



CHAPTER lxxiii.

An Act to make provision as to the abandonment of the light railways tramways and tramroads owned or worked by the Chatham and District Light Railways Company to authorise the Company to run omnibuses to change the name of the Company and for other purposes.

A.D. 1929.

[10th May 1929.]

WHEREAS the Chatham and District Light Railways Company (hereinafter referred to as "the Company") were incorporated by the Chatham and District Light Railways Order 1899 (hereinafter referred to as "the Order of 1899") and under the powers of that Order and of the Chatham and District Light Railways Company Act 1903 (hereinafter referred to as "the Act of 1903") have constructed and are working light railways tramroads and tramways in the boroughs of Chatham and Gillingham in the county of Kent which said light railways tramroads and tramways are situate in public roads except two portions of tramroad No. 1 authorised by the Act of 1903 and constructed through lands alongside of a public road and the said light railways tramroads and tramways together constitute a tramway system and are hereinafter referred to as "the Company's tramways":

And whereas further powers were conferred on the Company and further provisions with respect to their undertaking were enacted by the Chatham and District Light Railways Company Act 1921 and the Chatham

[Ch. lxxiii.] *Chatham and* [19 & 20 GEO. 5.]
District Traction Act, 1929.

A.D. 1929. — and District Light Railways Company Act 1924 (hereinafter respectively referred to as “the Act of 1921” and “the Act of 1924”):

And whereas the mayor aldermen and citizens of the city of Rochester (hereinafter referred to as “the Rochester Corporation”) are the owners of a system of tramways in that city (hereinafter referred to as “the Rochester tramways”) constructed under the powers of the Rochester Corporation Tramways and Improvements Act 1903 (hereinafter referred to as “the Rochester Act of 1903”):

And whereas in pursuance of an agreement dated the thirtieth day of May nineteen hundred and three and made between the Rochester Corporation and the Company (which agreement was scheduled to and confirmed by the Rochester Act of 1903) the Rochester tramways have been leased to the Company for a term of years expiring on the eleventh day of August nineteen hundred and forty-five by four leases dated respectively the thirteenth day of September nineteen hundred and five the eleventh day of August nineteen hundred and six the eighth day of July nineteen hundred and eight and the thirteenth day of January nineteen hundred and nine and are now being worked by the Company:

And whereas under the said four leases the Rochester Corporation are required to maintain the paving of the portions of the roads in which the Rochester tramways are laid and for the repair of which provision is made by section 28 of the Tramways Act 1870 but under three of those leases the Company are required to make large annual payments to the Rochester Corporation towards the costs of maintaining such paving and the Company are also under obligation to maintain and keep in repair the whole of the Rochester tramways and the sub-structure upon which they rest and the electrical equipment thereof:

And whereas it is expedient that provision be made for the abandonment of the Company’s tramways and the Rochester tramways in the events in this Act mentioned and for the annulment of the said four leases to the Company of the Rochester tramways and for the release of the Company from all obligations under those leases and for the removal of the overhead equipment

used for the working of the Company's tramways and the Rochester tramways: A.D. 1929.

And whereas it is expedient to authorise the Company to provide and run omnibuses along the routes of the Company's tramways and the Rochester tramways and elsewhere in part of the county of Kent as in this Act defined subject to the provisions of this Act and to make other provisions with respect to the omnibus services of the Company as in this Act contained:

And whereas by the Order of 1899 the Act of 1903 and the Act of 1921 the Company were empowered to raise the sum of £303,000 by the issue of ordinary and preference shares and stock and in pursuance of that power the Company have raised £223,600 share capital which was immediately before the passing of the Act of 1924 represented by 106,000 ordinary shares of £1 each and 117,600 preference shares of £1 each all of which shares were fully paid up:

And whereas by the Act of 1924 the Company were authorised to form and maintain out of their profits a special reserve fund which could be applied (inter alia) in the purchase and extinguishment of any of their then issued preference shares and in pursuance of that power the Company have purchased and extinguished 72,600 preference shares which they are not entitled to re-issue:

And whereas by the Order of 1899 and the Act of 1903 the Company were empowered to borrow on mortgage of the undertaking certain sums as in the said Order and Act stated but all money borrowed by the Company in exercise of that power has been paid off and they have no outstanding loan capital:

And whereas it is expedient to enable the Company to issue as redeemable capital any of the preference capital which they are authorised to create and issue as aforesaid but have not yet issued and to amend and re-define the borrowing powers of the Company:

And whereas it is expedient that further powers be conferred on the Company as by this Act provided and that the name of the Company be changed and that the other provisions of this Act be enacted:

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

A.D. 1929.

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:—

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Chatham and District Traction Act 1929.

(2) The Chatham and District Light Railways Order and Acts 1899 to 1924 and this Act may be cited together as the Chatham and District Traction Order and Acts 1899 to 1929.

Incorpora-
tion of parts
of general
Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and with respect to the provision to be made for affording access to the special Act by all parties interested and of Part IV (relating to change of name) of the Companies Clauses Act 1863 so far as applicable to the provisions of this Act and not varied by or inconsistent with the provisions of the existing Order and Acts and this Act are incorporated with and form part of this Act.

Inter-
pretation.

3. In this Act the following words and expressions shall unless the context otherwise requires have the respective meanings hereinafter mentioned viz. :—

“The Company” means the Chatham and District Light Railways Company;

“The Order of 1899” means the Chatham and District Light Railways Order 1899;

“The Act of 1903” “the Act of 1921” and “the Act of 1924” respectively mean the Chatham and District Light Railways Company Act of those respective years;

“The existing Order and Acts” means the Order of 1899 the Act of 1903 the Act of 1921 and the Act of 1924;

“The railway company” means the Southern Railway Company;

“The Chatham Corporation” means the mayor aldermen and burgesses of the borough of Chatham; A.D. 1929.

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

“The Rochester Corporation” means the mayor aldermen and citizens of the city of Rochester;

“The Rochester Act of 1903” means the Rochester Corporation Tramways and Improvements Act 1903;

“The Company’s tramways” means the light railways tramroads and tramways constructed by the Company under the Order of 1899 and the Act of 1903;

“The Rochester tramways” means the tramways constructed by the Rochester Corporation under the Rochester Act of 1903 and leased to the Company;

“The existing tramways” means the Company’s tramways and the Rochester tramways;

“The tramroad section” means the portions of tramroad No. 1 authorised by the Act of 1903 which are situate in lands in the borough of Gillingham adjoining the north side of Watling Street (namely):—

(i) The portion of that tramroad situate between Barnsole Lane and the western end of Rainham Mark; and

(ii) The portion of that tramroad situate between the eastern end of Rainham Mark and Berengrave Lane;

“The existing tramway routes” means the routes of the existing tramways Provided that as regards the tramroad section the expression “the existing tramway routes” shall in relation to services of omnibuses include the said portions of Watling Street between Barnsole Lane and the western end of Rainham Mark and between the eastern end of Rainham Mark and

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Berengrave Lane and shall not include the track of the tramroad section;

- “Equipment” means with reference to the existing tramways or any particular portion of the existing tramways the posts standards brackets cables wires works and apparatus forming part of or provided and used in connection with the existing tramways or particular portion thereof (as the context may require) but not the rails and paving setts thereof;
- “The Rochester leases” means the four leases dated respectively the thirteenth day of September nineteen hundred and five the eleventh day of August nineteen hundred and six the eighth day of July nineteen hundred and eight and the thirteenth day of January nineteen hundred and nine by which the Rochester tramways have been leased by the corporation to the Company;
- “The undertaking” means the undertaking of the Company under the existing Order and Acts as amended by this Act and under this Act;
- “Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;
- “The Minister” means the Minister of Transport;
- “Road authority” means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof;
- “Licensing authority” means an authority having jurisdiction to grant licences for an omnibus to ply for hire;
- “Authorised undertakers” has the meaning given to that expression by the Electricity (Supply) Act 1919;
- “Employees” means the officers servants and other employees of the Company.

CHANGE OF NAME AND OBJECTS.

A.D. 1929.

4. After the passing of this Act the name of the Company shall be the Chatham and District Traction Company. Change of name.

5.—(1) After the passing of this Act the Company shall be deemed to be incorporated for the purpose of providing road transport services and for other the purposes of the existing Order and Acts as amended by this Act and of this Act and of any other Act or Order from time to time relating to the Company. Objects of Company.

(2) So much of section 4 (Company incorporated) of the Order of 1899 as is inconsistent with subsection (1) of this section is hereby repealed.

ABANDONMENT OF TRAMWAYS.

6.—(1) The Company shall within six months from the passing of this Act make an application to the Minister for an order authorising the abandonment of the whole of the existing tramways and if on the application being made the Minister is satisfied— Minister may authorise abandonment of existing tramways.

(a) that it is just and expedient that an order should be made under the provisions of this section having regard to the financial results of working the existing tramways and to any other relevant circumstances; and

(b) that the requirements of public traffic on the routes of the existing tramways can be adequately met by services of omnibuses;

the Minister may by order authorise the abandonment of the whole of the existing tramways and prescribe a date (in this and the next two sections of this Act referred to as "the prescribed date") which shall not unless the Company otherwise agree be earlier than six months from the making of the order on which date such abandonment shall take effect.

(2) Before making an order under this section the Minister shall—

(a) require the Company to give public notice of the application for the order and as to the manner in which and the time within which representations may be made and to give a similar notice

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in writing to the road authority of every road or bridge on which the existing tramways are situate; and

(b) consider any representations which may be duly made.

As to
abandon-
ment of
Company's
tramways.

7.—(1) If any order be made by the Minister under the immediately preceding section of this Act then as from the prescribed date and notwithstanding anything in the existing Order and Acts or in any agreement existing at the passing of this Act and referring directly or indirectly to the Company or the undertaking the Company shall discontinue the working of the Company's tramways and all powers obligations and liabilities of the Company in relation to the Company's tramways and the rails and paving setts thereof and the equipment and the maintenance of the roads in which they are situate under or by virtue of any Act Order lease agreement or other instrument whatsoever shall (except as hereinafter expressly provided in this Act) cease and determine and the following provisions of this section shall have effect.

(2) Subject to the provisions of subsections (6) and (7) of this section and except as may be otherwise agreed between the Company and any local or road authority in pursuance of the section of this Act of which the marginal note is "Agreements with local and road authorities" the Company—

(i) shall within one year from the prescribed date or within such longer period as may be agreed between the Company and the road authority concerned take up and remove the Company's tramways and the rails paving setts and equipment thereof other than any underground cables wires works and apparatus; and

(ii) may within the said period of one year or such longer period as aforesaid take up and remove any underground cables wires works and apparatus forming part of the equipment.

(3) The Company shall with all convenient speed after any such taking up and removal fill in the ground and make good the surface of and where the rails paving setts or equipment so taken up and removed were situate in the carriageway or footpath of any public road restore

to the reasonable satisfaction of the road authority the portion of the carriageway or footpath disturbed by such taking up and removal to as good a condition as that in which it was before such rails paving setts and equipment were laid or placed therein and clear away all surplus paving metalling or other material or rubbish occasioned by such work and in the meantime cause the place where the carriageway or footpath is opened or broken up to be fenced and watched and properly lighted at night. A.D. 1929.

(4) If the Company fail to comply with their obligations under paragraph (i) of subsection (2) of this section within the period of one year from the prescribed date or such longer period as may be agreed with the road authority or fail to comply with their obligations under subsection (3) of this section within the period of one month after the expiration of the said one year or longer period as aforesaid or after compliance with the said paragraph (1) (whichever is the earlier) the road authority may at any time after such respective periods themselves do the works and things necessary for complying with such obligations and may recover from the Company the cost reasonably incurred by them in so doing.

(5) The Company may appropriate use sell or otherwise dispose of any rails paving setts and equipment taken up and removed by them under subsection (2) of this section.

(6) Notwithstanding anything in the foregoing provisions of this section the Company may—

- (a) With the approval of the road authority concerned leave in the road and sell to the road authority all or any part of the rails and paving setts of the Company's tramways; and
- (b) Enter into and carry into effect agreements with any authorised undertakers empowered to lay electric lines or cables in any road in which any part of the equipment may be laid or placed for the sale subject to the approval of the road authority (which approval shall not be unreasonably withheld) of any part of the equipment and on the execution of any such agreement the part of the equipment comprised therein shall vest in the authorised undertakers as part of their

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undertaking subject nevertheless to the provisions of any Act or Order which would have applied to such part of the equipment if it had been laid or placed in such road or footpath by the authorised undertakers.

(7) If within one month from the making of any order under the immediately preceding section of this Act any local authority shall give notice to the Company that they desire that any of the overhead equipment of any part of the Company's tramways in the area of that local authority shall not be removed by the Company then notwithstanding anything in paragraph (i) of subsection (2) or in subsection (3) of this section the Company shall sell and the local authority giving the notice shall purchase the overhead equipment to which the notice relates upon terms to be agreed between the Company and the local authority or failing agreement to be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Electrical Engineers and the provisions of the Arbitration Act 1889 shall apply to any reference to an arbitrator under this subsection.

(8) If any underground cables wires works and apparatus forming part of the equipment and situate in the borough of Chatham or the borough of Gillingham be neither taken up and removed by the Company within the period of one year from the prescribed date or such longer period as may be agreed between the Company and the Chatham Corporation or the Gillingham Corporation (as the case may require) nor sold to any authorised undertakers within such period of one year or longer period as aforesaid under paragraph (b) of subsection (6) of this section such underground cables wires works and apparatus shall at the expiration of the said period of one year or longer period as aforesaid become and be vested in the Chatham Corporation and the Gillingham Corporation respectively without payment.

(9) (i) If any underground cables wires works and apparatus forming part of the equipment be not taken up and removed by the Company under the provisions of this section then as from the prescribed date or (ii) if any rails and paving setts be left in any road by agreement with the road authority under paragraph (a) of subsection (6) of this section then as from the date of such

agreement or (iii) if any part of the equipment be purchased by any authorised undertakers under paragraph (b) of the said subsection (6) or by any local authority under subsection (7) of this section then as from the date of such purchase any and every obligation or liability imposed on the Company by the existing Order and Acts or this Act or any other Act Order lease agreement or instrument whatsoever with respect to the maintenance of or the taking up and removal of or otherwise relating to such equipment or rails and paving setts shall cease and the provisions of the existing Order and Acts and of any Acts incorporated therewith and of the Tramways Act 1870 shall cease to apply to such equipment or rails and paving setts (as the case may be).

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(10) If any difference shall arise under subsection (3) or subsection (4) of this section between the Company and any road authority or under subsection (6) (b) of this section as to whether any approval of any road authority has been unreasonably withheld the difference shall on the application of any party thereto be referred to and determined by the Minister whose decision shall be final.

8. If any order be made by the Minister under the section of this Act of which the marginal note is " Minister may authorise abandonment of existing tramways " then as from the prescribed date the following provisions shall (notwithstanding anything in the Rochester Act of 1903 or in the memorandum of agreement set out in the Second Schedule to that Act or in the Rochester leases or in any other Act Order lease agreement or other instrument relating to the Rochester tramways) have effect (that is to say) :—

As to
abandon-
ment of
Rochester
tramways.

- (a) The Rochester leases and the said memorandum of agreement shall so far as they relate to the Rochester tramways become and be cancelled and annulled for all purposes whatsoever;
- (b) All obligations of the Company existing at the prescribed date under the Rochester leases or the said memorandum of agreement or under any Act or Order or any other lease agreement or instrument relating in any way to the running of services of tramcars on the Rochester tramways or the payment of any rent for those tramways or the maintenance or any contribution to

A.D. 1929.

- the maintenance of those tramways or any of them and the rails paving setts and equipment thereof or of any part of any road in which those tramways rails paving setts and equipment are situate shall become and be wholly repealed and annulled;
- (c) All powers liabilities duties and obligations conferred or imposed on the Rochester Corporation by the Rochester Act of 1903 or by any other Act or Order to work or run any services of carriages on or otherwise relating to the Rochester tramways shall cease and determine and the Rochester Corporation may take up and remove those tramways and the rails paving setts and equipment thereof and may appropriate use sell or otherwise dispose of any such rails paving setts and equipment so taken up and removed;
- (d) In lieu of the rents payable by the Company under the Rochester leases the Company shall make to the Rochester Corporation an annual payment of two thousand five hundred pounds during the period of twelve years from the prescribed date such annual payment to be payable by quarterly instalments and the first quarterly instalment shall be made at the expiration of three months from the prescribed date;
- (e) In addition to the sum referred to in paragraph (d) of this section and as a contribution towards the cost of reinstating the roads in which the Rochester tramways are laid the Company in each year after the prescribed date in which the amount of the net profits of the Company for that year after providing a reasonable sum for depreciation exceeds a sum equivalent to six per centum on the issued share capital of the Company (in this paragraph referred to as "the prescribed sum") shall pay to the Rochester Corporation the amount of such excess or the sum of three hundred and seventy-five pounds whichever shall be the less Provided that—
- (i) When calculating the amount of the net profits in any year for the purposes of this paragraph the total amounts (if any) by

which the net profits in previous years since the prescribed date have been less than the prescribed sum shall be deducted from and the total amounts (if any) by which the net profits in previous years since the prescribed date have exceeded the prescribed sum after deducting any amounts previously paid to the Rochester Corporation under the provisions of this paragraph shall be added to the net profits of that year; A.D. 1929.

(ii) Any question as to what is a reasonable sum for depreciation or as to what are the net profits of the Company in any year shall be determined by an arbitrator to be appointed on the application of either the Company or the Rochester Corporation by the Minister;

(iii) At the expiration of ten years from the prescribed date or the date on which the total of the payments made by the Company to the Rochester Corporation under the provisions of this paragraph amounts to the sum of three thousand seven hundred and fifty pounds whichever shall first occur the provisions of this paragraph shall cease to have effect;

(f) The Company shall within six months after the passing of this Act produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act stamped with the ad valorem stamp duty which would be payable upon an instrument (as defined by the Stamp Act 1891) made by and under the respective seals of the Company and the Rochester Corporation on the day of the passing of this Act containing the provisions which are set out in this section and in default of such production the amount of such duty with interest thereon at the rate of five per centum per annum from the time hereinbefore fixed for production until payment shall be a debt due from the Company to His Majesty.

9.—(1) The Company on the one hand and any local or road authority on the other hand may enter into and carry into effect agreements for and with respect to the

Agreements
with local
and road
authorities.

A.D. 1929. removal or non-removal of any of the Company's tramways and the rails paving setts and equipment thereof and the reinstatement of the carriageway or footpath in which any such tramway rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of the section of this Act of which the marginal note is "As to abandonment of Company's tramways."

(2) The Rochester Corporation on the one hand and the Company on the other hand may enter into and carry into effect agreements for and with respect to the removal or non-removal of any of the Rochester tramways and the rails paving setts and equipment thereof and the reinstatement of the carriageway or footpath in which any such tramway rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of the section of this Act of which the marginal note is "As to abandonment of Rochester tramways."

As to
tramroad
section.

10.—(1) Notwithstanding anything in this Act the provisions of the section of this Act of which the marginal note is "As to abandonment of Company's tramways" (except the provisions of subsection (1) of that section) and the provisions of the section of this Act of which the marginal note is "Agreements with local and road authorities" shall not apply to the tramroad section or to the Company with reference thereto.

(2) If any order be made by the Minister under the section of this Act of which the marginal note is "Minister may authorise abandonment of existing tramways" the Company may (as and when they think fit) do all or any of the following things (namely):—

- (i) take up and remove the tramroad section and all rails works apparatus and equipment belonging to them and situate on the lands forming the site of the tramroad section;
- (ii) appropriate and use for any purposes of the undertaking or sell and dispose of any works apparatus and equipment so taken up and removed; and
- (iii) subject to the provisions of subsection (3) of this section sell lease or otherwise dispose of the said lands free from the provisions of the

Lands Clauses Acts relating to superfluous lands and with or without the said rails works apparatus and equipment to such person for such price or rent and on and subject to such terms and conditions or otherwise as they may think fit: A.D. 1929.

Provided that nothing in this subsection shall affect or authorise anything to the prejudice of any covenant restriction or trust relating to the said lands or any part thereof.

(3) The Company shall if so required by the Gillingham Corporation at any time within six months after the making by the Minister of such an order as is referred to in subsection (2) of this section sell to the Gillingham Corporation the lands forming the site of the tramroad section at such price and on such terms as shall in default of agreement between the Company and the Gillingham Corporation be determined under and in accordance with the provisions of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919.

11. The Company may at any time sell lease or otherwise dispose of to such person for such price or other consideration or at such rent and for such period and otherwise on and subject to such terms and conditions as they may think fit the generating station provided by them under the Act of 1903 and the site thereof and all or any of the buildings plant works apparatus and conveniences forming part thereof or connected therewith. Power to sell &c. generating station.

PROVISIONS AS TO OMNIBUSES.

12.—(1) Subject to the provisions of this Act the Company may provide maintain work and run omnibuses along the existing tramway routes and with the consent of the Minister and of the local and road authority along any other route in such part of the county of Kent as is within the distance of twelve miles from the town hall Chatham: Power to run omnibuses.

Provided that the consent of a local or road authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister:

Provided also that nothing in this section shall authorise the Company to run omnibuses within the

A.D. 1929. London traffic area as defined in the First Schedule to the London Traffic Act 1924 except within the borough of Gravesend and the urban district of Northfleet.

(2) In the case of any application under the provisions of this section for the consent of the Minister the Company shall give notice in writing of their proposals to the local authority of every city borough or district in which the service of omnibuses is to be run and to the road authority and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person the Minister may direct an inquiry to be held.

(3) The Town Police Clauses Acts 1847 and 1889 so far as they apply to omnibuses shall (subject to the provisions of this Act) apply to any omnibus provided by the Company under this Act.

Obligatory
omnibus
services.

13.—(1) On the date on which services of tramcars shall be discontinued in pursuance of any order of the Minister made under the section of this Act of which the marginal note is “Minister may authorise abandonment of existing tramways” the Company shall commence to run and shall thereafter (subject to the provisions of subsection (3) of this section) continue to run on the existing tramway routes services of omnibuses which are adequate and satisfactory within the meaning given to that expression by the section of this Act of which the marginal note is “Meaning of adequate and satisfactory services.”

(2) The licensing authorities for the areas in which the existing tramway routes are situate shall (subject to any rights possessed by them to approve or disapprove the fitness of vehicles for which a licence to ply for hire is desired) grant to the Company such number of licences for omnibuses to ply for hire as the Company may from time to time reasonably require for the purpose of complying with their obligations under this section. If any dispute shall arise between the Company and any licensing authority as to what number of licences are reasonably required by the Company for the said purpose the dispute shall be referred to the Minister whose decision shall be final.

(3) If the Company shall at any time satisfy the Minister that the whole of the services then being run by the Company in pursuance of the foregoing provisions of this section does not yield a reasonable profit (after paying all proper expenses of and in connection with the working of those services and all other costs charges and expenses properly chargeable to revenue in connection with those services and making proper allowance for depreciation) the Minister may authorise such variation of those services or any of them or the discontinuance of such one or more of those services as he may think fit in order that the whole of the services to be run by the Company under this section shall yield a reasonable profit and if the Company satisfy the Minister that no adequate and satisfactory services of omnibuses can be run in accordance with the provisions of this section so as to yield a reasonable profit the Minister may declare that the Company's obligations and liabilities under this section shall cease and determine.

A.D. 1929.
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(4) If the Company fail to run such adequate and satisfactory services of omnibuses as they are for the time being required to run under this section they shall forfeit and pay to the local authority for the city or borough where the failure occurs (who may sue for and recover the same) a sum not exceeding five pounds for every day on which the failure occurs. Provided that where the failure occurs in more than one city or borough the Company shall not be liable for more than one penalty for any one day on which any such failure occurs.

14.—(1) If and so long as the Company provide a service of tramcars or omnibuses or services of tramcars and omnibuses along a route which is part of the existing tramway routes (in this section referred to as "specified route") and such service or services are adequate and satisfactory within the meaning given to that expression by the next succeeding section of this Act it shall not be lawful except as hereinafter in this section provided or in pursuance of a working agreement to which the Company are a party for any other company (except the railway company in pursuance of their statutory powers) or for any local authority body or person to run omnibuses or other passenger road transport services along such specified route or along any other route in competition with such service or services of the Company.

Restriction
on com-
petition.

A.D. 1929.

(2) (a) The licensing authority of any area in which any specified route or part thereof is situate shall on receiving any application (otherwise than from the Company or from the railway company acting under their statutory powers) for a licence for an omnibus to ply for hire on any road in that area forthwith give notice in writing to the Company of the application and the Company shall be entitled to submit to the licensing authority either in writing or in person any objections to or representations on the grant of the licence which they may think fit.

(b) The licensing authority when considering such an application as aforesaid shall have regard to the provisions of subsection (1) of this section and shall also consider any objections or representations submitted by the Company with reference to the application and if they decide to grant the licence they shall attach thereto such conditions as to the routes along which the omnibus to which the licence relates shall or shall not ply for hire and such other conditions as may be necessary or desirable to protect the services (whether of tramcars or omnibuses) for the time being provided by the Company on the specified route. Provided that the right of the applicant for the licence of appeal to the Minister from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister in making any order under that section shall have regard to the provisions of this section.

(3) (a) The licensing authority shall on making their decision with respect to any application for such a licence as is referred to in subsection (2) of this section forthwith give notice in writing to the Company of their decision.

(b) If the Company object to the decision of the licensing authority or to any conditions attached or to the non-attachment of any conditions to the licence the Company shall have a right of appeal to the Minister within a period of fourteen days after receiving notice of the decision of the licensing authority and if the Company so appeal to the Minister with respect to any such licence as aforesaid the licence shall not come into force until the matter has been determined by the Minister under subsection (4) of this section.

(4) Any appeal by the Company to the Minister under the foregoing provisions of this section and any question at any time arising as to whether or not the Company are providing an adequate and satisfactory service of tramcars or of omnibuses or adequate and satisfactory services of tramcars and omnibuses as mentioned in subsection (1) of this section shall be determined by the Minister on the application of the Company and the Minister shall have power to make such order thereon as he thinks fit. Any order made by the Minister under this section shall be final and binding and not subject to appeal to any court and shall on the application of the Minister or of the Company or of the licensing authority be enforceable by writ of mandamus. A.D. 1929.

(5) If any failure by the Company to provide such adequate and satisfactory service or services as is mentioned in subsection (1) of this section is due to the refusal by any licensing authority to grant any licences for which the Company have applied for omnibuses to ply for hire or to any strike or unforeseen accident or other circumstances beyond the control of the Company (for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) such failure shall not render the Company liable to any penalty under subsection (4) of the immediately preceding section of this Act nor entitle any other company or any local authority body or person to run omnibuses or other passenger road transport services along the route where such failure has occurred or along any other route in competition therewith or deprive the Company of any benefit or protection conferred on them by the foregoing provisions of this section.

(6) Nothing in this section shall be deemed—

(a) to restrict the running of any omnibus by any such company authority body or person along any specified route or any other route in competition therewith if (i) such omnibus serves a district or districts beyond the city and boroughs in which the specified routes are situate and (ii) no passenger conveyed by such omnibus is both taken up and set down on any one journey on any specified route or any route in competition therewith; or

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- (b) to prevent the grant or renewal by a licensing authority of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any specified route or any route in competition therewith; or
- (c) to prevent the renewal (in the name of the licensee or his personal representative) by a licensing authority of any licence to ply for hire with an omnibus along a specified route or a particular part of a specified route or a route in competition with a specified route if the licence was on the first day of November nineteen hundred and twenty-eight in force and applicable to and used for a service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on the same route or part of a route as aforesaid or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee or his personal representative for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along such route or part of a route as aforesaid. Provided that no omnibus proprietor (other than the Company) shall be entitled to operate along any specified route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were worked along that route by that omnibus proprietor during the corresponding period of the year preceding the said first day of November nineteen hundred and twenty-eight and have been regularly in operation along that route during the same period of each year.

Meaning of
adequate
and
satisfactory
services.

15. In the foregoing provisions of this Act the expression "adequate and satisfactory service" whether in relation to omnibuses or tramcars shall mean such service (including a service for artisans mechanics and

[19 & 20 GEO. 5.] *Chatham and* [Ch. lxxiii.]
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daily labourers) as may from time to time be agreed between the Company and the local authority concerned or in case of difference settled on the application of the Company or the local authority by the Minister. A.D. 1929.

16. The Company may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of their omnibuses or may use and adapt any of their existing car-sheds and buildings for the said purposes or any of them but the Company shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds. Power to provide garages &c.

17. The Company may for the purpose of exercising the powers conferred on them by this Act provide purchase and hire omnibuses and other road vehicles and any apparatus and things which may be necessary for or incidental to the working of such omnibuses and road vehicles. Power to provide vehicles and equipment.

18.—(1) Any omnibus provided by the Company under this Act and moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General. Provisions as to Company's omnibuses.

(2) The Company shall perform in respect of the omnibuses so provided such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(3) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses so provided as if they were carriages used on tramways.

(4) The Company may make byelaws for regulating the travelling in or upon the omnibuses so provided and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Company in connection therewith.

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Fares and
charges for
passengers.

19.—(1) The Company may demand and take for every passenger conveyed on the omnibuses provided by them under this Act including every expense incidental to such conveyance a fare or charge not exceeding one penny half-penny per mile and in computing the said fare or charge any fraction of a mile shall be deemed a mile. Provided that the Company may appoint stages each of not less than half a mile in length and may demand and take for every passenger travelling on the omnibuses including every expense incidental to the conveyance of such passenger any fares or charges not exceeding one penny half-penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed to be a stage.

(2) As regards services of omnibuses provided by the Company under this Act for artisans mechanics and daily labourers subsection (1) of this section shall apply as if the words "one penny" were substituted for the words "one penny half-penny" in both places where the latter words occur.

Passengers'
luggage.

20. Every passenger conveyed on the omnibuses provided by the Company under this Act may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

Parcels &c.

21.—(1) The Company may if they think fit convey on the omnibuses provided by them under this Act parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers.

(2) The Company may demand and take for the conveyance of any dog a sum not exceeding the fare payable by the passenger and for parcels (other than passengers' luggage referred to in the immediately preceding section of this Act) carried in the omnibuses charges not exceeding such maximum charges as may from time to time be approved by the Minister.

Periodical
revision of
fares and
charges.

22. If at any time after two years from the opening for public traffic of any omnibus route provided by the Company under this Act or after two years from the date of any order made in pursuance of this section in respect of any such omnibus route it is represented in

writing to the Minister by the local authority of the city borough or district in which that omnibus route is wholly or partly situate or by twenty inhabitant rate-payers of that city borough or district or by the Company that all or any of the fares or other charges demanded and taken in respect of the traffic on the omnibus route should be revised the Minister may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of that omnibus route and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister made in pursuance of this section.

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23. A list of the fares and charges by this Act authorised to be demanded and taken in respect of traffic on the omnibuses provided by the Company under this Act shall be exhibited in a conspicuous place inside each of those omnibuses and those fares and charges shall be paid to such persons and in such manner as the Company may by notice annexed to such list appoint.

List of fares &c. to be exhibited.

24. It shall not be lawful for the Company in respect of any omnibus route to take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary weekdays.

As to fares on Sundays or holidays.

25.—(1) The Company on the one hand and any local authority empowered to run omnibuses in any city borough or district in which the Company are for the time being empowered to run omnibuses on the other hand may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts and Orders under which such omnibus services are authorised.

Working and other agreements.

(2) The Company and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services which the Company are empowered to provide.

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(3) Any agreement under subsection (1) or (2) of this section may provide for all or any of the following purposes (that is to say) :—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services ;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants ;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties ;
- (d) The payment collection and apportionment of the fares and charges and other receipts and the division of the profits arising from any such omnibus service as aforesaid.

(4) The Company may subscribe for purchase hold and dispose of shares stock or securities in any company with whom the Company may have entered into any agreement under the provisions of this section or in any company manufacturing or dealing in any omnibuses vans and other road vehicles or appliances and articles used in or in connection with the manufacture provision or running of road vehicles and may lend money on mortgage bond or other security to any such company or to any firm or person manufacturing or dealing in such vehicles appliances or articles Provided that the amount subscribed and lent by the Company under this subsection shall not at any time exceed one-half of the issued capital of the Company for the time being.

Through
omnibuses.

26. The Company may run through omnibuses along any of their omnibus routes or any specified portion of any such route and those omnibuses shall be distinguished from other omnibuses in such manner as

may be directed by the Company and they may demand and take for every passenger carried by those omnibuses a fare or charge not exceeding the maximum fare or charge for the time being authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibuses Provided that during the running of such through omnibuses the Company shall maintain a reasonably sufficient ordinary service of omnibuses. A.D. 1929.

27.—(1) Notwithstanding anything in this Act to the contrary the Company on any route along which they are for the time being empowered to run omnibuses may on any occasion run and reserve omnibuses for any special purpose which the Company may consider necessary or desirable Provided that such special omnibuses shall be distinguished from other omnibuses in such manner as the Company may direct and that during the running of such special omnibuses the Company shall maintain a reasonably sufficient ordinary service of omnibuses. Power to reserve omnibuses for special purposes.

(2) The Company may make byelaws and regulations for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance they are reserved.

(3) The restrictions contained in this Act as to fares or charges shall not extend to any omnibus run for special purposes and in respect thereof the Company may demand and take such fares or charges as they shall think fit.

28.—(1) The Company at all times after commencing to run services of omnibuses for public traffic on the routes mentioned in subsection (3) of this section shall and they are hereby required to run each way along those routes during the times referred to in subsection (2) of this section such number of omnibuses as may be reasonably necessary for the conveyance of the service personnel of and artisans mechanics and daily labourers in the employ of the Admiralty the War Department and the Air Ministry if travelling on duty or to or from their work. Special omnibus facilities for members of His Majesty's forces &c.

(2) The omnibuses to be run by the Company under subsection (1) of this section shall be run on every weekday (but not on Sundays Bank or other public holidays

A.D. 1929. — except when men work at His Majesty's dockyard or when reasonable notice in writing shall have been given to the Company by the Admiralty the War Department or the Air Ministry) at such times as the Company may think most convenient within each of the following periods of the day (that is to say) :—

- (i) The period in the morning before 8 a.m.;
- (ii) The period between 12 noon and 2 p.m.;
- (iii) The period of two hours in the afternoon (except on Saturdays) commencing not earlier than 4 p.m. on Mondays Tuesdays Wednesdays and Thursdays and not earlier than 3.30 p.m. on Fridays.

(3) The routes referred to in subsection (1) of this section are—

- (i) Between His Majesty's dockyard at Chatham and Luton Arch Chatham;
- (ii) Between the said dockyard and Star Hill Rochester;
- (iii) Between the said dockyard and Gillingham Green.

(4) The fares to be charged by the Company for a person conveyed by an omnibus run by the Company under the foregoing provisions of this section and entitled to be conveyed therein shall not exceed the fare of one penny per mile or part of a mile or the fare for the time being charged by the Company in respect of services of omnibuses provided by them for artisans mechanics and daily labourers under this Act whichever fare shall be the less.

(5) The Company in addition to running omnibuses in accordance with the foregoing provisions of this section shall on receiving reasonable notice in writing from the Admiralty the War Department or the Air Ministry provide omnibuses for the conveyance of members of His Majesty's forces when travelling on duty at a charge for each omnibus so provided not exceeding one penny per mile or part of a mile for each person conveyed on the omnibus with a minimum charge for each omnibus so provided of one shilling per mile for the whole route travelled by the omnibus from the Company's nearest depôt and back to that depôt.

29. The stations and places from which the omnibuses run by the Company on any of their omnibus routes shall start or at which they may be required to stop for the purpose of taking up or setting down passengers shall be such suitable places as may be agreed between the Company and the local authority concerned or failing agreement determined by the Minister on the application of either party.

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—
Stopping
and starting
places.

30.—(1) The Company may attach to any pole standard or other similar erection erected on or in the highway on or near to any of their omnibus routes signs or directions indicating the position of stopping places for their omnibuses. Provided that if the Company are not the owners of such pole standard or similar erection they shall give to the owner notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such pole standard or similar erection by such attachment and the Company shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

Attachment
of signs
indicating
stopping
places.

(2) Nothing in this section shall be deemed to require the said owner to retain any such pole standard or similar erection when no longer required for his purposes.

(3) The Company shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Company shall not attach any such sign or direction to any lamp-post standard or other similar erection belonging to any local authority county council gas company or railway company without the consent in writing of the authority council or company.

31. The Company may erect and maintain shelters or waiting-rooms for the accommodation of passengers on any of their omnibus routes and may with the consent of the local and road authority use for that purpose portions of the public streets or roads.

Shelters
and waiting-
rooms.

32. The Company may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in

Cloak-rooms
&c.

A.D. 1929. — connection with their omnibus services and at suitable places on any of their omnibus routes and the Company may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of a highway without the consent of the road authority.

Lost property.

33. Any property found in any omnibus of the Company or in any shelter or waiting-room in connection with their omnibus services shall forthwith be handed to the conductor of the vehicle or be taken to the head office of the Company and if not claimed within six months after the finding thereof the property 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.

Byelaws and regulations.

34. All byelaws and regulations made by the Company under the provisions of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

PROTECTIVE PROVISIONS.

For protection of Admiralty.

35.—(1) Where the Company's tramways or any portion of them are in front of any property or upon or over any lands belonging to the Admiralty or under or over any bridge belonging to or as to which any liability for maintenance rests with the Admiralty the following provisions shall apply :—

- (a) The Company shall not less than one week before commencing the removal of any such tramways in pursuance of the provisions of this Act give to the Admiralty notice in writing of their intention so to do and in carrying out such removal shall at their own expense comply with the reasonable directions of the Admiralty;
- (b) All work shall be constructed to the reasonable satisfaction of the Admiralty;
- (c) If any damage shall be caused to the Admiralty property directly or indirectly by the removal of such tramways it shall be made good by and at the expense of the Company to the reasonable satisfaction of the Admiralty.

(2) The Company shall not permit any of their omnibuses to stop or stand opposite or near to the main entrances of any Admiralty establishment in such manner as to interfere with or interrupt the approach and departure of vehicles and persons to and from such main entrances. A.D. 1929.

36. Nothing in this Act shall alter or in anywise affect the provisions of the indenture of conveyance dated the twenty-first day of December nineteen hundred and eight between His Majesty's Principal Secretary of State for the War Department and the Company. For protection of War Department.

37. For the protection of the wardens and assistants of Rochester Bridge in the county of Kent (hereinafter called "the bridge authority") the following provisions shall apply except in so far as may be otherwise agreed between the bridge authority and the Rochester Corporation (that is to say):— For protection of wardens &c. of Rochester Bridge.

(1) If any order be made by the Minister under the section of this Act of which the marginal note is "Minister may authorise abandonment of existing tramways" authorising the abandonment of the Rochester tramways which includes any part of the tramway laid upon the new bridge at Rochester and the approaches thereto (hereinafter referred to as "the bridge") the Rochester Corporation shall within one year from the prescribed date as defined in such section take up and remove the rails paving setts and equipment so far as the same are laid or placed in on over or under the bridge or any part thereof:

(2) The Rochester Corporation shall with all convenient speed after any such taking up and removal restore the expansion plates to the reasonable satisfaction of the bridge authority and to the like satisfaction restore any other part of the bridge which may have been disturbed or injured by removal of the said rails paving setts or equipment and restore so much of the surface of the road on the bridge as was formerly occupied by tramways to as good a condition as the rest of the roadway and clear away all surplus paving metalling or other

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material or rubbish occasioned by such work and in the meantime cause the place where the carriageway or footpath is opened or broken up to be fenced and watched and properly lighted at night :

- (3) If the Rochester Corporation fail to comply with their obligations under subsection (1) of this section within the period of one year from the prescribed date or fail to comply with their obligations under subsection (2) of this section within a period of one month after the expiration of the said one year or after compliance with the said subsection (1) (whichever is the earlier) the bridge authority may at any time after such respective periods themselves do the works and things necessary for complying with such obligations and may recover from the Rochester Corporation the cost reasonably incurred by them in so doing :
- (4) All works of removal and restoration of the bridge and the carriageway and footpaths thereof shall be executed under the superintendence of the surveyor or engineer of the bridge authority if he thinks fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Rochester Corporation are hereby required to give and the Rochester Corporation shall pay on demand all reasonable expenses not exceeding twenty-five guineas incurred by the bridge authority in connection with such superintendence :
- (5) Any question which may arise between the bridge authority and the Rochester Corporation under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed (failing agreement) by the Minister and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protection of
Maidstone
Corporation.

38. Notwithstanding anything in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Maidstone (hereinafter referred to as "the Maidstone Corporation")

shall unless otherwise agreed in writing between the Company and the Maidstone Corporation have effect :— A.D. 1929.
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(1) In this section—

“The borough” means the borough of Maidstone as existing on the first day of March nineteen hundred and twenty-nine;

“The existing corporation services” means the road transport services of the Maidstone Corporation as existing on the said date;

“The Loose route” means the route of the Maidstone Corporation’s light railway between the borough and Loose as existing on the said date :

(2) No passenger shall within the borough or within the distance of half a mile from the boundary of the borough be on any one journey both picked up in and set down from an omnibus of the Company on the route of any of the existing corporation services or on any route in competition with an existing corporation service :

(3) No passenger shall on any one journey be both picked up in and set down from an omnibus of the Company at points situate on the Loose route or within the distance of half a mile from the terminus thereof :

(4) Nothing in this section shall apply to a passenger who on any one journey is neither picked up nor set down on the route of any of the existing corporation services or on any route in competition with any such service :

(5) Any dispute between the Company and the Maidstone Corporation as to whether any route (not being the route of an existing corporation service) would be in competition with an existing corporation service shall on the application of either party be determined by the Minister whose decision shall be final.

39. For the protection of the railway company the following provisions shall apply and have effect (that is to say) :— For protec-
tion of rail-
way com-
pany.

(1) (a) On the taking up or removal by the Company under the section of this Act of which the

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marginal note is "As to abandonment of Company's tramways" of any rails paving setts or equipment situate on or attached to any bridge or bridge approaches belonging to or maintainable by the railway company the Company shall to the reasonable satisfaction of the railway company restore the surface of any road on such bridge and make good all damage to any such bridge;

(b) The company shall give to the railway company not less than seven days' previous notice in writing of their intention to carry out any such work as is referred to in paragraph (a) of this subsection and shall state in such notice the place and time at which they propose to commence those works and the railway company may where reasonably necessary employ watchmen or inspectors to watch any of the works and operations of the Company and the reasonable cost thereof together with any expense to which the railway company may reasonably be put in consequence of such works and operations shall be borne by the Company :

- (2) (a) On the taking up or removal by the Rochester Corporation under the section of this Act of which the marginal note is "As to abandonment of Rochester tramways" of any equipment attached to any bridge or bridge approaches belonging to or maintainable by the railway company the Rochester Corporation shall to the reasonable satisfaction of the railway company restore and make good all damage to any such bridge;

(b) The Rochester Corporation shall give to the railway company not less than seven days' previous notice in writing of their intention to remove the attachments referred to in paragraph (a) of this subsection and shall state in such notice the place and time at which they propose to commence the works :

- (3) Any difference which may arise between the Company or the Rochester Corporation and the railway company under the foregoing provisions of this section shall be referred to and deter-

mined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to the reference :

- (4) The Company shall not exercise the powers of the sections of this Act of which the marginal notes respectively are "Shelters and waiting-rooms" and "Cloak-rooms &c." on any bridge or road belonging to or maintainable by the railway company nor shall any starting or stopping place be appointed under the section of this Act of which the marginal note is "Stopping and starting places" on any bridge or road belonging to or maintainable by the railway company or so as to obstruct the convenient access to or exit from any station depôt or other property of the railway company :
- (5) Nothing in this Act shall impose any obligation upon or enlarge any obligation of the railway company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

40. For the protection of the Rochester Chatham and Gillingham Gas Company and of the Chatham and District Water Company (each of which companies is in this section referred to as "the supply company") the following provisions shall unless otherwise agreed in writing between the supply company and the Company have effect notwithstanding any other provision of this Act (that is to say) :—

For protection of Rochester Chatham and Gillingham Gas Company and Chatham and District Water Company.

- (1) The provisions of the existing Order and Acts and of the Tramways Act 1870 which at the passing of this Act enure for the protection of the supply company in relation to the existing tramways shall continue in force and enure for the protection of the supply company until the date when the taking up and removal of the Company's tramways or any part thereof or the rails and paving setts thereof shall be commenced :
- (2) If any injury shall be caused to any main pipe valve syphon or other work or apparatus (all of which are in this section referred to as "appara-

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tus") of the supply company during and by reason of the taking up or removal of any of the Company's tramways or any part thereof or of the rails paving setts or equipment thereof or the execution by the Company of any works for or in connection with such taking up or removal or for or in connection with the restoration of the portion of the carriageway or footpath disturbed by such taking up or removal the Company shall bear and on demand repay to the supply company the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the supply company against all claims demands costs charges and expenses arising out of such injury :

- (3) If any injury shall be caused to any apparatus of the supply company during and by reason of the taking up or removal under the provisions of this Act of any of the Rochester tramways or any part thereof or of the rails paving setts or equipment thereof or the execution of any works for or in connection with such taking up or removal or for or in connection with the restoration of the portion of the carriageway or footpath disturbed by such taking up or removal the Rochester Corporation shall bear and on demand repay to the supply company the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the supply company against all claims demands costs charges and expenses arising out of such injury :
- (4) If any structure erected by the Company under the powers of either of the sections of this Act of which the marginal notes are respectively "Shelters and waiting-rooms" and "Cloak-rooms &c." is situate over any apparatus of the supply company laid or placed before the erection of such structure and the supply company at any time after such erection give to the Company notice in writing of their desire to obtain access to such apparatus the Company shall either remove temporarily such structure

or so much thereof as shall require to be so removed in order to afford such access or (if the Company determine not to remove such structure or part thereof) bear any additional expense due to the existence of such structure which may reasonably be incurred by the supply company in obtaining such access: A.D. 1929.

- (5) If any difference shall arise between the supply company and the Company under this section it shall be referred to and settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

FINANCIAL PROVISIONS.

41. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of the undertaking (being purposes to which capital is properly applicable) any moneys which they have raised or may hereafter raise under any Act or Order and which may not be required for the purposes to which by the respective Act or Order such moneys are made applicable. Power to apply existing funds.

42.—(1) The Company may create and issue all or any preference shares and preference stock which they are by the existing Order and Acts authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at an extraordinary meeting convened for the purpose. Issue of redeemable preference capital.

(2) If it is so provided in the resolution the Company may—

- (i) call in and pay off such preference shares or stock or any part thereof at any time before the date fixed for redemption; or
(ii) redeem such shares and stock or any part thereof either by paying off the shares and stock or by issuing to any holder thereof (subject to his consent) other shares or stock (whether ordinary or preference) in substitution therefor.

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(3) For the purpose of providing money for paying off such shares or stock or providing other shares or stock in substitution therefor the Company may create and issue new shares or stock (redeemable or irredeemable) or re-issue shares or stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new shares or stock and the redemption of the old shares and stock.

(4) The Company may also apply to the payment off and redemption of any redeemable preference shares and stock created and issued under this section any of the moneys referred to in subsection (2) of section 2 (Provisions for repayment of preference capital) of the Act of 1924 but save as aforesaid they shall not redeem out of revenue any redeemable shares and stock so created and issued as aforesaid except to the extent of any discount allowed on the issue or any premium payable on the redemption of any such shares and stock.

Provisions
for repay-
ment of
preference
capital.

43. Section 2 (Provisions for repayment of preference capital) of the Act of 1924 shall extend and apply to all preference shares and preference stock which may be created and issued by the Company after the passing of this Act under the powers of the existing Order and Acts as if the expression "the preference shares" in that section included any such preference shares and preference stock as aforesaid.

Power to
borrow.

44.—(1) The Company may at any time after the passing of this Act and without obtaining the certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking in respect of the ordinary and preference shares issued prior to the passing of this Act any sum or sums not exceeding in the whole the sum of fifty thousand pounds.

(2) The Company may also in respect of the unissued share capital of seventy-nine thousand four hundred pounds which they are by the existing Order and Acts

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authorised to raise borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third of the amount of such capital which at the time of borrowing has been raised but no part of any such sum or sums shall be borrowed until shares for so much of the portion of capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for so much as aforesaid of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said portion of capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

(3) The powers of borrowing conferred by this section shall be in substitution for and not in addition to any powers conferred by the existing Order and Acts of borrowing in respect of the share capital of the Company.

45.—(1) Section 84 (For appointment of a receiver) of the Act of 1903 is hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

Appoint-
ment of a
receiver.

(2) The mortgagees of the Company may enforce payment of arrears of interest or principal or principal

A.D. 1929. — and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Provisions
as to
mortgages.

46.—(1) Every mortgage of the undertaking shall be deemed to comprise all purchase moneys which may be paid to the Company in the event of a compulsory purchase of the undertaking under the provisions of any Act obtained by the Chatham Corporation the Gillingham Corporation and the Rochester Corporation or any one or two of them in pursuance of the section of this Act of which the marginal note is “As to purchase of Company’s undertaking” and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

(2) Every mortgage deed granted by the Company after the passing of this Act shall be endorsed with a notice that such mortgage will not remain a charge on the undertaking or any part thereof if the undertaking is purchased compulsorily under any Act obtained by the Chatham Corporation the Gillingham Corporation and the Rochester Corporation or any one or two of them as aforesaid.

Priority of
mortgages
over other
debts.

47. All money borrowed on mortgage by the Company under the powers of this Act shall rank *pari passu* as regards both principal and interest and shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company or injuriously affected by the construction of the Company’s tramways or by the exercise of any of the powers conferred upon the Company.

Application
of sections
of Order of
1899 and
Act of 1903.

48. The following sections of the Order of 1899 and of the Act of 1903 shall so far as applicable and not varied by or inconsistent with the provisions of this Act extend and apply to the provisions and for the purposes

of this Act as if those sections were with any necessary modifications re-enacted herein (that is to say):— A.D. 1929.

Order of 1899—

Section 86 (Interest on calls not to be paid out of capital);

Section 87 (Deposits not to be paid for out of capital).

Act of 1903—

Section 80 (Receipts on behalf of incapacitated persons);

Section 85 (Company not to create debenture stock).

ADMINISTRATIVE PROVISIONS.

49. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively.

Register of shareholders and shareholders' address book.

In this section "shareholders" includes "stockholders."

50.—(1) The directors may close the registers of transfers of ordinary and preference shares and stock for a period not exceeding fourteen days previous to the payment of any dividend and may close the register of transfers of mortgages for a period not exceeding fourteen days previous to each date at which interest thereon shall be payable and may fix a date for closing any such register of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper published in London.

Closing of transfer books.

(2) Any transfer of shares stock or mortgages made during the time when the registers of transfers of that class of security is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the payment of such dividend or interest as aforesaid.

A.D. 1929.
—
Indemnity
may be
required
before issue
of substi-
tuted certifi-
cates &c.

51. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage or a new certificate of any ordinary or preference shares or stock or a new warrant in respect of interest or dividend in lieu of any debenture mortgage certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture or mortgage certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture mortgage certificate or warrant or the capital money dividend or interest represented thereby.

Managing
director.

52.—(1) The directors may appoint any member of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or any of such powers.

Power to
make super-
annuation
and other
allowances.

53.—(1) The directors may grant such gratuities pensions or superannuation allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and they may

establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made. A.D. 1929.
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(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the funds and revenues of the Company.

54. The directors may subscribe or make donations to infirmaries and hospitals and convalescent homes and other similar institutions and objects or to industrial exhibitions or to the benevolent accident or sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company. Power to directors to make donations subscriptions &c.

55. Notwithstanding anything in any Act or Order relating to the Company any contract or agreement required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors. As to contracts.

MISCELLANEOUS.

56.—(1) If in the session of the year nineteen hundred and fifty-nine or any subsequent seventh year the Chatham Corporation the Gillingham Corporation and the Rochester Corporation together or any one or two of those corporations with the consent of the others or other of them shall promote in Parliament a Bill for an Act to authorise the said three corporations or any two or one of them to purchase the whole of the undertaking of the Company on the terms of paying the fair market value of the undertaking as a going concern (exclusive of any allowance for compulsory purchase) the Company shall not oppose the Bill except so far as may be necessary to secure the insertion therein of such clauses for the protection of their interests as are compatible with the provisions of this section. As to purchase of Company's undertaking.

(2) Section 43 of the Tramways Act 1870 shall cease to apply to the Company or the undertaking and section 91 (Future purchase of undertaking by local

A.D. 1929. authorities) of the Order of 1899 and section 70 (As to purchase of undertaking) of the Act of 1903 are hereby repealed.

Accounts to be sent to Minister.

57. The Company shall in every year within three months after the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the undertaking.

Inquiries by Minister of Transport.

58. In respect of the exercise of any powers or duties conferred or imposed on the Minister or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Recovery of penalties &c.

59. Save as otherwise by the existing Order and Acts or this Act expressly provided all offences against the existing Order and Acts or this Act or any incorporated enactment and all penalties forfeitures costs and expenses imposed or recoverable under the existing Order and Acts or this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Repeal.

60. Without prejudice to the generality of any repeal effected by the foregoing provisions of this Act the sections hereinafter mentioned of the existing Order and Acts are hereby repealed to the extent herein mentioned—

Order of 1899.	Extent of repeal.
Section 32 (Repair of part of road where railway is laid)	From the words "If the Company abandon" to the words "lighted at night" and the words "or restoration."

[19 & 20 GEO. 5.] *Chatham and* [Ch. lxxiii.]
District Traction Act, 1929.

	Order of 1899.	Extent of repeal.	A.D. 1929.
Section 82	(Mortgages to comprise purchase money paid on compulsory sale)	The whole section.	—
Section 84	(Indorsement on notice of future purchase by local authority)	The whole section.	
Section 98	(Returns and accounts)	The whole section.	
Section 106	(Penalties) - - -	Subsection (2).	
	Act of 1903.		
Section 86	(Mortgage to comprise purchase money paid on compulsory sale)	The whole section.	
Section 87	(Indorsement of notice of power of future purchase by local authority)	The whole section.	
	Act of 1921.		
Section 16	(Closing of transfer books)	The whole section.	

61. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company. Costs of Act.

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