraph shall empower the Corporation to use trolley vehicles along any such other street or road within the borough for the purpose of connecting trolley vehicle routes where the distance between the points to be connected exceeds half a mile and nothing in this paragraph shall empower the Corporation to use such vehicles along any such other street or road beyond the borough for the purpose of connecting such routes where the distance between the points to be connected exceeds two hundred and twenty yards.

(2) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval and (in the case of any turning point which is outside the borough) shall also submit a copy of such plans to the road authority and to the chief constable of the west riding of Yorkshire and before approving any such plans the Minister shall give to the road authority an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him.

(3) No turning point shall be fixed upon any street or road belonging to or maintained by a railway company without the consent in writing of such company which consent shall not be unreasonably withheld. Any question as to whether or not any consent under this subsection has been unreasonably withheld shall be determined by the Minister. A.D. 1936.

(4) As from the date upon which and so long as a service of trolley vehicles or public service vehicles is provided by the Corporation in lieu of a tramway or light railway service upon the route of any of the Corporation tramways the revenue of the tramways undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles or public service vehicles is provided under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

5. If the Corporation shall not have commenced to run trolley vehicles along any of the trolley vehicle routes authorised by this Act within five years from the passing of this Act or within such extended time as the Minister may upon the application of the Corporation allow the powers conferred by this Act with reference to the running of trolley vehicles along the route or routes along which the Corporation have not commenced to run trolley vehicles shall cease to be exercisable. Period for commencement of trolley vehicle services.

6.—(1) The Corporation tramways on any of the trolley vehicle routes may be abandoned or discontinued either temporarily or permanently and thereupon the Corporation shall either temporarily or permanently as the case may be cease to be under any obligation to use the same or to run carriages thereon or to maintain or repair any part of the roadway outside the borough in which such tramways are laid. Provided that no such tramway shall be abandoned or discontinued by the Corporation until they shall have provided trolley vehicles. As to abandonment of tramways.

A.D. 1936. — or provided or arranged for the provision of omnibuses
20 & 21 (under the provisions of the Act of 1913) or public service
Geo. 5. c. 43. vehicles (as defined by the Road Traffic Act 1930) on
the route of such tramway or on the portion thereof
so proposed to be abandoned or discontinued or along
such other route (in lieu of the route of such tramway
or portion thereof as aforesaid) as shall be approved
by the Minister.

(2) Subject to the terms of any agreement between the Corporation and the road authority when the Corporation have in pursuance of the foregoing provisions of this section abandoned and discontinued permanently the whole or part of any of the Corporation tramways they may and if required by the road authority shall forthwith take up and remove the rails and paving setts of the tramway or part thereof so abandoned and discontinued and such of the apparatus and equipment provided or used for the purposes thereof or in connection therewith as shall not be adapted altered or reconstructed for the purpose of working the trolley vehicles.

(3) In lieu of themselves restoring the portion of road in which the Corporation tramways outside the borough are situate to as good a condition as that in which it was before the Corporation tramways were constructed or placed therein the Corporation may enter into agreements with the road authority for such work to be carried out by the road authority in consideration of such payment by the Corporation as may be agreed between the Corporation and the road authority and as from the date upon which any such payment is made the Corporation shall cease to be under any obligation to restore any part of the road in which the tramway or part of a tramway in respect of which such an agreement is made is situate or to make any other payment to the local authority or road authority in respect of such tramway or part of a tramway.

33 & 34 Vict. c. 78. (4) Nothing in this section shall relieve the Corporation of any liability imposed upon them by section 41 of the Tramways Act 1870 in relation to any tramway in the event of the Corporation discontinuing the working of such tramway otherwise than in accordance with the provisions of this Act.

7. The Corporation may adapt and use for the purpose of working trolley vehicles any apparatus and equipment provided by them for working the Corporation tramways.

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As to use of existing equipment.

8.—(1) Notwithstanding anything contained in this or any other enactment to the contrary the Corporation may on any occasion run and reserve trolley vehicles on any of the trolley vehicle routes for any special purpose which the Corporation may consider necessary or desirable provided that such special trolley vehicles shall be distinguished from other trolley vehicles in such manner as may be directed by the Corporation and that during the running of such special trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles.

Power to reserve trolley vehicles for special purposes.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such special trolley vehicles by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other enactment of the Corporation as to fares or charges for passengers shall not extend to any special trolley vehicles run upon the trolley vehicle routes and in respect thereof the Corporation may demand and take such fares or charges as they shall think fit.

9. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with the trolley vehicles undertaking and at any suitable places on the trolley vehicle routes and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority :

Cloakrooms &c.

Provided that the Corporation shall not provide any cloakroom room or shed so as to cause interference with the access to or exit from any station depot or property belonging to a railway company nor shall such cloakroom room or shed be erected maintained or provided on any bridge carrying any street or road

A.D. 1936. — over the railways of any railway company or on the approaches to any such bridge so far as the same are maintained by such company except with the consent in writing of that company under the hand of their secretary or general manager.

Lost
property.

10. Any property found in any shelter or waiting-room used in connection with the trolley vehicles undertaking shall forthwith be taken to the tramway offices of the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof may be carried to the revenue account of the trolley vehicles undertaking.

Power for
Corporation
to suspend
traffic.

11. The Corporation may for the execution of any works by the Corporation or during 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 borough or the safety of the public may deem necessary order that the running of trolley vehicles on any of the trolley vehicle routes 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 Provided that before exercising the powers of this section in respect of any road outside the borough the Corporation shall if the stoppage delay or suspension is rendered necessary by the holding of a public meeting procession or demonstration consult the chief constable of the county.

Trees over-
hanging
highways
on trolley
vehicle
routes.

15 & 16
Geo. 5. c. 71.

12.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their trolley vehicles or to obstruct the view of drivers of such vehicles the Corporation may by notice in writing require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to proceed within twenty-one days from the date of service of the said notice to exercise

those powers in respect of the trees hedges or shrubs to which the requisition refers. A.D. 1936.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having adopted the said section or being a county council refuse or neglect to proceed with the exercise of those powers with reasonable dispatch in accordance with the said requisition the Corporation may apply to the Minister of Health for and that Minister may after giving the said authority an opportunity of being heard make an order conferring on the Corporation all or any of the powers of a local authority under the said section in respect of the streets in which the said trees hedges or shrubs are situate but without prejudice to the powers of any such authority as aforesaid under the said section 23.

13.—(1) The Corporation on the one hand and any other local authority company body or person having powers to own or work any trolley vehicles which may now or hereafter be connected with the trolley vehicle system of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Working
agreements.

- (a) The formation of junctions between the trolley vehicle systems of the contracting parties;
- (b) The leasing working running over using maintaining and managing by any or all of the contracting parties or by a joint committee of the contracting parties of the trolley vehicles of any or all of the contracting parties and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the trolley vehicles of the contracting parties of rolling stock and vehicles necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power by the party owning the trolley vehicle route the subject of the agreement;

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- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the trolley vehicle systems of the contracting parties:

Provided that electrical energy shall not be supplied under an agreement made in pursuance of the powers conferred by this section except—

- (i) a supply by the Corporation to the other party to the agreement for the purpose of traction or propulsion or lighting of trolley vehicles of such other party upon tramway or trolley vehicle routes owned and substantially worked by the Corporation; or
- (ii) a supply to the Corporation by the other party to the agreement for the purpose of traction or propulsion or lighting of trolley vehicles of the Corporation upon tramways or trolley vehicle routes owned and substantially worked by such other party.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the trolley vehicle systems of the other the trolley vehicle systems of the parties so contracting shall for the purposes of calculating the maximum rates and charges or fares in respect of conveyance partly over the trolley vehicle systems of the one party and partly over those of the other be considered as one trolley vehicle system and the maximum charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

Minister
may
authorise
new routes.

14.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads along and upon which they are for the time being authorised to use trolley vehicles) they may make application to the Minister and the Minister is hereby empowered to make a Provisional

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Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road or roads were authorised by this Act. A.D. 1936.

(2) No such application shall be entertained by the Minister unless the Corporation shall—

- (a) have published once in each of two successive weeks notice of their intention to make such application in some newspaper or newspapers circulating in the borough;
- (b) have also published such notice once in the London Gazette;
- (c) have posted for fourteen consecutive days in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister any objections to the granting of such application.

(3) The Minister may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister shall consider any such application and may if he thinks fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) (a) No Order authorising the use of trolley vehicles on any road in the borough of Halifax or on any road which is situate outside the borough (as constituted on the twenty-seventh day of November nineteen hundred and thirty-five) and along which stage

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carriages (as defined by the Road Traffic Act 1930) are being run at the date of this Act by the mayor aldermen and burgesses of the borough of Halifax either alone or in conjunction with any other person shall be made without the consent of the said mayor aldermen and burgesses.

(b) No Order authorising the use of trolley vehicles on any road in any area (other than the borough of Halifax) which is situate outside the borough shall be made without the consent of the local authority of such area and of the road authority having jurisdiction over such road but the consent of any such local authority or road authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(6) In any case where it shall appear to the Minister expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(7) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(8) The Act of Parliament confirming a Provisional Order under this section shall be deemed a public general Act.

(9) The making of a Provisional Order under this section shall be prima facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(10) Any expenses incurred by the Minister in connection with the preparation and making of any

such Provisional Order and any expenses incurred by the Minister in connection with any inquiry under this section shall be paid by the Corporation. A.D. 1936.
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(11) Section 30 (Board of Trade may authorise new routes) of the Act of 1913 is hereby repealed.

15. Subject to the provisions of this Act—

(1) The following enactments and provisions shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the trolley vehicles authorised by this Act and to the apparatus and equipment for working the same:—

Application
of existing
enactments.

The Act of 1900—

Section 8 (Inspection by Board of Trade);

Section 20 (Provisions as to motive power);

Section 21 (Special provisions as to use of electrical power);

Section 23 (Power to attach brackets &c. to buildings);

Section 44 (Passengers luggage);

Section 45 (As to fares on Sundays or holidays);

Section 48 (Byelaws);

Section 49 (Amendment of Tramways Act 1870 as to byelaws by Corporation);

Section 50 (Orders &c. of Board of Trade).

Huddersfield Corporation Tramways Order 1903— 3 Edw. 7.
c. cxlv.

Section 9 (For protection of Postmaster-General).

Huddersfield Corporation Act 1906—

Section 25 (Apparatus used for mechanical power to be deemed part of tramways); 6 Edw. 7.
c. lxxxiv.

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Section 26 (Penalty for malicious damage);

Section 34 (Temporary stoppage of streets);

Section 87 (Powers of Act cumulative).

7 Edw. 7.
c. cxvii.

Huddersfield Corporation Tramway Order 1907—

Section 7 (Use of tramway posts by Postmaster-General).

The Act of 1913—

Section 22 (As to electrical works);

Section 23 (Corporation to have exclusive right of using apparatus for working trolley vehicles);

Section 26 (As to licence duties on trolley vehicles);

Section 28 (Fares rates and charges);

Section 29 (Payment of fares rates and charges);

Section 31 (Trolley vehicles to be part of tramway undertaking of Corporation);

Section 32 (Conveyance of mails);

Section 34 (Use of tramways &c. for removal of refuse);

Section 35 (Attachment of signs indicating stopping places to lamp-posts &c.);

Section 36 (Accounts);

Section 107 (Judges not disqualified).

The Act of 1920—

Section 9 (3) (Application of existing enactments);

Section 12 (Fares);

Section 13 (Cheap fares for labouring classes);

Section 14 (Revision of fares).

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The Scheme of 1932—

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- Section 8 (Approval of vehicles by Minister of Transport);
- Section 10 (Vehicles not to be deemed omnibuses);
- Section 11 (Application of certain provisions of Tramways Act 1870 to trolley vehicles);
- Section 13 (Tramway regulations to apply to trolley vehicles);
- Section 14 (As to bridges of railway and canal companies);
- Section 15 (For protection of London Midland and Scottish Railway Company);
- Section 17 (2) (As to abandonment of tramways);
- Section 19 (For protection of Postmaster-General);
- Section 21 (Inquiries by Minister of Transport):

Provided that—

(a) In the application of the provisions referred to in this subsection the same shall where necessary be read and have effect as if the trolley vehicles undertaking authorised by this Act formed part of the trolley vehicle undertaking authorised by the Act of 1913 and the Huddersfield Corporation (*Trolley Vehicles*) Schemes 1932 and 1934;

(b) No post or other apparatus for working the trolley vehicles shall be erected on the carriageway of any street or road except with the consent of the Minister and in the case of a county road the Minister shall consult the road authority before giving such consent;

(c) For the purpose of the application of section 22 of the Act of 1913 the expression

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9 Edw. 7.
c. 34.

“generating station” has the meaning assigned to it by section 25 of the Electric Lighting Act 1909;

(d) in the application of sections 13 and 17 of the Scheme of 1932 the same shall be read and have effect as if the expression “Corporation tramways” (as defined in this Act) were therein substituted for the expression “tramways of the Corporation”;

(e) For the purpose of the application of section 15 of the Scheme of 1932 that section shall have effect as if in subsection (2) thereof the words “upon
“across over or under any bridge or
“the approaches thereto or other work
“belonging to or maintainable by the
“company or which will otherwise affect
“the same” were inserted in lieu of the words “upon across or over the bridge
“or the approaches thereto carrying Route
“No. 1 over the Huddersfield canal of
“the company (hereinafter referred to as
“‘the canal’)” and as if the words
“railway or” were inserted therein before the word “canal” wherever the same appears in subsections (3) (4) (5) and (6) thereof:

63 & 64 Vict.
c. cxcviii.

- (2) The following sections of the Huddersfield Corporation Tramways Order 1900 and the Act of 1900 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of the Huddersfield Corporation (Trolley Vehicles) Acts and Schemes 1913 to 1936 extend and apply mutatis mutandis to and in relation to the trolley vehicles authorised by the Huddersfield Corporation (Trolley Vehicles) Acts and Schemes 1913 to 1936 and to the apparatus and equipment for working the same:—

The Huddersfield Corporation Tramways Order 1900—

Section 5 (Lands by agreement).

The Act of 1900—

A.D. 1936.

Section 14 (Power to make additional crossings &c.);

Section 15 (Temporary tramway to be made where necessary);

Section 19 (Application of road materials excavated in construction of works):

Provided that for the purposes of such extension and application—

(a) the said section 5 of the said Order of 1900 shall have effect as if the words “five acres” were substituted therein for the words “one acre”;

(b) the provisions of the said section 14 of the Act of 1900 shall be exerciseable only with the consent of the Minister:

- (3) In the application of the provisions referred to in subsections (1) and (2) of this section the same shall where necessary be read and have effect as if the trolley vehicles undertaking authorised by the Huddersfield Corporation (*Trolley Vehicles*) Acts and Schemes 1913 to 1936 were the tramway undertaking and the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the Corporation tramways.

16. Nothing in the Huddersfield Corporation (*Trolley Vehicles*) Acts and Schemes 1913 to 1936 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.

Drivers of trolley vehicles to keep to left. 5 & 6 Will. 4. c. 50.

17. For the protection of the London Midland and Scottish Railway Company (in this section called “the company”) the following provisions shall unless otherwise agreed between the Corporation and the company have effect with reference to the exercise by the Corporation of the powers of this Act (that is to say):—

For protection of London Midland and Scottish Railway Company.

- (1) On the taking up and removal by or on behalf of the Corporation under the section of this Act of which the marginal note is “As to

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abandonment of tramways” of any tramway apparatus and equipment as defined in the said section situate on or attached to any bridge or bridge approaches belonging to or maintainable by the company the Corporation shall restore the roadway (including footpaths) on the said bridges and bridge approaches and (if affected) the structure of the said bridge and approaches to the reasonable satisfaction of the company :

- (2) Unless required for the purposes of the trolley vehicles undertaking no tramway apparatus and equipment shall be left in any bridge or bridge approach belonging to or maintainable by the company except with the consent of the company but such consent shall not be unreasonably withheld :
- (3) The Corporation shall give to the company not less than seven days’ previous notice in writing of their intention to carry out any such work as is referred to in subsection (1) of this section and shall state in such notice the place and time at which they propose to commence the work and the company may where necessary employ watchmen or inspectors to watch any of the works and operations of the Corporation and the reasonable cost thereof together with any expense to which the company may reasonably be put during the carrying out and in consequence of such works and operations shall be repaid to the company by the Corporation :
- (4) If any difference shall arise between the Corporation and the company under this section the same shall be settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

For protection of West Riding County Council.

18. For the protection of the county council of the west riding of Yorkshire (in this section referred to as “the county council”) the following provisions shall (notwithstanding anything in this Act) unless otherwise agreed in writing between the Corporation and the

county council have effect with respect to the powers conferred by this Act relating to the use of trolley vehicles upon any county road in the administrative county of the west riding of Yorkshire (that is to say):— A.D. 1936.

(1) In this section the expression "posts and apparatus" includes the posts standards feeder boxes wires cables and any other works incidental to the working by electrical power of the trolley vehicles :

(2) (a) The position of all posts and apparatus to be used by the Corporation for the purpose of working the trolley vehicles shall be such as the county council may reasonably approve Provided that if the Corporation deliver to the county council a plan showing the proposed position of such posts or apparatus and the county council do not within fourteen days give notice to the Corporation of any objection the county council shall be taken to have agreed to the position of such posts and apparatus as shown by the said plan;

(b) If any such post or apparatus interferes with the construction of any new road or foot-path or the improvement of any road or foot-path or the reconstruction or alteration of any county bridge or becomes an unreasonable obstruction the Corporation shall alter the position thereof in such manner as the county council may reasonably direct but if any question arises as to the reasonableness of any such direction such question may be determined as hereinafter provided :

(3) If it becomes necessary that the working of the trolley vehicles over any county bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alterations of such bridge and if the county council accordingly give the Corporation twenty-one days' notice in writing (or in the case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as reasonably required by such notice but no such working shall be stopped or delayed for a longer period

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than may be absolutely necessary for effecting such purposes as aforesaid and the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid :

- (4) The Corporation shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or apparatus on or to the structure of any bridge as aforesaid and such consent may be given on such terms and conditions as the county council may reasonably impose :
- (5) If the Corporation in the execution of any works in or affecting any county road (including a road carried by a county bridge) shall cause any damage injury or disturbance to such road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works :
- (6) If at any time after the opening for traffic of any trolley vehicle route on a county road the Corporation discontinue the working of such route or any part thereof for the space of three months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) and such discontinuance is proved to the satisfaction of the Minister the county council may apply to the Minister for an order declaring that the powers of the Corporation in respect of such route or part thereof so discontinued shall cease The Minister may if he thinks fit make an order accordingly and the said powers shall cease and determine as from the date specified therein ;

Where any such order shall have been made the county council may at any time after the expiration of two months from the date specified in such order by notice in writing require the Corporation to remove all posts and apparatus erected or placed in such route or the part thereof so discontinued and if the Corporation fail to comply with such notice within a reasonable period the county council may themselves remove such posts and apparatus and the Corporation shall pay to the county council the reasonable cost of such removal and of the making good of the road (including any footpath which may be affected) less the value of the posts and apparatus so removed:

- (7) If any difference shall arise between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by the Minister of Transport or by an arbitrator to be appointed by him on the application of either party and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to such determination.

19. For the protection of the Yorkshire Electric Power Company and Electrical Distribution of Yorkshire Limited (each of which is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

For protection of Yorkshire Electric Power Company and Electrical Distribution of Yorkshire Limited.

- (1) The Corporation shall not without the consent in writing of the undertakers attach to any poles standards or other similar erections of the undertakers any sign notice or direction:
- (2) Nothing in this Act shall extend to or authorise any alteration in the position of or other interference with any main cable wire tube post pole or other work or apparatus laid placed or erected in upon over or under the surface of the ground (all of which are in this section referred to as "apparatus") of the undertakers except in accordance with and subject to the provisions of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and that

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section shall apply to such alteration or interference as if all such apparatus as aforesaid were electric lines or works within the meaning thereof :

- (3) The provisions of any existing enactment which at the passing of this Act enure for the protection of the undertakers in relation to the Corporation tramways or any part thereof shall continue in force and enure for the protection of the undertakers in relation to the Corporation tramways or such part thereof (as the case may be) until the date when the taking up and removal of the said tramways or part shall be commenced :
- (4) If any injury shall be caused to any apparatus of the undertakers by reason of the taking up or removal of any of the Corporation tramways or any part thereof or of the rails paving setts sleepers surfacing or equipment thereof or the execution of any works for or in connection with such taking up or removal or for or in connection with the restoration of the portion of the carriageway or footpath disturbed by such taking up or removal the Corporation shall bear and on demand repay to the undertakers the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the undertakers against all claims demands costs charges and expenses arising out of such injury :
- (5) If any interference with any apparatus of the undertakers or any private service line of any person supplied by the undertakers with electricity shall be caused by reason of any of the operations referred to in subsection (4) of this section the Corporation shall make compensation to all parties for any loss or damage which they may sustain by reason of such interference :
- (6) If any interruption in the supply of electricity in or through any apparatus of the undertakers is caused by any such operations as aforesaid the Corporation shall be liable to a penalty not exceeding twenty pounds for every day on which such supply shall be so interrupted :

(7) Any difference which may arise between the undertakers and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

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20.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

Power to borrow.

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The provision of trolley vehicles	£ 240,000	Ten years.
(b) The provision of electrical equipment and the construction of other works necessary for working the trolley vehicle routes authorised by this Act.	79,318	Twenty years.
(c) The removal of the tramways tramroad and light railway of the Corporation and the reconstruction of roads upon which such tramways and light railway so removed are situate.	87,501	Twenty years.
(d) The reconstruction of other roads on which trolley vehicle routes are situate.	10,197	Twenty years.
(e) The erection and equipment of buildings for the purposes of the trolley vehicles of the Corporation.	71,594	Thirty years.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the commencement of this Act.

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(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

As to bye-laws relating to trolley vehicles undertaking.

21. Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Corporation the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation (whether under this Act or otherwise) in respect of the trolley vehicles undertaking and in the application of such last-mentioned provisions the Minister shall be the confirming authority.

Crown rights.

22. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

23. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act 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 revenue of their tramway undertaking or out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

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