



CHAPTER xxxi

An Act to confirm a Provisional Order made by the Minister of Transport under the Darlington Corporation (Transport &c.) Act 1925 relating to Darlington Corporation trolley vehicles. [28th July 1950.]

WHEREAS under the authority of section twenty-two of the Darlington Corporation (Transport &c.) Act 1925 the 15 & 16 Geo. 5. Minister of Transport has made the Provisional Order c. cxvi. set out in the schedule to this Act annexed:

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

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

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

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

2. This Act may be cited as the Darlington Corporation Trolley Vehicles (Additional Routes) Order Confirmation Act 1950. Short title.

SCHEDULE

DARLINGTON CORPORATION TROLLEY VEHICLES (ADDITIONAL ROUTES)

Provisional Order authorising the mayor aldermen and burgesses of the county borough of Darlington to use trolley vehicles upon additional routes in the county borough of Darlington

Short and
collective
titles.

1. This Order may be cited as the Darlington Corporation Trolley Vehicles (Additional Routes) Order 1950 and the Darlington Corporation Transport Act and Orders 1925 to 1948 and this Order may be cited together as the Darlington Corporation Transport Act and Orders 1925 to 1950.

Interpretation.

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

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

“The county borough” means the county borough of Darlington;

“Trolley vehicle” has the meaning assigned to it by section 2 (Interpretation) of the Act of 1925;

“The transport undertaking” means the Darlington Corporation Transport Undertaking constituted by section 46 (Trolley vehicles omnibuses and light railways to constitute Darlington Corporation Transport Undertaking) of the Act of 1925;

“The Order of 1902” means the Darlington Light Railways Order 1902;

“The Act of 1925” means the Darlington Corporation (Transport &c.) Act 1925;

21 & 22 Geo. 5.
c. lxxxviii.

“The Order of 1931” means the Darlington Corporation Trolley Vehicles (Additional Routes) Order 1931;

“The Minister” means the Minister of Transport;

“The commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive.

10 & 11 Geo. 6.
c. 49.

Power to
use trolley
vehicles.

3. Subject to the provisions of this Order and of the Act of 1925 so far as such provisions are not inconsistent with or rendered unnecessary by the provisions of this Order the Corporation may use trolley vehicles upon the following trolley vehicle routes in the county borough in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say):—

Route No. 1 One mile and six chains or thereabouts in length commencing by a junction with Route No. 2 authorised

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by the Order of 1931 at the junction of McMullen Road with Yarm Road thence proceeding northwards along McMullen Road to its junction with Lingfield Lane thence proceeding northwards along Lingfield Lane as proposed to be reconstructed and crossing over the Fighting Cocks branch railway of the commission by means of a level crossing to be provided by agreement between the Corporation and the commission and thence along Lingfield Lane as proposed to be reconstructed to and terminating by a junction with Route No. 3 authorised by the Act of 1925 in Haughton Road at the junction of the last-mentioned road with Lingfield Lane:

Route No. 2 One furlong three chains eight yards or thereabouts in length commencing by a junction with Route No. 2 authorised by the Act of 1925 at the junction of Crown Street with Northgate thence proceeding along Crown Street to and terminating by a junction with Route No. 1 authorised by the Act of 1925 in Tubwell Row at the junction of the last-mentioned street with Crown Street:

Provided that—

- (a) Nothing in this section shall be construed as authorising the Corporation to use trolley vehicles upon the said Route No. 1 so as to cross over the said branch railway on the level except with the consent in writing of the Minister and any such consent shall be subject to such terms and conditions as the Minister may think fit for ensuring the safety of the traffic using the said railway and intended new road respectively;
- (b) Before equipping any route to include a turning point or arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval and shall also submit a copy of such plans to the chief constable of Durham and before approving any such plans the Minister shall give to the chief constable an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him;
- (c) Subsection (B) (4) of section 54 of the Order of 1902 (For the protection of the Postmaster-General) shall be read and have effect as if the words "generated or used by or supplied to the Corporation" were inserted in that subsection in substitution for the words "generated by the Corporation".

4. Notwithstanding anything in this Order the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

For protection
of British
Transport
Commission.

(1) In this section—

"trolley vehicle equipment" means and includes all works and apparatus for the purpose of working trolley vehicles by electrical power;

"the engineer" means an engineer to be appointed by the commission:

- (2) All trolley vehicle equipment which may be erected or placed by the Corporation under the powers of this Order upon across under or over any railway or lands of the commission shall be so erected and placed only in accordance with proper and sufficient plans and specifications previously submitted by the Corporation to the engineer for his approval and approved by him or in case of difference settled by arbitration:

Provided that if within twenty-one days after such plans and specifications shall have been so submitted to the engineer he shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same:

- (3) All such trolley vehicle equipment shall be erected or placed under the superintendence (if given) and to the reasonable satisfaction of the engineer (to whom the Corporation shall give not less than twenty-one days' notice in writing of their intention to carry out the work) and shall at all times thereafter be maintained by the Corporation to the like satisfaction:
- (4) The Corporation shall not in the erection maintenance or repair of any trolley vehicle equipment obstruct or interfere with the free uninterrupted or safe user of the commission's railway or the traffic thereon:
- (5) The Corporation shall repay to the commission on demand all costs charges and expenses certified by the engineer to have been incurred by the commission—
- (i) in making any alterations or additions to their railway and works or apparatus in consequence of the erection or placing of any such trolley vehicle equipment (including any works necessary to avoid danger from the breaking or falling of wires); or
- (ii) in respect of the employment of persons for inspecting watching lighting or signalling the railway and for preventing as far as may be any interference danger or accident to the railway or the traffic thereon arising from the erection or placing of any such trolley vehicle equipment:
- (6) The Corporation shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section and which may be occasioned to the commission or to the railway or the traffic thereon by reason of such trolley vehicle equipment or the construction maintenance renewal or operation thereof and the Corporation shall hold harmless and indemnify the commission from and against all claims or demands arising out of or in connection with such trolley vehicle equipment or the construction maintenance renewal or operation thereof:
- (7) Any difference arising between the commission and the Corporation in respect of the matters aforesaid shall be determined by the arbitration of a single arbitrator to be appointed in default of agreement on the application of either party after notice to the other by the President of the Institution of Civil Engineers.

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5. If the Corporation shall not have commenced to use trolley vehicles upon each of the routes authorised by this Order within five years from the passing of the Act confirming this Order or such extended time as the Minister may upon the application of the Corporation allow the powers conferred by this Order shall so far as they relate to the use of trolley vehicles upon any route upon which the Corporation shall not have commenced to use trolley vehicles cease to be exercisable.

Period for commencement of trolley vehicle services.

6. Subject to the provisions of this Order the undertaking authorised by this Order shall for all purposes be deemed to form part of the transport undertaking.

New routes to form part of transport undertaking.

7.—(1) Subject to the provisions of this Order the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purpose mentioned in the first column of the following table the sum mentioned in the second column of the said table and they shall pay off all money so borrowed within such period as the Corporation may determine not exceeding that mentioned in the third column of the said table (namely):—

Power to borrow. 23 & 24 Geo. 5. c. 51.

1	2	3
Purpose	Amount	Period for repayment
(A) The provision of trolley vehicles ...	£24,000	Ten years from the date or dates of borrowing.
(B) The provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Order.	£18,750	Twenty years from the date or dates of borrowing.
(C) The payment of the costs charges and expenses of this Order.	The sum requisite	Five years from the confirmation of this Order.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order 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.

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

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 51 (Power to use one form of mortgage) of the Act of 1925.

8. It shall not be lawful to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury. 8 & 9 Geo. 6. c. 18. 9 & 10 Geo. 6. c. 58.

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Procedure
for making
byelaws.

9. The provisions of section 250 (Procedure &c. for making byelaws) of the Local Government Act 1933 shall not apply in respect of byelaws to be made under section 69 (As to byelaws &c. under this Act) of the Act of 1925.

Inquiries by
Minister of
Transport.

10. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Order and section 290 of the Local Government Act 1933 shall apply accordingly.

Costs of Order.

11. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

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