

[26 GEO. 5. &
1 EDW. 8.]

*Kingston upon Hull
Corporation Act, 1936.*

[Ch. Iv.]



CHAPTER Iv.

An Act to empower the lord mayor aldermen and citizens of the city and county of Kingston upon Hull to provide and work trolley vehicle services and for other purposes. A.D. 1936.

[14th July 1936.]

WHEREAS the lord mayor aldermen and citizens of the city and county of Kingston upon Hull (in this Act called "the Corporation") are the owners of and are working a system of tramways within the city and it is expedient to empower them to provide and work trolley vehicles along the routes described in this Act and to make further provision in regard to the running of trolley vehicles and the abandonment of tramways :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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 . . .	160,000
The provision of electrical equipment and the construction of other works necessary for working trolley vehicles	26,000
[Price 1s. 6d. Net] A	1

A.D. 1936.

£

The adaptation or erection and equip-
ment of buildings for the purposes
of the trolley vehicles of the
Corporation - - - - - 8,000

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 :

23 & 24
Geo. 5. c. 51.

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):—

Short and
collective
titles.

1.—(1) This Act may be cited as the Kingston
upon Hull Corporation Act 1936.

(2) The Kingston upon Hull Corporation Acts 1854
to 1933 and this Act may be cited jointly as the
Kingston upon Hull Corporation Acts 1854 to 1936.

Interpreta-
tion.

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

“The city” means the city and county of Kingston
upon Hull for the time being;

“The Corporation” means the lord mayor alder-
men and citizens of the city and county
of Kingston upon Hull;

“The county council” means the county council
of York East Riding;

“The Haltemprice Council” means the urban
district council of Haltemprice;

“The Haltemprice district” means the urban
district of Haltemprice;

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

“The trolley vehicles” means the trolley vehicles by or under the provisions of this Act authorised to be provided and used by the Corporation; A.D. 1936.
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“Trolley vehicle routes” means the routes upon which the Corporation are or may be authorised by or under the provisions of this Act to work and use trolley vehicles;

“Land” includes any interest in land and any easement or right in to or over land;

“The general rate fund” means the general rate fund of the city;

“Statutory borrowing power” includes a power of borrowing money conferred on the Corporation by or under any enactment but does not include the power to borrow for the purposes of paragraph (a) of subsection (1) of section 215 of the Act of 1933;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; 38 & 39 Vict.
c. 83.

“The Minister” means the Minister of Transport;

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

3.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along the whole or any part of the following routes in the city (that is to say):— Power to use trolley vehicles.

Route No. 1 (four miles three furlongs seven chains in length) Commencing in Wheeler Street at a point one hundred and forty-nine yards south of Anlaby Road passing along Wheeler

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Street Anlaby Road Paragon Square Paragon Street Jameson Street King Edward Street Prospect Street and Beverley Road terminating at its junction with Endike Lane;

Route No. 2 (four miles six furlongs four chains in length) Commencing in Hessle Road at Dairycoates level crossing passing along Hessle Road Porter Street Osborne Street Anne Street Carr Lane Queen Victoria Square King Edward Street Jameson Street George Street Witham and Holderness Road terminating at its junction with Maybury Road and Ings Road;

Route No. 3 (one mile seven furlongs four chains in length) Commencing in Spring Bank at its junction with Beverley Road passing along Spring Bank Princes Avenue Queens Road and Newland Avenue to its junction with Cottingham Road;

Route No. 4 (three miles two furlongs three chains in length) Commencing at the junction of Spring Bank West and Princes Avenue passing along Spring Bank West Chanterlands Avenue and Cottingham Road to its junction with Beverley Road;

Route No. 5 (six furlongs three chains in length) Commencing in Dock Street at its junction with George Street passing along Dock Street College Circle Lowgate Alfred Gelder Street and Clarence Street terminating at its junction with Holderness Road;

Route No. 6 (four chains in length) Commencing at the junction of Anlaby Road and Paragon Square passing along Anlaby Road to its junction with Anne Street;

Route No. 7 (seven chains in length) Commencing in Chariot Street at its junction with Carr Lane passing along Chariot Street and Waterworks Street terminating at its junction with Queen Victoria Square;

Route No. 8 (one furlong one chain in length) Commencing in Savile Street at its junction

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with George Street passing along Savile Street
Queen Victoria Square and St. John Street
to its junction with Carr Lane; A.D. 1936.

Route No. 9 (two furlongs two chains in length)
Commencing in St. John Street at its junction
with Queen Victoria Square passing along
St. John Street and Alfred Gelder Street to its
junction with Lowgate;

Route No. 10 (three chains in length) Commencing
in Anlaby Road at Newington level crossing
passing along Anlaby Road to its junction
with Wheeler Street;

and with the consent of the Minister along any other
street or road in the city which the Corporation think
it necessary or convenient to use for the purpose
of providing a turning point or turning points or of
connecting trolley vehicle routes or of obtaining access
to or from any land depot garage building or work
of the Corporation.

(2) Provided that before equipping any trolley
vehicle route to include a turning point or turning points
or before arranging for a new turning point on any route
the Corporation shall submit plans of the turning point
or turning points to the Minister for approval.

4.—(1) The Corporation may in under or over the
surface of the streets or roads along or adjoining those
along which they are authorised to run trolley vehicles
or in which it may be necessary so to do in order to
connect the apparatus and equipment for working such
vehicles with any generating station place erect and
maintain all necessary and proper standards brackets
conductors mains cables wires posts poles and any
other necessary or convenient apparatus and equipment
for the purpose of working the trolley vehicles by
electrical power and may for that purpose subject to the
provisions contained in Part II (except sections 25 28
and 29) of the Tramways Act 1870 and in this Act open
and break up any such street or road and any sewers
drains water or gas pipes tubes wires telephonic and
telegraphic apparatus therein or thereunder and may
generate and supply electrical energy for the purpose
of working the trolley vehicles and may use such energy
for that purpose :

As to
electrical
works.

33 & 34 Vict.
c. 78.

A.D. 1936.

—
9 & 10 Geo. 5.
c. 100.
12 & 13
Geo. 5. c. 46.

Provided that nothing in this section shall relieve the Corporation from obtaining any necessary consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 as amended by section 13 of the Electricity (Supply) Act 1922 :

Provided also that no standard post pole or apparatus shall be erected on the carriageway without the consent of the Minister.

(2) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by the Corporation in streets or roads along which they are authorised to run trolley vehicles.

(3) In this section the expression "generating station" includes any station for generating transforming converting or distributing electricity.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

5. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected maintained or used by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Trolley vehicles not to be deemed omnibuses.
52 & 53 Vict.
c. 14.

6. The trolley vehicles shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence duties on trolley vehicles.

7. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for the trolley vehicles as hackney carriages.

Approval of trolley vehicles by Minister.

8.—(1) The trolley vehicles and the electrical equipment thereof shall be of such form construction weight and dimensions as the Minister may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister.

(2) Before applying to the Minister for his approval of the weight of any trolley vehicle to be used upon any street or road which crosses a bridge belonging to or repairable by a railway company the Corporation shall

give to such railway company notice of the weight of the trolley vehicle proposed to be used by them upon such street or road and the Minister shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight :

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Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as they are submitted to the Minister.

9. No trolley vehicle route shall be opened for public traffic until it has been certified to be fit for such traffic by the Minister. Certification by Minister.

10.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways and the Corporation were the promoters :— Application to trolley vehicles of certain provisions of Tramways Act 1870.

Part II (relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations) except the last two paragraphs of that section;

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

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- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to widen &c. roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads).

5 & 6 Will.4.
c. 50.

(2) Nothing in this section 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.

Application
to trolley
vehicles of
enactments
relating to
tramways.

11.—(1) Subject to the provisions of this Act the following provisions of the enactments hereinafter mentioned shall extend and apply to the trolley vehicles as if those provisions were with all necessary modifications re-enacted in this Act:—

6 Edw. 7.
c. clxxxix.

The Kingston upon Hull Corporation Act 1906—

- Section 9 (Temporary tramways may be made when necessary);
- Section 11 (Shelters or waiting rooms);
- Section 17 (Application of road materials excavated in construction of works);
- Section 19 (Power to make additional cross-overs and to double tramway lines);
- Section 20 (Provisions as to motive power);
- Section 21 (Special provisions as to use of electrical power);
- Section 22 (Alteration of telegraph lines of Postmaster-General);
- Section 23 (For protection of Post Office telegraph lines);
- Section 25 (Attachment of brackets to buildings);
- Section 26 (Byelaws);
- Section 28 (Regulations by Corporation);
- Section 32 (Passengers' fares);

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- Section 33 (Passengers' luggage); A.D. 1936.
Section 34 (Charges for parcels); —
Section 35 (As to payment of fares and charges);
Section 36 (As to fares on Sundays or holidays);
Section 37 (Cheap fares for labouring classes);
Section 39 (Power to fix stages);
Section 42 (Section 265 of Public Health Act 38 & 39 Vict.
1875 incorporated); c. 55.
Section 44 (Byelaws by local authority);
Section 45 (Penalty for malicious damage);
The Second Schedule.

The Kingston upon Hull Corporation Act 1911— 1 & 2 Geo. 5.
Section 9 (Use of tramway posts by Postmaster- c. lxxxvi.
General).

The Kingston upon Hull Corporation Act 1926— 16 & 17
Section 19 (For further protection of Postmaster- Geo. 5.
General). c. lxxiv.

(2) Provided that—

(a) In the application of the provisions referred to in subsection (1) of this section the same shall be read and have effect as if 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 tramways of the Corporation;

(b) The provisions of subsection (1) of section 19 (Power to make additional cross-overs and to double tramway lines) of the Kingston upon Hull Corporation Act 1906 as applied by this section shall not be exercised except with the consent of the Minister.

(3) Provided also that the trolley vehicles shall only be used for the purpose of conveying—

(a) passengers and their luggage;

(b) dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger;

(c) parcels not exceeding fifty-six pounds in weight;

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(d) mails; and

(e) materials required for the purposes of the Corporation or for or in connection with the several undertakings departments or services of the Corporation;

and save as aforesaid shall not be used for the carriage of minerals or any other animals or goods.

Conveyance
of mails.56 & 57 Vict.
c. 38.Minister
may autho-
rise new
routes.

12. The Corporation shall perform in respect of the trolley vehicles provided under this Act such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

13.—(1) (a) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any street or road dedicated to the public use whether within or outside the city not comprised in any trolley vehicle route for the time being authorised they may make application to the Minister and the Minister is hereby empowered to make a Provisional Order authorising the provision equipment maintenance and use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any street or road 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 street or road were authorised by this Act.

(b) Any such Provisional Order may authorise the Corporation to acquire land (not being land vested in the Haltemprice Council or any interest of that council in land) compulsorily for the purposes of their transport undertaking.

(c) The Minister shall not make any Provisional Order under this section relating to any road outside the city except with the consent of the local authority of the district and (where the local authority is not the road authority) of the road authority also :

Provided that the consent of a local authority or a road authority shall not be unreasonably withheld and any question arising as to whether such consent

has been unreasonably withheld shall be determined by the Minister. 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 city and (in the case of a Provisional Order to authorise the compulsory acquisition of land outside the city) in some newspaper or newspapers circulating in the locality in which the land proposed to be purchased is situate and such notice shall describe the land (if any) proposed to be purchased and shall state the purpose for which the land is required;
- (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;
- (d) have served on every owner lessee and occupier (except tenants for a month or any less period than a month) of any land proposed to be purchased compulsorily a notice indicating in each case the particular land intended to be purchased and the purpose for which the land is required;

and each such notice shall state the time and method for bringing before the Minister any objections to the grant 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 which may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is

A.D. 1936. 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) 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.

(6) A Provisional Order made under this section authorising the compulsory acquisition of land shall incorporate subject to the modifications set out in the Sixth Schedule to the Act of 1933—

- | | |
|--------------------------|--|
| 8 & 9 Vict.
c. 18. | (a) the Lands Clauses Acts except section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and if the Minister so determines except section 133 of that Act; |
| 9 & 10
Geo. 5. c. 57. | (b) the Acquisition of Land (Assessment of Compensation) Act 1919; |
| 8 & 9 Vict.
c. 20. | (c) sections 77 to 85 of the Railways Clauses Consolidation Act 1845. |

(7) Where a Provisional Order has been made by the Minister authorising the compulsory acquisition of land the Corporation shall serve in the prescribed manner a copy of the order on the persons on whom notices with respect to the land to be purchased are required to be served under this section.

(8) 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.

(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. A.D. 1936.

(10) Any expenses incurred by the Minister in connection with the preparation and making of any such Provisional Order shall be paid by the Corporation.

(11) In construing for the purposes of this section or any Provisional Order made thereunder any enactment incorporated in the Order this Act together with the Order shall be deemed to be the special Act and the Corporation to be the promoters of the undertaking or the company as the case may require and the word "land" shall have the meaning assigned to it in this Act.

(12) For the purposes of this section the expression "road authority" means in respect of any road or part of any road over which any proposed trolley vehicle service will pass any authority (being the council of a county or borough or urban district) which is responsible for or liable to contribute to the maintenance of such road or part of a road.

14. The Corporation may run through trolley vehicles between specified points on the trolley vehicle routes and such vehicles shall be sufficiently distinguished from other trolley vehicles in such manner as may be directed by the Corporation and they may demand and take for every passenger for each journey by such vehicles or any part of such journey any fare or charge not exceeding the maximum fare or charge authorised or chargeable for the distance between such points : Through vehicles.

Provided that during the running of such through trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles.

15.—(1) Notwithstanding anything contained in this or any other Act 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 : Power to reserve trolley vehicles for special purposes.

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

A.D. 1936. Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles.

(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 Act or any other Act or Order 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.

For protec-
tion of
county
council and
Haltemprice
Council.

16. The following provisions for the protection of the county council and the Haltemprice Council shall unless otherwise agreed in writing between the Corporation and the county council or the Haltemprice Council (as the case may be) have effect (that is to say):—

(1) In this section—

“ Road ” means any county or other road in the Haltemprice district and any county road situate elsewhere than in that district and includes any part of any such road;

“ Road authority ” means with reference to any county road (whether in the Haltemprice district or elsewhere) for the time being vested in them the county council and in respect of any other road including a county road for the time being vested in the Haltemprice Council or any district bridge in the Haltemprice district the Haltemprice Council;

“ County bridge ” includes every bridge or culvert maintainable by the county council;

“ District bridge ” includes every bridge or culvert maintainable by the Haltemprice Council :

(2) Before the Corporation in the exercise of the powers of a Provisional Order made under section 13 (Minister may authorise new routes) of this Act commence to run trolley vehicles (in this section called “ vehicles ”) over any road

outside the city it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister whether it is necessary (in order to provide for the running under the powers of this Act of a service of vehicles over any such road) to adapt alter or reconstruct such road or to strengthen any county or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) 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 :

- (3) Within six months after the date upon which all questions to be agreed or determined in pursuance of subsection (2) of this section have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run vehicles over the road or bridge in question :
- (4) If the Corporation give notice in writing to the road authority that they intend to run vehicles over the 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 subsection (2) of this section the Corporation shall on receipt of any certificate which may from time to time be issued by the surveyor to the road authority 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 :

- (5) Notwithstanding anything in this section the Corporation shall not be required to pay any

A.D. 1936.

sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or the strengthening of any such bridge which is not (except owing to circumstances beyond the control of the road authority) executed within three years from the date on which the Corporation shall commence to run vehicles over the road to be adapted altered or reconstructed or over the bridge to be strengthened :

- (6) Except as provided by subsection (4) of this section not more than one payment or (in the case of a payment by instalments) one series of payments shall be made in respect of any such road so adapted altered or reconstructed or of any such bridge so strengthened :
- (7) 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 :

41 & 42 Vict
c. 76.

Provided that any expenditure properly incurred by the road authority in connection with any such alteration shall be deemed part of the cost of adaptation alteration or reconstruction of the road or of the strengthening of the county or district bridge :

- (8) If any adaptation alteration reconstruction or strengthening in pursuance of this section shall involve any alteration in the position of any electric lines or works of any undertakers within the meaning of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 the provisions of that section shall apply to such alteration and shall extend to and include any electric lines or works of such undertakers constructed or placed upon or above the level of the ground :

62 & 63 Vict.
c. 19.

Provided that any expenditure incurred by the road authority in connection with any such alteration shall be deemed part of the cost of adaptation alteration or reconstruction of the road or of the strengthening of the county or district bridge : A.D. 1936.
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- (9) The road authority shall not under section 54 of the Road Traffic Act 1930 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any road by the vehicles of the Corporation : 20 & 21
Geo. 5. c. 43.
- (10) An agreement under this section with respect to any county road for the time being vested in the Haltemprice Council shall not be made except with the concurrence of the county council.

17. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Corporation and the county council have effect with respect to the powers conferred by a Provisional Order made under section 13 (Minister may authorise new routes) of this Act relating to trolley vehicles upon any county road or any road with respect to which the county council are wholly or partly responsible for the maintenance thereof or for the cost of such maintenance (in this section also called " a county road ") in the administrative county of the east riding of Yorkshire (that is to say) :— For protec-
tion of
county
council.

- (1) The county council may require that the commencement or termination of the trolley vehicle routes on any county road shall be paved with granite paving for the full width of the carriageway and for such length (not exceeding thirty feet) as the surveyor of the county council may reasonably require and in such case the Corporation shall carry out such paving :
- (2) If any post standard box structure work or apparatus erected executed or provided by the Corporation in connection with the operation of the trolley vehicles interferes with the construction of any new road or footpath or the improvement or widening of any road

A.D. 1936.
—

or footpath or the reconstruction or alteration of any county road or bridge or in the opinion of the county council becomes an obstruction the Corporation shall at their own expense alter the position thereof in such manner as the county council may reasonably direct:

Provided that the provisions of this subsection shall not apply to anything done by the Corporation under the powers of the Electricity (Supply) Acts 1882 to 1935:

- (3) The Corporation shall so use the trolley vehicles over any county bridge as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the user of the trolley vehicles the Corporation shall at their own expense restore such bridge to the reasonable satisfaction of the county council:

Provided that the county council if they think fit and after giving notice in writing to the Corporation in that behalf may in lieu of the Corporation restore such bridge and the reasonable expense incurred by them in so doing shall be repaid to them by the Corporation:

- (4) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in 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 required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:

- (5) The Corporation shall not without the consent in writing of the county council place erect or

attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached : A.D. 1936.
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- (6) If the Corporation in the execution of any works in or affecting any county road shall cause any damage injury or disturbance to any such road and shall fail properly to 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 including all reasonable expense of superintendence :
- (7) If any difference arises between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the Minister and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration :
- (8) For the purposes of this section the expression "county bridge" shall include every bridge maintainable by the county council.

18. Notwithstanding anything contained in this Act the following provisions shall have effect for the protection of the Haltemprice Council unless otherwise agreed in writing between the Haltemprice Council and the Corporation (that is to say) :—

For protec-
tion of
Haltemprice
Urban
District
Council.

- (1) Before equipping any route in the Haltemprice district for working trolley vehicles pursuant to the provisions of section 13 (Minister may authorise new routes) of this Act which may

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—

or shall include a turning point or points or thereafter a new turning point which may or shall be contemplated the Corporation shall submit plans of every such turning point or points with its or their intended site or sites to the Haltemprice Council for its reasonable approval and no turning point shall be placed or equipped except in accordance with plans approved by the said council or determined by the Minister as hereinafter provided :

Provided that if any difference shall arise between the Corporation and the Haltemprice Council under the provisions of this subsection the same shall be referred to and determined by the Minister :

- (2) The reasonable approval of the Haltemprice Council shall be obtained both in respect of the design and position in the road of all posts and apparatus to be erected by the Corporation in the Haltemprice district and for that purpose plans sections specifications and designs of such posts and apparatus shall be submitted to the Haltemprice Council not less than eight weeks before the Corporation propose to commence to erect such posts and apparatus If such plans sections specifications and designs are not disapproved by the council within six weeks from the receipt thereof the design and position of the posts and apparatus shown thereon shall be deemed to be approved :
- (3) The Haltemprice Council may require that the commencement or termination of any trolley vehicle route in the Haltemprice district shall be paved with granite paving for the full width of the carriageway and for such length (not exceeding thirty feet) as the surveyor of the Haltemprice Council may reasonably require and in such case the Corporation shall carry out such paving :
- (4) If any post standard box structure work or apparatus erected executed or provided by the Corporation in connection with the operation of the trolley vehicles interferes with the

construction of any new road or footpath or the improvement or widening of any road or footpath or the reconstruction or alteration of any road or district bridge or in the opinion of the Haltemprice Council becomes an obstruction the Corporation shall at their own expense alter the position thereof in such manner as the Haltemprice Council may reasonably direct : A.D. 1936.

Provided that the provisions of this subsection shall not apply to anything done by the Corporation in pursuance of the Electricity (Supply) Acts 1882 to 1935 :

- (5) The Corporation shall so use the trolley vehicles over any district bridge as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the user of the trolley vehicles the Corporation shall at their own expense restore such bridge to the reasonable satisfaction of the Haltemprice Council :

Provided that the Haltemprice Council in lieu of the Corporation may restore such bridge and the reasonable expense incurred by them in so doing shall be repaid to them by the Corporation :

- (6) If the Haltemprice Council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of a district bridge and if the Haltemprice Council accordingly give the Corporation twenty-eight days' notice in writing (or in 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 required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and in such case the Haltemprice Council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid :

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(7) The Corporation shall not without the consent in writing of the Haltemprice Council place erect or attach any post or other support for any wire or any feeder box on or to the structure of any district bridge and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached :

(8) The Corporation shall not in the exercise of the powers of section 4 (As to electrical works) of this Act execute any works in any street or road in the Haltemprice district (not being a trolley vehicle route) without first obtaining the approval of the Haltemprice Council and for this purpose not less than eight weeks before the Corporation propose to execute such works they shall submit to the Haltemprice Council plans and sections of the proposed works showing the route and the proposed position of such apparatus and if the council shall not have disapproved such plan and sections within six weeks from the receipt thereof they shall be deemed to have approved the same :

Provided that the provisions of this subsection shall not apply to anything done by the Corporation under or in pursuance of the Electricity (Supply) Acts 1882 to 1935 :

(9) If the Corporation in the execution of any works in or affecting any road in the Haltemprice district shall cause any damage injury or disturbance to such road and shall fail to 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 Haltemprice 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 Haltemprice Council all costs charges and expenses which the Haltemprice Council shall reasonably and

properly incur in carrying out such works including all reasonable expense of superintendence: A.D. 1936.
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- (10) The Corporation shall not under the provisions of section 11 (Shelters or waiting rooms) of the Kingston upon Hull Corporation Act 1906 as applied to trolley vehicles by this Act or by any order made under the provisions of section 13 (Minister may authorise new routes) of this Act erect or maintain shelters or waiting rooms in the Haltemprice district without the consent in writing of the Haltemprice Council:
- (11) In the application of the provisions of section 25 (Attachment of brackets to buildings) of the Kingston upon Hull Corporation Act 1906 to the working equipment for trolley vehicles the provisions of paragraph (1) of the proviso to that section shall not apply in relation to any building which is owned by or leased to the Haltemprice Council but if in the opinion of the Corporation any consent under that section as so applied is unreasonably withheld in relation to any such building the matter shall be referred to arbitration and the arbitrator shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent or otherwise as he may think reasonable or to disallow the same:
- (12) The Haltemprice Council shall on giving not less than fourteen days' notice to the Corporation of their desire so to do have the right to use free of charge but subject to such conditions as in default of agreement may be determined by arbitration any post standard or bracket erected or fixed by the Corporation in any street or road within the Haltemprice district for the support and attachment of any electric wires or lamps gas lamps direction arms or other apparatus provided that such electric wires lamps arms or apparatus can be so erected and used without interfering with the running of trolley vehicles by the Corporation:

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- (13) Any difference arising between the Corporation and the Haltemprice Council under subsections (2) (3) (4) (5) (6) (7) (9) (11) or (12) of this section (other than a difference as to the meaning or construction of the subsections) shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the Haltemprice Council or failing such agreement to be appointed on the application of either of such parties (after notice in writing to the other of them) by the Minister and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934, shall apply to such reference and determination:
- (14) For the purposes of this section the expression "district bridge" shall include every bridge or culvert maintainable by the Haltemprice Council and in respect of such bridge the Haltemprice Council shall be deemed to be the road authority:
- (15) The Haltemprice Council shall have the right of appeal to the Minister on any question relating to the trolley vehicle services provided by the Corporation in the Haltemprice district and the Minister on such appeal may make such order with reference to such services as he may deem fit.

For protec-
tion of
London
and North
Eastern
Railway
Company.

19. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

- (1) In this section "trolley vehicle equipment" means and includes all standards brackets conductors mains cables wires posts poles and any other apparatus and equipment provided and used under the powers contained in this Act for the purpose of working and lighting trolley vehicles:
- (2) All trolley vehicle equipment erected or placed by the Corporation upon across under or over any bridge or the approaches thereto or level

crossing or other work belonging to or maintainable by the company or so as otherwise to affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or its approaches or any level crossing or other work and according to plans and particulars to be previously submitted to and reasonably approved by the company :

Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof All such trolley vehicle equipment shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company In the event of any injury being occasioned to any such bridge or approaches or level crossing or other work by the erection maintenance or removal of any trolley vehicle equipment upon across under or over the same the Corporation shall forthwith make good the injury and if they fail to do so within a reasonable time the company may themselves make good the injury and may recover from the Corporation the reasonable expense of so doing :

- (3) The Corporation shall not in any manner in the erection maintenance or repair of any trolley vehicle equipment obstruct or interfere with the free uninterrupted and safe user of any railway belonging to the company or any traffic thereon :
- (4) The Corporation shall on demand pay to the company the reasonable expense incurred by the company of and in connection with the employment by the company during the erection or repair by the Corporation of any trolley vehicle equipment affecting any bridge or approaches or level crossing or other work belonging to or maintainable by the company of such inspectors signalmen and watchmen as may be reasonably necessary for inspecting watching and protecting the same and the

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traffic thereon with reference to and during the erection or repair of any trolley vehicle equipment of the Corporation and for preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of either of them :

- (5) The Corporation shall make good all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or to any company or person using the same by or by reason of or during the placing erection or failure of any trolley vehicle equipment upon across or over any bridge or the approaches thereto or level crossing or other work belonging to or maintainable by the company or by or by reason of any act or default or omission of the Corporation in connection with any such trolley vehicle equipment or of any person in their employment or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands lawfully made upon or against them by reason of such placing erection or failure or of any such act default or omission :

Provided that the company on becoming aware of any such losses damages expenses claims or demands shall forthwith notify the Corporation thereof :

- (6) If the company shall hereafter require in pursuance of any powers exercisable by them at the date of the passing of this Act to widen lengthen strengthen reconstruct alter or repair any bridge or the approaches thereto or level crossing or signal boxes or fences upon across under or over which any trolley vehicle equipment is laid or to widen or alter their railway thereunder or thereover the company may require the Corporation at their own

expense to alter the said trolley vehicle equipment in such manner as the circumstances of the case may reasonably require and in such case the company shall at the same time send sufficient plans sections specifications and other information to show the nature of the works proposed to be executed by the company and the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it should be reasonably necessary for such purpose that the said trolley vehicle equipment be wholly or in part removed or altered or the user thereof or the running or working of any trolley vehicles of the Corporation under over or upon such bridge or approach or level crossing be stopped or delayed and if the company give to the Corporation twenty-eight days' notice in writing in that behalf (or in case of emergency such notice as may be reasonably practicable) then such part of the said trolley vehicle equipment shall be removed or altered by the Corporation or the user thereof stopped or delayed to such extent as may be reasonably required by such notice but no such user running or working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the trolley vehicle equipment shall be restored with all practicable dispatch and in such case the company shall not be liable to pay compensation in respect of such stoppage delay alteration or removal as aforesaid:

- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing or in the maintenance of any bridge or approaches or level crossing or other work belonging to or maintainable by the company by reason of the existence of any trolley vehicle equipment:

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Provided that the Corporation shall not be liable to make any payment under this subsection in any case where the Corporation shall in compliance with a requirement of the company made under the powers conferred by the last preceding subsection have removed or altered their trolley vehicle equipment or an arbitrator shall have decided that such requirement is unreasonable :

- (8) If having regard to the proposed position of any trolley vehicle equipment to be placed or erected by the Corporation when considered in relation to the position of any works of the company at any point where such equipment shall be erected over any railway or other work of the company it becomes reasonably necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or other apparatus or works of the company shall be altered the company may (unless the Corporation make such alteration in the position of the trolley vehicle equipment or adopt such other means as may be reasonable for obviating such danger) execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation :

Provided that notice of their intention to execute such works shall be given by the company to the Corporation :

- (9) If by reason of the existence of any trolley vehicle equipment of the Corporation it shall become reasonably necessary to alter any of the signals signal posts or signalling works or apparatus of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expense incurred by them in connection with such alterations :

Provided that notice of their intention to make such alterations shall be given by the company to the Corporation :

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- (10) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer to the company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :

Provided that the Corporation shall not be required to cut off the electric current at any time for a longer period than shall be absolutely necessary for effecting the purpose of the company :

- (11) On the taking up and removal by the Corporation under section 22 (As to abandonment of tramways) of this Act of any tramway apparatus and equipment as described in the said section situate on or attached to any bridge or approaches or level crossing or signal boxes or fences belonging to or maintainable by the company—

(a) The Corporation shall restore so much of such structure and so much of the roadway (including footpaths) on the said bridge or approaches or level crossing or signal boxes or fences as may be disturbed by such taking up and removal to the reasonable satisfaction of the company ;

(b) No tramway apparatus or equipment not required for trolley vehicle purposes shall be left in or on any bridge or approaches or level crossing or signal boxes or fences belonging to or maintainable by the company except with the consent in writing of the company ;

(c) Where any tramway apparatus or equipment is situate in any signal box or other work belonging to the company the

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company shall when requested by the Corporation so to do remove such apparatus and equipment and the reasonable cost incurred by them in so doing or in restoring such signal box or other work shall be paid by the Corporation;

(d) 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 this subsection and shall state in such notice the place and time at which they propose to commence the work and the company may where reasonably 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 which the company may reasonably incur during the carrying out and in consequence of such works and operations shall be borne by the Corporation :

(12) Nothing in this Act shall—

(a) impose any obligation on the company;
or

(b) enlarge any existing obligation of the company to strengthen or adapt or alter or reconstruct any bridge or approaches or level crossing or road belonging to or maintainable by or at the expense of the company :

(13) If any difference shall arise between the Corporation and the company under subsections (2) to (11) hereof 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 further
protection
of London
and North
Eastern
Railway
Company.

20. The following provisions shall unless otherwise agreed in writing between the Corporation and the London and North Eastern Railway Company (hereinafter in this section referred to as "the company") apply and have effect (that is to say) :—

(1) The Corporation shall not provide or use trolley vehicles along any street or road belonging to or

maintained by or at the expense of the company without the consent in writing of the company which consent shall not be unreasonably withheld and any question arising as to whether such consent has been unreasonably withheld shall be determined by the Minister :

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- (2) Except by agreement in writing with the company the Corporation shall not provide or use trolley vehicles at a distance of more than eight miles measured in a straight line from the Queen Victoria Monument in the city square of the city.

21. For the protection of the British Gas Light Company Limited and the East Hull Gas Company (each of which is in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Corporation apply and have effect (that is to say):—

For protec-
tion of
British Gas
Light
Company
Limited
and East
Hull Gas
Company.

- (1) The Corporation shall not under the powers of section 4 (As to electrical works) of this Act do anything which might impede the access by the gas company to any of their mains pipes works or apparatus (in this section referred to as "apparatus") without the consent of the gas company but such consent shall not be unreasonably withheld and if the gas company do not within fourteen days after receiving from the Corporation an application for their consent under this subsection notify the Corporation that they withhold their consent such consent shall be deemed to have been given :

Provided that the provisions of this subsection shall not apply to anything done by the Corporation under or in pursuance of the Electricity (Supply) Acts 1882 to 1935:

- (2) (a) For the purpose of the application of section 30 of the Tramways Act 1870 under section 10 (Application to trolley vehicles of certain provisions of Tramways Act 1870) of this Act paragraph (1) of that section shall have effect as if for the seven days' notice therein mentioned there were substituted a fourteen days' notice;

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(b) Where in pursuance of the said section 30 as so applied any such notice as aforesaid is given to the gas company the gas company may at any time within fourteen days after the receipt by them of that notice give notice to the Corporation that they desire themselves to carry out any lowering or other alteration of the position of apparatus belonging to or controlled by the gas company which may be agreed between the Corporation and the gas company or in default of agreement determined by arbitration to be necessary by reason of the construction of the works for moving the trolley vehicles by electrical power and where any such notice is given the gas company shall forthwith commence execute and complete that lowering or alteration and any works necessary in connection therewith in such manner as may be agreed between the gas company and the Corporation or in default of agreement as may be determined as aforesaid :

Provided that the reinstatement of any highway which shall have been broken up or interfered with by the gas company in pursuance of the provisions of this paragraph shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall not be carried out by the gas company but shall be carried out by the Corporation ;

(c) Upon the completion by the gas company of any such lowering or alteration or works as aforesaid the Corporation shall pay to the gas company the expenses reasonably incurred by them in such lowering or alteration :

- (3) If any structure erected by the Corporation under the powers of section 11 (Shelters or waiting rooms) of the Kingston upon Hull Corporation Act 1906 as applied by this Act to the trolley vehicles is situate in any highway over any apparatus of the gas company laid or placed before the erection of the structure and the gas company give to the Corporation notice of their desire to obtain access to such apparatus the Corporation shall either permit

them to have access through the walls and floor of such structure or (if that is not practicable having regard to the nature of such a floor) bear any additional expense due to the existence of the structure which may be reasonably incurred by the gas company in obtaining such access :

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- (4) Any matter to be determined by arbitration or any difference between the gas company and the Corporation arising under this section shall be referred to and settled by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other 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 the arbitration.

22.—(1) At any time after the passing of this Act the Corporation may abandon or discontinue temporarily or permanently any tramway or any part of any tramway for the time being belonging to them along the route of or in lieu of which the Corporation have provided or adapted or are about to provide or adapt apparatus and equipment for working the trolley vehicles or have provided or are about to provide services of public service vehicles under their statutory powers or have arranged for the provision of services of public service vehicles by some other person or persons and upon the permanent abandonment or discontinuance of any such tramway or part of a tramway all the powers liabilities duties and obligations of the Corporation with reference thereto shall cease and determine but without prejudice to the rights of the Corporation under subsection (4) of this section.

As to
abandon-
ment of
tramways.

(2) In any case in which the Minister is satisfied that it is expedient so to do he may by order require the abandonment or discontinuance of any tramway along the route of which the Corporation have provided or adapted apparatus and equipment for working the trolley vehicles or any part of any such tramway :

Provided that before making any such order the Minister shall consider any representations which may be made to him by the Corporation.

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(3) Any order made by the Minister under subsection (2) of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation relating to the tramway or part of a tramway to be abandoned or discontinued pursuant to the order.

(4) The Corporation may take up and remove the rails paving and paving setts of any tramway or part of a tramway permanently abandoned or discontinued under the provisions of this section and all or any of the posts poles wires and other works and apparatus provided in connection therewith and not used for the working of any service of trolley vehicles provided by the Corporation and may use or dispose of all materials so taken up and removed.

Cesser of charge on revenue of transport undertaking for repair of roads in certain events.

23. 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 service upon the route of any tramway for the time being belonging to the Corporation the revenue of their transport undertaking 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 under any statutory enactment relating to that undertaking or any agreement upon or in connection with the maintenance and repair of roads comprised in the route or routes upon which the service of trolley vehicles or public service vehicles is provided.

For further protection of British Gas Light Company Limited and East Hull Gas Company.

24. For the further protection of the British Gas Light Company Limited and the East Hull Gas Company (each of which is in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Corporation have effect in relation to the abandonment of any tramway or any part of a tramway under the provisions of section 22 (As to abandonment of tramways) of this Act:—

- (1) Not less than fourteen days before commencing to take up or remove the rails of any tramway or part of a tramway or the paving or paving setts between such rails or any posts poles wires

and other works and apparatus (all of which are in this section referred to as "tramway equipment") the Corporation shall give to the gas company notice of their intention so to do : A.D. 1936.

- (2) The gas company shall within fourteen days after the receipt by them of the said notice supply to the Corporation such particulars as may be necessary to indicate so far as practicable the position of any mains pipes works or apparatus of the gas company which will or may be affected by such taking up or removal :
- (3) If it should be necessary in order to prevent—
- (a) any interference with any mains pipes works or apparatus of the gas company indicated in such particulars as aforesaid (in this section referred to as "the protected apparatus") by such taking up and removal of the tramway equipment as aforesaid ;
 - (b) any reduction in the covering over the protected apparatus by reason of such taking up or removal as aforesaid ;

the Corporation shall subject to the provisions of subsection (4) of this section lower or alter the protected apparatus to such an extent as may in default of agreement be determined by arbitration to be necessary in order to prevent such interference or reduction as aforesaid :

- (4) If the gas company at the same time as they supply to the Corporation particulars under subsection (2) of this section give to them notice of their desire they may themselves carry out such lowering or alteration as may in default of agreement be determined by arbitration to be necessary for the purposes referred to in subsection (3) of this section :

Provided that the reinstatement of any highway which shall have been broken up or interfered with by the gas company in pursuance of the provisions of this subsection shall in the first instance be of a temporary nature only and the permanent reinstatement thereof

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shall not be carried out by the gas company but shall be carried out by the Corporation :

- (5) Upon the completion by the gas company of any such lowering or alteration the Corporation shall pay to the gas company the expenses reasonably incurred by them in such lowering or alteration :
- (6) If the Corporation shall interfere with any protected apparatus by such taking up or removal of the tramway equipment as aforesaid they shall make good to the gas company any damage caused to the protected apparatus by such interference :
- (7) Any matter to be determined by arbitration or any difference between the gas company and the Corporation arising under this section shall be referred to and settled by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other 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 the arbitration.

Periodical
revision of
fares and
charges.

25. If at any time after—

- (a) two years from the opening for public traffic of any trolley vehicle route wholly or partly in the Haltemprice district or any part thereof pursuant to the provisions of this Act it is represented in writing to the Minister by the Haltemprice Council; or
- (b) two years from the date of any order made in pursuance of this section it is represented in writing to the Minister by the Corporation or the Haltemprice Council;

that all or any of the fares or other charges demanded and taken in respect of traffic on such trolley vehicle route or such portion should be revised the Minister shall in default of agreement between the Corporation and the Haltemprice Council hold an inquiry and if it is proved to his satisfaction that all or any of the fares or charges should be revised the Minister shall by order in writing alter or modify all or any of the maximum

[26 GEO. 5. &
1 EDW. 8.]

*Kingston upon Hull
Corporation Act, 1936.*

[Ch. 1v.]

fares or charges to be taken in respect of the trolley vehicle route or portion thereof and thenceforth such order shall be observed until the same is revoked or modified by another order of the Minister made in pursuance of this section. A.D. 1936.

26. All subsisting regulations and byelaws relating to the tramways of the Corporation made in pursuance of the Tramways Act 1870 or any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles : Tramway regulations and byelaws to apply to trolley vehicles.

Provided that such regulations or byelaws may be amended or repealed as if the same had been made in pursuance of the powers contained in this Act.

27.—(1) An agreement entered into by the Corporation under either subsection (1) or subsection (2) of section 105 (Working and other agreements) of the Road Traffic Act 1930 may make provision with respect to all or any of the following matters in addition to the matters referred to in that section (that is to say):— Working agreements.

(a) The working user management and maintenance by the Corporation of their tramways and trolley vehicles and the right to provide and use the same and the fixing of the fares and charges in respect thereof;

(b) The user management and maintenance by any party to the agreement of any lands depots buildings sheds and property provided by the Corporation in connection with any tramway or trolley vehicle services to which the agreement relates;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any service of public service vehicles provided by any party to the agreement and any tramways or trolley vehicles of the Corporation;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from the Corporation's tramways and trolley vehicles.

(2) For the purposes of section 116 of the Road Traffic Act 1930 and the Fourth Schedule to that Act

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24 & 25
Geo. 5. c. 50.

as amended by section 38 of and the Second Schedule to the Road Traffic Act 1934 the matters referred to in this section with respect to which provision may be made by an agreement under the said subsections of section 105 of the said Act of 1930 shall be deemed to be matters with respect to which an agreement was authorised by the said section 105.

Definition of
transport
under-
taking.

28. As from the passing of this Act the tramway undertaking of the Corporation shall be known as the transport undertaking of the Corporation which shall include their trolley vehicle omnibus and public service vehicle undertakings.

Power to
borrow.

29.—(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 money so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
(a) The provision of trolley vehicles -	£160,000	Ten years.
(b) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	£26,000	Twenty years.
(c) The adaptation or erection and equipment of buildings for the purposes of the trolley vehicles of the Corporation.	£8,000	Ten years.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

[26 GEO. 5. &
1. EDW. 8.]

*Kingston upon Hull
Corporation Act, 1936.*

[Ch. 1v.]

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act or with section 52 (Consolidated loans fund) of the Kingston upon Hull Corporation Act 1933 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.

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23 & 24
Geo. 5.
c. lxxvii.

(3) In the application of the said provisions of the Act of 1933 to the borrowing of any further money for the purposes of this Act the Minister shall be the sanctioning authority.

30. In addition to the modes in which money may be raised under section 196 of the Act of 1933 the Corporation may raise any money which they are authorised to borrow under any statutory borrowing power by the issue of Corporation stock under and subject to the provisions of the Acts relating to the issue of such stock by the Corporation.

Modes of
raising
money.

31.—(1) In this section—

“the undertaking” means the transport undertaking of the Corporation;

“an accumulated fund” means a fund formed or being formed for the redemption of debt or as a reserve or similar fund.

Receipts and
expenses of
transport
under-
taking.

(2) Notwithstanding anything contained in any previous enactment all money received by the Corporation in respect of the undertaking whether on capital or revenue account including (but without prejudice to the generality of this provision) interest and other annual proceeds from time to time received by the Corporation on the investments or balances forming part of any accumulated fund shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of the undertaking (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay apply or transfer to any accumulated fund) shall be paid or transferred out of the general rate fund.

A.D. 1936.

(3) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

(4) The Corporation shall keep separate accounts in respect of the undertaking and in such accounts shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any accumulated fund) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show the respective amounts representing—

- (a) The working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the undertaking;
- (b) The interest or dividends on any mortgages stock or other securities granted and issued by the Corporation in respect of money borrowed for the purposes of the undertaking;
- (c) Any appropriations instalments or sinking fund payments required to be provided in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses not being expenses properly chargeable to capital;
- (e) Any money expended or applied for any of the purposes mentioned in subsection (7) of this section.

(5) The Corporation shall show in their accounts relating to the undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking and shall keep the accounts in respect of the undertaking so as to show

separately (so far as may be reasonably practicable) the receipts and expenses in regard to— A.D. 1936.

- (a) the tramways of the Corporation;
- (b) the trolley vehicles; and
- (c) the public service vehicles which the Corporation are authorised to provide and run under any statutory powers.

(6) In all cases in which the Corporation keep separate accounts for separate purposes they shall apportion as they think fit between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(7) If in any year the moneys received by the Corporation on account of the revenue of the undertaking (including the income from any accumulated fund) exceed the moneys applied or expended by them for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (4) of this section the Corporation may (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any one or more of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking;
- (c) In providing a reserve fund (such fund to be included within and to form part of the general rate fund) by setting aside such money as they think reasonable and (unless the amounts so set aside are used under the provisions of section 52 (Consolidated loans fund) of the Kingston upon Hull Corporation Act 1933) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fourth of the aggregate capital expenditure on the undertaking.

(8) Any reserve fund which has been formed for the purposes of the undertaking and which was

A.D. 1936.

in existence on the first day of April nineteen hundred and thirty-six shall be deemed to be part of the reserve fund provided under this section.

(9) The Corporation shall in every year so long as the reserve fund is less than the prescribed maximum place to the credit of that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by them in respect of investments forming part of the reserve fund.

(10) The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect thereof or for the payment of the cost of renewing improving or extending any part of the works of the undertaking or otherwise for the benefit or development of the undertaking and so that if the reserve fund is at any time reduced it may thereafter be again restored to the prescribed maximum and so on as often as the reduction happens.

(11) This section shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-six and as from that date section 48 (Application of revenue of tramway undertaking and deficiency of receipts) of the Kingston upon Hull Corporation Act 1906 shall be deemed to have been repealed.

As to
byelaws
relating to
transport
under-
taking.

32. 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 transport undertaking and in the application of such last mentioned provisions the Minister shall be the confirming authority.

Amendment
of consoli-
dated loans
fund
scheme.

33. Any scheme approved by the Minister of Health under section 52 (Consolidated loans fund) of the Kingston upon Hull Corporation Act 1933 may be altered amended or revoked by a scheme made in like manner as the original scheme.

Inquiries by
Minister.

34.—(1) The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred upon him or the

[26 GEO. 5. &
1 EDW. 8.]

Kingston upon Hull
Corporation Act, 1936.

[Ch. 1v.]

giving of consents under this Act or any existing Act or Order of the Corporation. A.D. 1936.

(2) Where the Minister causes any inquiry to be held in pursuance of this section or of any provision of any existing Act or Order of the Corporation section 290 of the Act of 1933 shall apply to such inquiry notwithstanding the provisions of any such Act or Order of the Corporation.

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

Crown
rights.

36. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 transport undertaking or out of the general rate fund or partly out of that revenue and partly out of that fund or out of money to be borrowed under this Act for that purpose.

Costs of Act.

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