



CHAPTER xlvii.

An Act to confirm a Provisional Order made by the Minister of Transport under the Maidstone Corporation Act 1923 relating to Maidstone Corporation trolley vehicles. [1st August 1946.]

WHEREAS under the authority of section seventeen of ^{13 & 14 Geo. 5.} the Maidstone Corporation Act 1923 the Minister of ^{c. xxxi.} Transport has made the Provisional Order 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 which as amended is 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 Maidstone Corporation (Trolley Short title. Vehicles) Order Confirmation Act 1946.

SCHEDULE.

MAIDSTONE CORPORATION.

Order authorising the mayor aldermen and burgesses of the borough of Maidstone to maintain and use trolley vehicles upon a route in the borough of Maidstone and in the parish of Barming in the rural district of Maidstone.

Short and
collective
titles.

1. This Order may be cited as the Maidstone Corporation (Trolley Vehicles) Order 1946 and the Maidstone Corporation (Trolley Vehicles) Orders 1927 and 1930 and this Order may be cited together as the Maidstone Corporation (Trolley Vehicles) Orders 1927 to 1946.

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 borough of Maidstone ;

“ The borough ” means the borough of Maidstone ;

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

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

“ Trolley vehicle equipment ” means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting the trolley vehicles ;

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

“ The Act of 1923 ” and “ the Order of 1927 ” mean respectively the Maidstone Corporation Act 1923 and the Maidstone Corporation (Trolley Vehicles) Order 1927.

17 & 18 Geo. 5.
c. lviii.

Additional
trolley vehicle
route.

3. The Corporation may use trolley vehicles upon the following trolley vehicle route in the borough and in the parish of Barming in the rural district of Maidstone (that is to say) :—

Route No. 1 (4 furlongs 8 chains or thereabouts in length) commencing in the borough at the termination of Route No. 1 authorised by the Order of 1927 at the junction of Tonbridge Road with Fountain Lane passing along Tonbridge Road to and terminating at the junction of that road with North Street in the said parish of Barming :

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Provided that before equipping the trolley vehicle route to include a turning point or before arranging for a new turning point on the route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and in the case of a turning point outside the borough shall also submit copies of such plans to the chief constable of the county of Kent and the county council of the administrative county of Kent and before approving any such plans the Minister of Transport shall give to the said chief constable and county council an opportunity of making representations with reference thereto and shall consider any such representations which may be made.

4.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The provision of trolley vehicle equipment and the construction of other works necessary for working trolley vehicles on the trolley vehicle route.	£3,667	Twenty years from the date or dates of borrowing.
(b) the payment of the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

(2) For the purposes of subsection (2) of section 156 (Power to borrow) of the Act of 1923 as modified by section 197 of the Local Government Act 1933 the purposes of this Order shall be deemed to be purposes of Part II (Trolley vehicles omnibuses and light railways) of the Act of 1923.

5.—(1) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under section one of the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful otherwise than by the use of the Corporation's internal funds to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of this Order as hereinafter defined) without such consent.

(2) 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.

Application of provisions of Act of 1923.

6. The provisions of the Lands Clauses Acts and of Part II of the Act of 1923 (except sections 8 and 23 of that Act) as applied to the Order of 1927 by section 2 (Incorporation of Acts) and section 7 (Application of Part II of Act of 1923) of that Order and the provisions of section 176 (Application of revenue of trolley vehicle and omnibus undertakings) of the Act of 1923 shall so far as applicable and with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were with any such modifications set out in this Order. Provided that before making application for any such consent as is referred to in section 36 (Shelters or waiting rooms) or section 37 (Cloakrooms &c.) of the Act of 1923 to the erection or provision of any shed shelter waiting room or gangway for the accommodation of passengers or cloakroom or shed for the storage of bicycles tricycles and other vehicles on any public street or road outside the borough the Corporation shall notify the chief constable of the county of Kent of their proposal to apply for such consent.

Application of provisions of section 8 of Order of 1927.

7. Section 8 (As to lands) of the Order of 1927 shall so far as applicable and with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were with any such modifications set out in this Order.

Undertaking to form part of trolley vehicle undertaking.

8. The undertaking authorised by this Order shall be deemed to form part of the trolley vehicle undertaking authorised by the Act of 1923 and the Maidstone Corporation (Trolley Vehicles) Orders 1927 and 1930.

For protection of Kent County Council.

9. The following provisions for the protection of the county council of the administrative county of Kent (in this section called "the county council") shall unless otherwise agreed in writing between the county council and the Corporation have effect as respects the exercise of the powers of or applied by this Order (that is to say):—

- (1) All trolley vehicle equipment to be erected or placed on in under or over any street or road outside the borough which is vested in the county council shall be erected or placed in such position as the county council may approve but such approval shall not be unreasonably withheld:
- (2) The route (so far as it is outside the borough) in or along which any trolley vehicle equipment is to be erected or placed for the purpose of connecting the trolley vehicle route with a generating station shall be subject to the approval of the county council but such approval shall not be unreasonably withheld:
- (3) If any trolley vehicle equipment erected or placed under the powers of or applied by this Order becomes in the opinion of the county council an unreasonable obstruction to traffic the Corporation shall at its own expense if reasonably so required by the county council alter the position of such trolley vehicle equipment in such manner as the county council may reasonably direct. Provided that if within twenty-eight days after the receipt of any such direction the Corporation do not commence and thereafter proceed with all reasonable dispatch to alter the position of the trolley

vehicle equipment the county council may alter in the manner and to the extent reasonably required by the direction the position of such trolley vehicle equipment and the reasonable cost incurred by the county council in so doing shall be repaid by the Corporation :

- (4) If the Corporation shall abandon the trolley vehicle route or any part thereof they shall if so required by notice from the county council remove any trolley vehicle equipment erected or placed on in under or over any street or road vested in the county council and forming part of the said route or part thereof so abandoned and shall make good the surface of such street or road to the reasonable satisfaction of the county council Provided that if the Corporation fail to comply with any such notice within a reasonable period the county council may themselves remove the said trolley vehicle equipment and the Corporation shall repay to the county council the reasonable cost incurred by them in so doing and in making good the surface of such street or road less the value of the trolley vehicle equipment so removed :
- (5) Any approval or consent of the county council required under any of the provisions of or applied by this Order may be given subject to such conditions as the county council may reasonably impose and any approval consent notice or direction of the county council required under any of such provisions shall be given in writing and may be signed by the clerk of the county council :
- (6) If any question shall arise between the Corporation and the county council under this section such difference shall be determined by the Minister of Transport or by an arbitrator to be appointed by him on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to such determination.

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

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(*Trolley Vehicles*) *Order Confirmation Act, 1946.*

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