



CHAPTER lx.

An Act to enable the mayor aldermen and burgesses of the borough of Hove to provide and run vehicles by means of railless traction and for other purposes. A.D. 1912.

[7th August 1912.]

WHEREAS the borough of Hove is a municipal borough under the government of the mayor aldermen and burgesses thereof (hereinafter referred to as "the Corporation"):

And whereas it is expedient and would be for the public convenience that the Corporation be authorised to provide and run vehicles moved by electrical power supplied by means of overhead conductors or trolley wires along the routes in this Act described in the borough and to confer upon the Corporation powers with reference to motor omnibuses:

And whereas it is expedient that the Corporation should be empowered to enter into and carry into effect agreements with the mayor aldermen and burgesses of the county borough of Brighton and other local authorities companies or persons as in this Act provided:

And whereas it is expedient that the Corporation be authorised to erect a generating station as in this Act provided and to generate supply and distribute electrical energy for the purposes of the said vehicles along the said routes as in this Act provided:

And whereas it is expedient that the Corporation be authorised to take up and remove the existing tramway in their borough and to otherwise deal with the same as in this Act provided:

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

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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 :—

For the purchase of lands for generating station	£
car sheds depôts and other buildings - - - -	4,000
For the erection of a generating station - - -	15,000
For the erection of car sheds depôts and other buildings - - - - -	5,000
For the provision of overhead equipment and the construction of other works necessary for working and lighting trolley vehicles - - -	24,100
For the provision of trolley vehicles - - -	24,000
For the provision of motor omnibuses and expenses in connection with the running thereof - - - - -	12,000

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

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of December one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Hove Gazette and Sussex County Mirror a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas the said resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fifteenth day of February one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans showing the lands authorised by this Act to be purchased compulsorily together with a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and the occupiers of such lands were duly deposited with the clerk of the peace for the county of Sussex and are in this Act respectively referred to as the deposited plans and book of reference:

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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Hove Corporation Act 1912. Short title.

2. This Act is divided into Parts as follows:—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Trolley vehicles and motor omnibuses.

Part III.—Working and other agreements.

Part IV.—Lands and generating station.

Part V.—Finance.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with or expressly varied by the provisions of this Act are hereby incorporated with this Act:—

Incorporation
of Acts.

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(2) The following provisions of the Tramways Act 1870 (namely):—

Section 3 Interpretation of terms;

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

Section 45 Tolls &c.;

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- Section 46. Byelaws by local authority Promoters may make certain regulations;
- Section 47 Penalties may be imposed in bye-laws;
- Section 49 Penalty for obstruction of promoters in laying out tramway;
- Section 51 Penalty on passengers practising frauds on the promoters;
- Section 52 Transient offenders;
- 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 60 Reserving powers of street authorities to widen &c. roads;
- Section 61 Power for local or police authorities to regulate traffic in roads;
- Section 63 Regulating inquiries before referee appointed by the Board of Trade;
- Section 64 Rules for carrying Act into effect:

Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if the overhead equipment to be constructed in the streets for moving trolley vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Hove;

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

“The urban districts” means the urban district of Portslade-by-Sea the urban district of Southwick and

the urban district of Shoreham-by-Sea or any of them all in the county of Sussex; A.D. 1912.

“The urban councils” means the respective councils of the urban districts or any of them;

“The Hove Company” means the Hove Electric Lighting Company Limited;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

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

“Overhead equipment” means and includes all posts poles standards brackets wires cables conductors transformers and all other necessary or convenient apparatus and equipment for the purpose of working and lighting trolley vehicles and for the purposes of telephonic communication in connection therewith;

“Motor omnibus” means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power;

“The Order of 1890” means the Hove Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation Act 1890;

“The Order of 1898” means the Hove (Aldrington) Electric Lighting Order 1898 confirmed by the Electric Lighting Provisional Orders Confirmation (No. 4) Act 1898;

“The deed of 1892” means the deed of transfer dated the 8th December 1892 by the Corporation to the Hove Company;

“The town clerk” means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office;

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

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

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“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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed ;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

PART II.

TROLLEY VEHICLES AND MOTOR OMNIBUSES.

Power to
provide &c.
trolley
vehicles.

5.—(1) The Corporation may subject to the provisions of this Act provide hire maintain and equip but shall not manufacture trolley vehicles and may work and use the same upon the trolley vehicle routes and may provide place erect and maintain in and along the streets roads and places forming such routes any necessary or convenient overhead equipment for the purpose of working such trolley vehicles and all other apparatus and things which may be necessary for or incidental to the working of trolley vehicles.

(2) The trolley vehicle routes are—

Route No. 1 Wholly situate in the parish of Hove in the borough of Hove commencing at the junction of Western Road and York Road thence passing along York Road York Avenue and Osmond Road and terminating in such last-mentioned road at the junction thereof with Davigdor Road :

Route No. 2 Wholly situate in the said parish of Hove commencing in Davigdor Road at the boundary between the boroughs of Hove and Brighton thence passing along Davigdor Road and Holland Road and terminating at such last-mentioned road at the junction thereof with Western Road :

Route No. 3 Situate partly in the said borough of Hove and partly in the urban district of Portslade-by-Sea commencing in the said parish of Hove in Church Road at its junction with Holland Road thence passing along Church Road New Church Road and Boundary or Station Road and terminating in Kingsway at its junction with Boundary or Station Road partly in the parish of Aldrington in the borough of Hove and partly in the parish of Portslade-by-Sea in the said urban district :

Route No. 4 Wholly situate in the said parish of Hove commencing in Church Road at its junction with Western Road thence passing along Western Road and terminating in such last-mentioned road at the boundary between the boroughs of Hove and Brighton :

Route No. 5 Wholly situate in the said parish of Hove commencing at the junction of Davigdor Road and Cromwell Road thence passing along Cromwell Road Denmark Villas and Railway Approach and terminating in Railway Approach at the junction thereof with Goldstone Villas :

Route No. 6 Wholly situate in the said parish of Hove commencing at the junction of Railway Approach and Goldstone Villas thence passing along Goldstone Villas to and terminating in Blatchington Road at its junction with Goldstone Villas :

Route No. 7 Wholly situate in the said parish of Hove commencing at the junction of George Street and

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Church Road thence passing along George Street and terminating in such last-mentioned street at the junction thereof with Blatchington Road :

Route No. 8 Wholly situate in the said parish of Hove commencing at the junction of Blatchington Road and Goldstone Villas thence passing along Blatchington Road and terminating at the junction thereof with Sackville Road :

Route No. 9 Wholly situate in the said parish of Hove commencing at the junction of Clarendon Road with Goldstone Villas thence passing along Clarendon Road and terminating at the junction thereof with Sackville Road :

Route No. 10 Wholly situate in the said parish of Hove commencing at the junction of Sackville Road and Church Road thence passing along Sackville Road Old Shoreham Road Leighton Road and Frith Road and terminating at the junction of the last-mentioned road with Sackville Road :

Route No. 11 Situate partly in the borough of Hove and partly in the urban district of Portslade-by-Sea commencing in the said parish of Hove at the junction of Portland Road and Sackville Road thence passing along Portland Road and Boundary or Station Road and terminating at the junction of Boundary or Station Road with New Church Road partly in the said parish of Aldrington and partly in the said urban district of Portslade-by-Sea :

Route No. 12 Wholly situate in the said parish of Aldrington commencing at the junction with Worcester Villas and New Church Road thence passing along Worcester Villas and terminating at the junction thereof with Portland Road :

Route No. 13 Wholly situate in the said parish of Aldrington commencing at the junction of St. Leonards Road and New Church Road thence passing along St. Leonards Road and St. Leonards Terrace Kingsway and terminating at the junction of Kingsway with Boundary or Station Road.

6. Trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 (save and except sections 1 and 6 of that Act) and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

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Trolley vehicles not to be deemed light locomotives or motor cars.

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 trolley vehicles as carriages or light locomotives or hackney carriages.

Duties on licences for trolley vehicles.

8.—(1) Trolley vehicles may be of such form weight construction and dimensions as may be convenient and as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade. The overhead equipment shall be subject to the like approval.

Approval of trolley vehicles by Board of Trade.

(2) All posts and poles erected by the Corporation under the powers of this Act in any street or road shall be placed in such position as the local authority and road authority may reasonably approve. Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

9.—(1) The Corporation may provide or hire but shall not manufacture motor omnibuses and may maintain work and run the same within the borough and along any streets or roads (connecting or forming through routes with any streets or roads in the borough) in the county borough of Brighton with the consent of the Brighton Corporation and in the urban districts or any of them with the consent of the council of such district or districts and the road authority and in the borough with the consent of the road authority.

Power to provide and run motor omnibuses.

(2) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses. Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

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(3) The Corporation may enter into and carry into effect agreements with the Brighton Corporation for the purposes of the exercise by such corporations or either of them of all or any of the powers of this section.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

Passengers' fares.

10. The Corporation may demand and take for every passenger travelling upon the trolley vehicles or motor omnibuses including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than twopence.

Passengers' luggage.

11. Every passenger travelling upon the trolley vehicles or motor omnibuses may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

12.—(1) The Corporation at all times after opening the trolley vehicle routes for public traffic shall and they are hereby required to run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Corporation in lieu of running such trolley vehicles after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct

the Corporation to provide such service as may appear to the Board to be reasonable. A.D. 1912.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

13. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles or motor omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint. Payment of fares rates and charges.

14. The Corporation shall not take or demand, on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days. As to fares on Sundays and holidays.

15. The overhead equipment and other apparatus for working trolley vehicles shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

16.—(a) The following provisions shall unless otherwise agreed between the Corporation and the Brighton Corporation have effect (viz.) :— Completion of through trolley vehicle routes.

- (1) The Corporation shall within two years from the date of the passing of this Act construct and complete to the satisfaction of the Board of Trade overhead equipment and other works and conveniences necessary for the running of trolley vehicles over Routes Nos. 3 4 the portion of route No. 6 from the junction of Railway Approach with Goldstone Villas to the junction of Goldstone Villas with Blatchington Road No. 7 the portion of Route No. 8 between George Street and Goldstone Villas the portion of Route No. 11 from Portslade Station to the junction of Station Road with New Church Road and Route No. 12 (which routes and portions of routes are hereinafter in this section referred to as "the Hove through routes") with all necessary apparatus for working the same by means of a system to be agreed between the Corporation and the Brighton Corporation or in the event of difference settled by an arbitrator to be appointed by the

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Board of Trade and shall provide or make provision for the necessary electrical energy for the same so as to provide a through trolley vehicle service in conjunction with trolley vehicle routes to be provided by the Brighton Corporation in the county borough of Brighton :

- (2) The Brighton Corporation may construct and maintain all works necessary for effecting junctions of the trolley vehicle equipment of the Brighton Corporation authorised by the Brighton Corporation Act 1912 and the trolley vehicle equipment of the Corporation on the Hove through routes and for utilising the apparatus and machinery for working the trolley vehicles over the Hove through routes and the Brighton Corporation or any company body or person for the time being working the trolley vehicles of the Brighton Corporation may run over and use with their trolley vehicles for the purpose of conveying passengers parcels and passengers' luggage only the trolley vehicle equipment of the Corporation on the Hove through routes together with all machinery motive apparatus works and conveniences of and connected with the same and as regards traffic conveyed by the Brighton Corporation or any such company body or person as aforesaid may demand and take rates and charges upon and in respect of the working of trolley vehicles over the said routes of the Corporation not exceeding the rates and charges from time to time authorised to be demanded in respect thereof under this Act :
- (3) The terms and regulations in respect of the use and the consideration to be paid for the same shall if not agreed upon between the Corporation and the Brighton Corporation be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade :
- (4) In running over and using the Hove through routes and in using any conveniences in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on such routes shall be at all times observed so far as such regulations and byelaws are applicable.

(b) During the exercise of any running powers under the provisions of this section the Hove through routes and the trolley vehicle routes of the Brighton Corporation shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed thereon be deemed to be one undertaking.

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17.—(1) If at any time hereafter the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads forming the trolley vehicle routes) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any route or routes to which such application relates.

Board of Trade may authorise new routes.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(a) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the county of Sussex ;

(b) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads to which such application relates a notice of their intention to make such application :

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

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

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(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they 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 Part of this Act shall not have any operation.

(6) 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.

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

(8) 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.

(9) The Board of Trade shall not make a Provisional Order under this section relating to a road or portion of a road outside the borough except with the consent of the local authority of the district in which such road or portion of a road is situate and of the road authority for such road or portion of a road.

(10) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

(11) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Conveyance
of mails.

18. The Corporation shall perform in respect of trolley vehicles and motor omnibuses all the services in regard to the

conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. A.D., 1912.

19. The trolley vehicles used by the Corporation may be moved by electrical energy subject to the following provisions (that is to say):— Provisions for public safety.

(1) The electrical energy shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical energy for propelling the trolley vehicles of the Corporation and for regulating the use of electrical energy :

(3) The Corporation or any local authority company or person using any electrical energy contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such local authority company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of electrical energy as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such local authority company or person to cease to use such electrical energy or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation

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or such local authority company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such an order.

Special provisions as to use of electrical energy.

20. The following provisions shall apply to the use of electrical energy under this Act (unless such energy is entirely contained in and carried along with the vehicles) :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical energy or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical energy shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such

means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking: A.D. 1912.

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

21. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade. Inspection
by Board of
Trade.

22. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. Alteration of
telegraph
lines of
Postmaster-
General.

23.—(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection For protec-
tion of Post
Office tele-
graph lines.

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whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3) Before any electric line is laid down or any act or work for working or lighting the trolley vehicles by electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration.

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations.

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act.

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act.

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running

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User of
posts by
Postmaster-
General.

24.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time alter any telegraph so supported subject to the following conditions:—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes:
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided:
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation

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of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Corporation" includes their lessees and any person owning working or running trolley vehicles ;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869 ;

Other expressions have the same meaning as in the Telegraph Act 1878.

Electrical
power works

25. For the purpose of working and lighting any of the trolley vehicles or motor omnibuses by electrical power and for connecting with any generating station sub-station street boxes

pillars or depôts and for the purpose of signalling or telephonic communications in connection with the trolley vehicle undertaking the Corporation subject to the provisions of this Act may in the borough place construct erect lay down make and maintain on above or below the surface of any street or road subways tunnels overhead equipment cables tubes and openings.

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26. No apparatus or equipment constructed erected or laid down by the Corporation for the purposes of signalling or telephonic communication shall be used for the transmission of telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For protection of Postmaster-General.

27. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any overhead equipment provided erected or maintained by them and any person using the said equipment otherwise than by agreement with the Corporation shall for every offence be liable to a penalty not exceeding twenty pounds.

Corporation to have exclusive right of using overhead equipment.

28. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the trolley vehicles) use the trolley vehicles within the borough for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Corporation may use trolley vehicles for sanitary purposes.

29. The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of the trolley vehicles of the Corporation by electrical energy Provided that—

Attachment of brackets to buildings.

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the structure and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

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(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under subsection (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Trees or shrubs overhanging streets and footpaths.

30. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the working of the trolley vehicles or motor omnibuses or the erection of any overhead equipment or with the clear and safe passage of the trolley vehicles or motor omnibuses and the passengers thereon the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Power to appoint stages.

31. The Corporation may appoint stages upon any of the trolley vehicle routes and in respect of motor omnibuses each

of not less than half a mile in length and may demand and take for every passenger travelling upon any such stage including every expense incidental to the conveyance of such passenger a fare not exceeding one penny for any two stages or portion thereof travelled by such passenger and for this purpose the fraction of a stage shall be deemed a stage Provided that in no case shall the Corporation be bound to charge a less sum than twopence. A.D. 1912.

32. The Corporation may appoint the stations and places from which the trolley vehicles used by the Corporation shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley vehicles shall be allowed to remain at any such place. Corporation may appoint stopping and starting places.

33. The Corporation may erect and maintain shelters or waiting rooms for the accommodation of passengers and of the servants of the Corporation and may use for that purpose portions of any public street or road within the borough and with the consent of the local authority and road authority any public street or road within the district of such authority in which any trolley vehicle routes are wholly or partially situate. Shelters or waiting rooms.

34. Any property found in any trolley vehicle or motor omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the trolley vehicle undertaking of the Corporation. Lost property.

35. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the trolley vehicles for all or any of the following purposes (that is to say):— Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the trolley vehicles :

For providing that trolley vehicles shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the trolley vehicles and the protection of passengers

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from the machinery of any engine used for drawing or propelling such trolley vehicles:

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the trolley vehicles by exhibition of the same in conspicuous places on the trolley vehicles and elsewhere:

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Penalty for
malicious
damage.

36. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the trolley vehicles or motor omnibuses of the Corporation anything which is calculated to obstruct or interfere with the working of such trolley vehicles or motor omnibuses or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

For pro-
tection of
Admiralty.

37. The Corporation or their lessees shall not permit any of their trolley vehicles or motor omnibuses to stop or stand opposite or near to the entrance to any lands or buildings vested in or under the control of the Admiralty in such manner as to interfere with access to or from such lands or buildings.

For pro-
tection of
London
Brighton and
South Coast
Railway
Company.

38. For the protection of the London Brighton and South Coast Railway Company (in this section referred to as "the Brighton Company") the following provisions shall unless otherwise agreed in writing between the Corporation and the Brighton Company have effect (that is to say):—

- (1) All works authorised by this Act or by any Provisional Order made by the Board of Trade under the provisions thereof where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the Brighton Company (hereinafter referred to as "the said bridges") or will otherwise affect the same shall be executed so as to interfere as little as possible with the structure of the said bridges and according

to plans sections and specifications to be previously submitted to and approved by the Brighton Company or in case of difference between the Brighton Company and the Corporation to be determined by an arbitrator to be appointed as hereinafter provided All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved or determined and under the superintendence and to the satisfaction of the Brighton Company:

- (2) The Corporation shall so construct maintain and use the overhead equipment and shall so maintain and use the trolley vehicles as not to injuriously affect the said bridges and in the event of any injury being occasioned to the said bridges by the construction maintenance user or removal of the overhead equipment or by reason of the user of trolley vehicles upon across under or over the said bridges (other than ordinary wear and tear of the roadway surface) the Brighton Company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:
- (3) If by reason of the construction of the overhead equipment over the said bridges or the user of the trolley vehicles thereover it becomes necessary to strengthen or reconstruct the said bridges the Brighton Company shall give notice accompanied by sufficient plans and specifications to the Corporation of such works as may be reasonably necessary and may after fourteen days from the date of the notice or forthwith in case of emergency proceed to execute the same but in all things at the expense of the Corporation and the Brighton Company may recover from the Corporation all moneys reasonably expended by the Brighton Company in the execution of such works as aforesaid or in connection therewith:
- (4) The Corporation shall on demand pay to the Brighton Company the reasonable expense of the superintendence by the engineer of the Brighton Company of any works by the Corporation affecting the said bridges and all costs of lighting watching and protecting the railways and works of the Brighton Company during the execution or repair by the Corporation of the overhead equipment or of any work

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affecting the said bridges but such superintendence lighting watching and protection shall not relieve the Corporation from liability for any accident or damage which may be occasioned by or through any such works of the Corporation or by the contractors agents or workmen of the Corporation :

- (5) The Corporation shall not in any manner obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Brighton Company or any traffic thereon and shall be responsible for and make good to the Brighton Company all losses damages and expenses which may be occasioned to the Brighton Company or to any company or person using or being upon the railways and works of the Brighton Company by or by reason of the user of trolley vehicles over the said bridges or of the execution or failure of the overhead equipment or other works of the Corporation or by or by reason of any act default or omission of the Corporation or of their contractors agents or workmen and the Corporation shall effectually indemnify and hold harmless the Brighton Company from all claims and demands upon or against them by reason of such user execution or failure or of any such act default or omission :
- (6) If the Brighton Company hereafter require to widen lengthen strengthen reconstruct alter or repair any of the said bridges under upon or over which the overhead equipment is constructed or to widen or alter any railway thereunder or thereon or to lift or support any of the said bridges the Corporation shall afford to the Brighton Company all reasonable and proper facilities for the purpose and if the Brighton Company find it necessary for such purpose that the working of trolley vehicles under or upon any of the said bridges be wholly or in part stopped or delayed or that the overhead equipment be wholly or in part diverted or removed and if the Brighton Company accordingly give to the Corporation seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay diversion or removal then the working of trolley vehicles shall be stopped or delayed or the overhead

equipment shall be diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the overhead equipment shall be restored with all reasonable despatch and in such case the Brighton Company shall not be liable to pay compensation in respect of such stoppage delay diversion or removal as aforesaid :

- (7) The Corporation shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting as is mentioned in the last preceding subsection or in the maintenance of the said bridges by reason of the working of trolley vehicles (other than ordinary wear and tear of the road surface) under or upon the said bridges or of the existence thereunder or thereon of the overhead equipment :
- (8) If and when the Brighton Company shall require to reconstruct alter repair or paint any bridge or work under which the overhead equipment has been placed the Corporation shall on receiving notice in writing from the Brighton Company adopt such means as may be reasonably necessary in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting and for such time as shall be reasonably required by the engineer of the Brighton Company :
- (9) If at any point where the overhead equipment will be constructed over under or adjoining the railway or other works of the Brighton Company it becomes advisable that the electric telegraphic telephonic or signal wires or apparatus of the Brighton Company shall be cabled or otherwise altered the Brighton Company may execute any works reasonably necessary for such purpose and the reasonable expense of executing such works shall be repaid to the Brighton Company by the Corporation :

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- (10) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Corporation may appoint stopping and starting places" no trolley vehicle shall without the consent of the Brighton Company stop in front of the entrance to or exit from any station of the Brighton Company except in cases of emergency:
- (11) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Shelters or waiting rooms" no shelters or waiting rooms shall be placed in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Brighton Company:
- (12) If any difference arises under this section between the Corporation and the Brighton Company the same shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of Brighton and Hove General Gas Company.

39. For the protection of the Brighton and Hove General Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect (that is to say):—

- (1) Any plans and sections which the Corporation are required by section 30 of the Tramways Act 1870 as incorporated with this Act to submit to the gas company shall be submitted to the gas company at least fourteen days before the commencement of any works to which the said plans and sections relate and shall be accompanied by a description of the proposed works and notice of the date on which the Corporation propose to commence the same and if the gas company give any notice under the said section in relation to such proposed works the same shall not be commenced except in case of emergency until the requirements of the gas company have been agreed or settled by arbitration as by such section is provided. The power of the gas company under the said section 30 to require the lowering or other alterations of their mains pipes and apparatus (in this section called "apparatus") shall be deemed

to extend so as to authorise the gas company to require the shoring up or supporting and restoring and protecting of any such apparatus which it may be reasonably necessary to shore up support restore or protect by reason of the execution of any works of the Corporation or for preventing any interruption to the supply of gas by the gas company All such works as aforesaid shall be done under the superintendence and to the reasonable satisfaction of the gas company or their engineer and the reasonable costs charges and expenses of such superintendence shall be paid to the gas company by the Corporation and if the gas company before the Corporation are entitled to commence any such work elect by notice in writing to the Corporation so to do the gas company may themselves execute any work relating to any apparatus of the gas company to which any such notice or requirement relates under the superintendence and to the reasonable satisfaction of the surveyor of the Corporation and the amount reasonably expended by the gas company in so doing shall be repaid to them by the Corporation but if for seven days after giving any such notice the gas company do not proceed with due diligence to execute any such work as aforesaid the Corporation may forthwith execute the same:

- (2) Nothing in this Act shall relieve the Corporation or any other authority body or person from any liability for any damage which the gas company may sustain by reason or in consequence of any injury caused to their apparatus by reason of the working of trolley vehicles or motor omnibuses under the powers of this Act:
- (3) Nothing in this Act shall empower the Corporation or any local authority company or person to construct or lay in under or over that part of the towing-path of Shoreham Harbour situate between the electricity works of the Brighton Corporation and its junction with the high road leading from Brighton to Shoreham any electric conduit wire rail cable or other apparatus for the transmission of electrical energy:

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- (4) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company :
- (5) Any dispute or difference which may arise between the Corporation and the gas company or the surveyor to the Corporation and the engineer to the gas company touching any of the matters referred to in this section or concerning any plans sections or descriptions to be delivered to the gas company thereunder shall unless otherwise agreed be determined by an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Brighton Hove and Preston United Omnibus Company Limited.

40.—(1) The Corporation shall not exercise in any street in which the Brighton Hove and Preston United Omnibus Company Limited (in this section referred to as “the omnibus company”) are now running motor omnibuses the right of running motor omnibuses until two years after the passing of this Act.

(2) So long as the Corporation shall continue to maintain a service of trolley vehicles or motor omnibuses in any street in the borough the omnibus company shall not without the consent of the Corporation ply for hire with motor omnibuses along such street.

(3) The Corporation shall if required by the omnibus company at any time within two years from the passing of this Act purchase and take over the garage belonging to the omnibus company and situate in Conway Street Hove at a price to be agreed or failing agreement to be settled by an arbitrator to be appointed in case of difference by the Board of Trade on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

For protection of Brighton Corporation.

41. For the protection of the mayor aldermen and burgesses of the county borough of Brighton (in this section referred to as “the Brighton Corporation”) the following provisions shall unless otherwise agreed in writing between the

Brighton Corporation and the Corporation have effect (that is to say) :— A.D. 1912.

(1) In this section "apparatus" means any mains pipes tubes wires apparatus and other appliances belonging to the Brighton Corporation :

(2) The plan and section to be delivered by the Corporation under section 30 of the Tramways Act 1870 shall (in addition to any other particulars to be shown thereon) show all posts poles transformer boxes and other apparatus intended to be erected or constructed as part of or connected with the overhead equipment and such plan shall be delivered fourteen days before the commencement of any works and if the erection or construction of any such post pole transformer box or apparatus in the position proposed would endanger or prevent access to any of their apparatus the Corporation shall (subject as hereinafter provided) if so required by the Brighton Corporation alter the position of such post pole transformer box or apparatus of the Corporation to such extent as the Brighton Corporation may reasonably require in order to remove such danger Provided that if the Corporation dispute the necessity of any such alteration of position as aforesaid or contend that the matter can be more properly dealt with having regard to all the circumstances by lowering or altering the position of the apparatus of the Brighton Corporation in accordance with section 30 of the Tramways Act 1870 then the question in dispute shall be settled by arbitration under this section If the cost of repairing relaying altering or otherwise dealing with any apparatus of the Brighton Corporation shall be increased by reason or in consequence of the existence of any such post pole transformer box or apparatus of the Corporation as aforesaid the amount of such additional cost shall be borne by the Corporation and shall be repaid by them on demand to the Brighton Corporation :

(3) If within seven days after a notice under section 30 of the Tramways Act 1870 shall have been served upon the Brighton Corporation the Brighton Corporation so elect they may themselves execute all

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alterations to their apparatus as may from time to time be necessary and the reasonable cost of executing such alterations shall be repaid by the Corporation to the Brighton Corporation. Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Corporation and the Brighton Corporation will furnish to the Corporation upon request details of all such costs:

- (4) The Corporation shall not for the purposes of the works by this Act authorised cause any street to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering less than the covering then existing nor (unless the Corporation provide special means of access to the same to the satisfaction of the Brighton Corporation) more than the covering then existing. Provided that nothing in this subsection shall prejudice or interfere with the rights of the Brighton Corporation under the said section 30 of the Tramways Act 1870 to require the Corporation to lower or otherwise alter the position of any apparatus:
- (5) The Brighton Corporation may if they deem fit employ watchmen or inspectors to watch any works to be executed by the Corporation under this section or any other provision of this Act whereby any apparatus of the Brighton Corporation will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Corporation and be paid by them upon demand to the Brighton Corporation:
- (6) If any difference shall arise between the Brighton Corporation and the Corporation with respect to any matters under this section such difference shall be settled by an engineer to be agreed upon between the Brighton Corporation and the Corporation or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers:
- (7) Nothing in this Act shall relieve the Corporation or any other authority body or person from any liability for any loss which the Brighton Corporation may sustain

by reason or in consequence of any damage cause to their apparatus by reason of the working of trolley vehicles or motor omnibuses under the powers of this Act :

- (8) The Corporation shall not be entitled under the provisions of the section of this Act the marginal note whereof is "Shelters or waiting rooms" to erect or maintain any shelters or waiting rooms in any street or road over or so as to interfere with or render more difficult the access to any apparatus of the Brighton Corporation :
- (9) The provisions of this section shall be in addition to and not in substitution for or derogation of any other provisions of this Act to the benefit of which the Brighton Corporation would otherwise have been entitled.

42. For the protection of the council of the urban district of Portslade-by-Sea (in this section referred to as "the Portslade Council") the following provisions shall unless otherwise agreed in writing between the Corporation and the Portslade Council have effect (that is to say):—

For protection of Portslade-by-Sea Urban District Council.

- (1) Notwithstanding anything in this Act contained no portion of the overhead equipment or other works conveniences and apparatus connected therewith shall be provided placed constructed erected or maintained in the urban district of Portslade-by-Sea (in this section referred to as "the Portslade district") without the consent in writing of the Portslade Council :
- (2) Except with such consent Routes Nos. 3 and 11 so far as the same are situate in Boundary Road or Station Road shall be available only for trolley vehicles running from north to south and without such consent no trolley vehicle shall run over that portion of Boundary Road or Station Road which is situate in the Portslade district except for the purpose of passing other vehicles or otherwise as may be reasonably necessary to meet the exigencies of the traffic on the said routes Provided always that if there shall be any breakdown of the trolley vehicle overhead equipment or apparatus or interference with the trolley vehicle traffic upon the trolley vehicle routes

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in Worcester Villas Portland Road St. Leonards Road or St. Leonards Terrace Kingsway all in the borough of Hove which shall prevent the trolley vehicle traffic from being carried on upon such last-mentioned routes then and in any such cases Routes Nos. 3 and 11 so far as the same are situate in Boundary Road or Station Road shall be available for trolley vehicles running from south to north for so long only as shall be reasonably necessary to repair any such breakdown or remove any such interferences and for this purpose the trolley vehicles running from south to north as aforesaid may so far as may be necessary and for so long only as aforesaid run over that portion of the Boundary Road or Station Road which is situate in the Portslade District.

PART III.

WORKING AND OTHER AGREEMENTS.

Agreements
for working
running
powers &c.

43. Subject to the provisions of this Act and with the approval of the Board of Trade the Corporation on the one hand and the Brighton Corporation or any other local authority company body or person owning leasing or working any trolley vehicle system with which any trolley vehicle system of the Corporation connects or any one or more of them on the other hand may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

- (1) The alteration reconstruction or equipment working running over use management and maintenance by the contracting parties of all or any of their trolley vehicles or overhead equipment or system or any part or parts thereof respectively:
- (2) The supply by the working party under and during the continuance of any such agreement of rolling stock plant machinery electrical energy or any motive power necessary for the purposes of such agreement and the employment appointment and removal of officers and servants:
- (3) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation and

convenience transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties: A.D. 1912.

- (4) The payment collection division and apportionment of the tolls rates or other receipts arising upon the respective undertakings:
- (5) The appointment of a joint committee or joint committees consisting of members of the Corporation and the Brighton Corporation and of such other local authority or of any of such companies bodies or persons for the purpose of carrying out the provisions of any such agreement.

The Corporation the Brighton Corporation and any other local authority company body or person working running over or using any trolley vehicles or overhead equipment under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such trolley vehicles or overhead equipment by or in the hands of the owners of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

Any difference or dispute as to the construction of or in any way arising out of any such contract or agreement shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

During the continuance of any agreement which may be entered into under the provisions of this section for the working or running over of any trolley vehicle system the trolley vehicle systems of the parties to such agreement shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed partly upon one and partly upon the other or others of such systems be deemed to be one undertaking.

44. The Corporation may with the consent of the Board of Trade and subject to the provisions of this Act by lease to be approved by the Board of Trade demise to any person persons corporation or company the right of user by such person persons corporation or company of the overhead equipment trolley vehicles and motor omnibuses and the generating station and car sheds depôts and other buildings used for the purposes thereof and of demanding and taking the fares rates and charges authorised by this Act.

Corporation
may lease
overhead
equipment
&c.

A.D. 1912.

Notice of the intention to make such lease shall be published by the Corporation by advertisement and a copy of such lease shall be deposited according to the regulations contained in Part I. of Schedule C. to the Tramways Act 1870 annexed and unless such notice is given and such copy deposited such lease shall not be approved by the Board of Trade.

Every such lease shall be made for a term or terms not exceeding in the whole twenty-one years.

On the determination of any lease made under this section the Corporation may from time to time with the consent of the Board of Trade by lease demise such rights for such further term or terms not exceeding in any case twenty-one years as the said Board may approve.

Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of trolley vehicles and of the overhead equipment leased or of any part thereof or of the motor omnibuses for the space of three calendar months such discontinuance not being occasioned by circumstances beyond the control of such lessees for which purpose the want of funds shall not be considered a circumstance beyond their control.

The person persons corporation or company to whom any such lease may be made are in this section referred to as "lessees."

Agreements
as to supply
of electrical
energy.

45. The Corporation on the one hand and the Brighton Corporation the Hove Company and any local authority company or person authorised by any Act or Order to supply electrical energy on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

- (1) The supply by or to the Corporation to or by the Brighton Corporation the Hove Company and any such local authority company or person or any of them (all of which are hereinafter in this section referred to as "the contracting parties") of electrical energy—

For working and lighting the trolley vehicles of the contracting parties whether such working

and lighting is or is not situate wholly or partly beyond the borough or district of the contracting parties : A.D. 1912.

- (2) The payments to be made or other considerations to be given in respect of any such supply of electrical energy,

For the purpose of such supply the contracting parties may lay pipes tubes and wires from any generating station sub-station or other works of the contracting parties from or to the overhead equipment or other apparatus works or conveniences in under over across or along any street or road (including the footpaths thereof) bridge footpath or public place in any borough district or parish in which the overhead equipment will be or is situate or in which any other apparatus works or conveniences as afore-said are situate or in which such contracting parties are authorised to supply electrical energy Provided always that the laying of any such pipes tubes and wires and the supply of electrical energy under this section shall be carried out only in accordance with and subject to the provisions of the Act or Order authorising any of the contracting parties to supply electrical energy.

PART IV.

LANDS AND GENERATING STATION.

46. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of this Act and generally for the purposes of the trolley vehicle and motor omnibus undertaking or in connection therewith all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for such purposes. Power to take lands.

47. The powers of the Corporation for the compulsory purchase of the lands shown upon the deposited plans shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

48. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are Persons under disability may grant easements &c.

A.D. 1912. applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to acquire additional lands by agreement.

49. In addition to the other lands which the Corporation are by this Act authorised to purchase and acquire they may hold purchase take on lease or acquire by agreement and may hold for all or any purpose of this Act any lands not exceeding in the whole ten acres.

Power to retain sell &c. lands.

50. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act or any other local Act (other than lands vested in the Corporation for the purposes of the Education Acts 1870 to 1910 or lands being open spaces or recreation grounds acquired by or vested in the Corporation) and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to erect &c. depôts &c.

51. The Corporation may on any lands taken purchased or acquired under the provisions of this Act erect or construct and maintain use or lease motor omnibus carriage and motor houses depôts yards wharves offices buildings sheds sidings works and other conveniences.

Power to erect generating station.

52. The Corporation may erect maintain and use on the lands described in the First Schedule to this Act a station or stations for producing and generating transforming storing and applying electrical energy with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and apply such power for the purpose of working and lighting the trolley vehicles and for any other purposes of the Corporation as in this Act authorised.

53. The Corporation shall not create or permit any nuisance on any lands acquired by them under the provisions of this Act and the Corporation shall not erect any generating stations except upon the lands described in the First Schedule to this Act.

A.D. 1912
As to
nuisance.

54. Notwithstanding anything contained in the Order of 1890 the Order of 1898 or the Deed of 1892 the Corporation may use the generating station authorised to be constructed under this Act and the electrical energy generated produced or transformed at such station for all or any purposes of the Order of 1898.

Power to use
generating
station for
purposes of
Order of
1898.

PART V.

FINANCE.

55.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods each of which is referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

Power to
borrow.

Purpose.	Amount.	Period for repayment.
(a) For the purchase of lands for generating station car sheds depôts and other buildings.	£ 4,000	Sixty years from the date or dates of borrowing.
(b) For the erection of a generating station.	15,000	Forty years from the date or dates of borrowing.
(c) For the erection of car sheds depôts and other buildings.	5,000	Twenty-five years from date or dates of borrowing.
(d) For the provision of overhead equipment and the construction of other works necessary for working and lighting trolley vehicles.	24,100	Twenty years from the date or dates of borrowing.
(e) For the provision of trolley vehicles.	24,000	Ten years from the date or dates of borrowing.
(f) For the provision of motor omnibuses and expenses in connection with the running thereof.	12,000	Five years from the date or dates of borrowing.
(g) For payment of costs charges and expenses of this Act as hereinafter provided.	The sum requisite.	Five years from the passing of this Act.

A.D. 1912.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of this Act. Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board of Trade.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (a) (b) (c) (d) (e) and (f) hereinbefore mentioned the revenue of the trolley vehicle and motor omnibus undertaking and the borough fund and borough rate:

As regards moneys borrowed for the purpose (g) hereinbefore mentioned the borough fund and borough rate and the district fund and general district rate:

As regards moneys borrowed with the consent of the Board of Trade the revenue of the trolley vehicle and motor omnibus undertaking and the borough fund and borough rate.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Section 234
of Public
Health Act
1875 not to
apply.

56. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application
of money
borrowed.

57. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Mode of
raising
money.

58. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or under and subject to the provisions of the Local Loans Act 1875 by the issue of debentures or annuity certificates or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to

sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. A.D. 1912.

59. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act other than mortgages granted under the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" (that is to say)—

Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

60. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Mode of payment off of money borrowed.

61.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the

A.D. 1912. — loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investment of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears

to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct. A.D. 1912.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

62. A person lending money to the Corporation under this Act shall not be bound to enquire as to the observance by the Corporation of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from necessity of inquiry.

63.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a Appointment of receiver.

A.D. 1912.

receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Corporation
not to regard
trusts.

64. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to
re-borrow.

65.—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1912.

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

66. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest all sinking funds in statutory securities.

67.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the

A.D. 1912. means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his

estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby. A.D. 1912.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

68.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

A.D. 1912.

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Returns
to Local
Government
Board as to
sinking
funds.

69.—(1) The town clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Board may require such a return to be made transmit to the Board a return in such a form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the

High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court. A.D. 1912.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

70. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just. Expenses of execution of Act.

71. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act. Audit of accounts.

72.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixing equated periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme

A.D. 1912. shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided always that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application
of trolley
vehicle
revenue.

73. The Corporation shall apply all moneys received by them on account of revenue in respect of their trolley vehicle and motor omnibus undertaking in manner and in order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking;

Secondly In payment of the interest on moneys borrowed for the purposes of the undertaking;

Thirdly In providing the requisite payments instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

Fourthly In improving (if the Corporation think fit) the undertaking;

Fifthly In providing a reserve fund for the undertaking by setting aside such money as the Corporation shall think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed shall amount to the maximum reserve fund for the time being prescribed by the Corporation which fund shall

be applicable as the Corporation think fit in meeting expenses caused by accidents and other contingencies or 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 or expenditure at any time arising against the Corporation in respect of the undertaking or to the cost of renewing any part of the undertaking and so that if the fund shall at any time be reduced it may thereafter be again restored to the limit hereinbefore prescribed and so from time to time as often as such reduction happens :

A.D. 1912.

And the Corporation shall carry to the borough fund any balance remaining in any year of the income of the undertaking (including interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

74. The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Corporation on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Corporation under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application
of moneys
arising from
sale of lands
&c.

PART VI.

MISCELLANEOUS.

75. The Corporation may upon payment of such compensation as shall be agreed take up and remove so much of the tramway authorised by the Brighton District Tramways Act 1882 (as varied or extended by the Hove Worthing and District

Removal of
existing
tramway in
parish of
Aldrington.

A.D. 1912: Tramways Act 1903 so far as the same applies) as is situate in the parish of Aldrington in the borough of Hove and such compensation shall be accepted by the owners of such tramway as the purchase money for such tramway and in full discharge of their interest therein and any claims they may have in respect thereof.

Orders of
Board of
Trade.

76. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant secretary of the Board.

Inquiries by
Local
Government
Board.

77. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

The Corporation shall pay to the Local Government Board any expenses incurred by such Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by such Board not exceeding three guineas a day for the services of such inspector.

Recovery of
penalties.

78. Any penalty under this Act or under any byelaws made in pursuance of this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of
demands.

79. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Consents of
local or road
authorities.

80. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration. Provided always that this section shall not apply in the case of any consent required

under the sections of this Act the marginal notes of which are A.D. 1912.
“Power to provide and run motor omnibuses” “Board of Trade
may authorise new routes” and “For protection of Portslade-by-
Sea Urban District Council.”

81. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto. Provisions as to arbitration.

82. With respect to notices and the delivery thereof by or to the Corporation the following provisions shall have effect (namely):— Form and delivery of notices.

(1) Every notice shall be in writing and if given by the Corporation or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

(2) Any notice to be delivered by or to the Corporation or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Corporation (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Corporation as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

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

84. 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 borough fund or out of the district fund or out of both of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1912. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

A piece of land containing about 4 acres 0 roods 3 poles being a portion of the field or enclosure numbered 9 on the $\frac{1}{2500}$ Ordnance map (Sussex East) Sheet LXV. 7 and Sheet LXV. 8 (2nd edition 1898) situate in the said parish of Aldrington bounded on the west by hereditaments known as "Rossferry" and the garage in rear thereof on the east by an enclosure and buildings on the south partly by Portland Road and partly by the road leading from the junction of Portland Road and Glebe Villas to Old Shoreham Road and on the north by the Portsmouth branch of the London Brighton and South Coast Railway Company.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Hove Corporation Act 1912 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Hove (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly on the _____ day of _____ and the

day of _____ in each A.D. 1912.
 year And it is hereby agreed that the said principal sum of _____
 pounds shall be repaid
 at the municipal offices in the said borough [(subject as hereinafter
 provided) on the _____ day of _____ one thousand
 nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the
 before-mentioned time for repayment may be extended to such subsequent
 day or days and upon any such extension the before-mentioned rate
 of interest may be altered to such other rate or rates of interest as
 shall from time to time be agreed upon and mentioned in an endorsement
 to be made hereon under the hand of the mayor and town clerk of
 the borough for the time being respectively and that upon any such
 endorsement being made whether relating to extension of time only
 or to extension of time with alteration of rate of interest the provisions
 thereof shall be incorporated herewith and shall operate and take
 effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate
 seal to be hereunto affixed this _____ day of _____
 one thousand nine hundred and _____ .

The Endorsement within referred to.

The within named _____ consenting
 the within mentioned time for repayment of the within mentioned
 principal sum of _____ is hereby extended
 to the _____ day of _____ one thousand nine
 hundred and _____ [and the interest to be paid thereon on and
 from the _____ day of _____ one thousand nine hundred
 and _____ is hereby declared to be at the rate of _____ per
 centum per annum].

Dated this _____ day of _____ one thousand
 nine hundred and _____ .

FORM OF TRANSFER OF MORTGAGE.

I [the within named] _____
 [of _____] in consideration of the
 sum of _____ pounds paid
 to me by _____ of _____
 (hereinafter referred to as "the transferee") do hereby transfer to the
 transferee [his] executors administrators and assigns [the within written
 security] [the mortgage number _____ of the revenues of the mayor
 aldermen and burgesses of the borough of Hove bearing date the
 _____ day of _____]

