

# Hastings Tramways Act, 1957

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## CHAPTER xxxvi

An Act to transfer the undertaking of the Hastings Tramways Company to the Maidstone and District Motor Services Limited to authorise the discontinuance of the services of trolley vehicles authorised by the Hastings Tramways and Trolley Vehicles Acts 1900 to 1930 and for other purposes. [31st July 1957.]

**WHEREAS—**

The Hastings Tramways Company (hereinafter referred to as “the Hastings Company”) was incorporated by the Hastings Tramways Act 1900 and under powers conferred upon it by the Hastings Tramways Acts 1900 to 1921 operated a system of tramways and light railways in the county borough of Hastings and the borough of Bexhill:

And whereas by the Hastings Tramways Company (Trolley Vehicles) Act 1927 the Hastings Company was authorised to provide and run trolley vehicles on the routes of its tramways and light railways and on other routes defined in that Act and was required when it had provided apparatus and equipment for the working of trolley vehicles on the routes of its tramways and light railways to abandon and discontinue the tramways and light railways and to take up and remove the rails thereof and to reinstate the roadways:

And whereas by the Hastings Tramways Company (Trolley Vehicles) Act 1930 the Hastings Company was authorised to run trolley vehicles on certain other routes defined in that Act:

And whereas the issued share capital of the Hastings Company consists of thirty-six thousand shares of ten pounds

each and all these shares are held by or on behalf of the Maidstone and District Motor Services Limited (hereinafter referred to as "the Maidstone Company"):

And whereas the requirements for passenger road transport within the county borough of Hastings and the borough of Bexhill would be met more efficiently and economically by services of public service vehicles co-ordinated with the other services of the Maidstone Company:

And whereas it is expedient that the Hastings Company's undertaking should be transferred to and vested in the Maidstone Company together with all outstanding debts and liabilities:

And whereas it is expedient that the Maidstone Company should be authorised to discontinue the services of trolley vehicles as in this Act provided:

And whereas it is expedient to make such other provision as in this Act contained:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the Hastings Tramways Act 1957.

Interpretation.

2. In this Act unless the context otherwise requires—

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

"the Act of 1921" means the Hastings Tramways Act 1921;

"Bexhill Corporation" means the mayor aldermen and burgesses of the borough of Bexhill;

"the day of discontinuance" means the day following the day upon which the Maidstone Company discontinue the running of trolley vehicles along a route or part of a route in pursuance of section 10 (Discontinuance of trolley vehicles) of this Act;

"the day of final discontinuance" means the day following the day upon which the Maidstone Company discontinue the running of trolley vehicles along every route or along every route along which such running has not already been discontinued as the case may be;

"the date of dissolution" means the thirtieth day of September nineteen hundred and fifty-seven;



- “ the existing Acts ” means the Hastings Tramways and Trolley Vehicles Acts 1900 to 1930 which are set out in the schedule to this Act;
- “ the Hastings Company ” means the Hastings Tramways Company;
- “ Hastings Corporation ” means the mayor aldermen and burgesses of the county borough of Hastings;
- “ the local authority ” means the Hastings Corporation and the Bexhill Corporation or either of them as the context admits;
- “ the Maidstone Company ” means the Maidstone and District Motor Services Limited;
- “ the Minister ” means the Minister of Transport and Civil Aviation;
- “ public service vehicle ” has the meaning given to that expression by section 39 of the Road Traffic Act 1956;
- “ redundant apparatus ” means in relation to a route or part of a route along which the running of trolley vehicles has been discontinued under the provisions of section 10 (Discontinuance of trolley vehicles) of this Act any apparatus provided in connection with that route or part of the route (not being apparatus required in connection with any other route or part of a route upon which a service of trolley vehicles is still being operated);
- “ route ” means any route upon which the Hastings Company are by the existing Acts authorised to work and run trolley vehicles and includes all turning points provided in connection with any such route;
- “ standard ” means a post pole or standard being redundant apparatus together with any street lighting equipment including any bracket attached thereto used for street lighting or for the support of any telegraph;
- “ telegraph ” and “ telegraphic line ” have the meanings given to those expressions by the Telegraph Act 1869 and the Telegraph Act 1878 respectively;
- “ the traffic commissioners ” means the traffic commissioners appointed pursuant to Part IV of the Road Traffic Act 1930;
- “ trolley vehicle ” has the meaning given to that expression by section 54 of the Road Traffic Act 1956;
- “ the undertaking ” means the whole of the undertaking of the Hastings Company including all real and personal property choses in action rights powers easements and privileges belonging to or enjoyed by the Hastings Company at the date of dissolution.

Dissolution of Hastings Company and vesting of property in Maidstone Company.

3.—(1) On the date of dissolution the Hastings Company shall be by virtue of this Act dissolved and the undertaking as then existing shall be transferred to and shall vest in the Maidstone Company by virtue of this Act without payment therefor.

(2) On and after the date of dissolution the existing Acts shall be read and have effect as if references in those Acts to the Hastings Company were references to the Maidstone Company.

Pending actions not to abate.

4. Any action arbitration or proceeding or any cause of action arbitration or proceeding pending or existing on the date of dissolution by or against or in favour of the Hastings Company shall not abate or be discontinued or be in any wise prejudicially affected by the vesting of the undertaking in the Maidstone Company but may be continued prosecuted and enforced by against or in favour of the Maidstone Company as and when it might have been continued prosecuted and enforced by against or in favour of the Hastings Company if this Act had not been passed but not further or otherwise.

Contracts to be binding.

5. Subject to the provisions of this Act all agreements conveyances contracts deeds leases and other instruments in force at the date of dissolution shall as from that date be as binding and of as full force and effect in every respect and may be enforced as fully and effectually as if instead of the Hastings Company the Maidstone Company had been a party thereto or bound thereby or entitled to the benefit thereof or referred to therein.

Recovery of sums due to Hastings Company.

6. All sums which at the date of dissolution are due or payable or accruing due or payable to the Hastings Company shall continue to be due and payable and may be collected and recovered by the Maidstone Company in the same manner and with and by the same benefits and processes as those with and by which the Hastings Company might have collected and recovered the same and shall belong to the Maidstone Company for their own benefit.

Transfer of liabilities.

7. The Maidstone Company shall on the date of dissolution become liable to pay or discharge and observe or perform all debts liabilities and obligations of the Hastings Company outstanding on the date of dissolution at the like times in the like manner and subject to the like conditions on or subject to which the Hastings Company was immediately before the date of dissolution liable to pay discharge observe or perform such debts liabilities or obligations.

As to employment of officers and servants of Hastings Company.

8. The Maidstone Company shall take over and employ as from the date of dissolution such of the officers and servants of the Hastings Company as on that date shall be willing to enter the service of the Maidstone Company on terms and conditions not less favourable than those on which they were employed by the Hastings Company immediately before the date of dissolution.



9. All books records and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Hastings Company shall after the date of dissolution be admitted in evidence in respect of the same or the like matter for or against the Maidstone Company.

Books etc. to remain evidence.

10.—(1) On and after the date of dissolution the Maidstone Company may discontinue the running of trolley vehicles along a route or along any part of a route and upon such discontinuance all the powers liabilities duties and obligations of the Maidstone Company with reference to the running of trolley vehicles along that route or part of a route shall cease and determine.

Discontinuance of trolley vehicles.

(2) Notwithstanding the provisions of subsection (1) of this section the Maidstone Company shall not discontinue the running of trolley vehicles along a route or along any part of a route unless and until they shall have satisfied the traffic commissioners that on and after the day of discontinuance the needs of the public for passenger road transport in substitution for the services discontinued will be provided on that route or part of a route or on an alternative route by services of public service vehicles by the Maidstone Company.

(3) (a) Subject to the provisions of subsection (2) of this section if the Maidstone Company exercise the powers of subsection (1) of this section in respect of a route or any part of a route they shall within a period of twelve months from the first exercise of the powers or such longer period as may be agreed by the local authorities discontinue the running of trolley vehicles along every route.

(b) The period within which the Maidstone Company are required under paragraph (a) of this subsection to discontinue the running of trolley vehicles shall be extended by any period during which they are prevented from so doing by any strike or by any circumstances beyond their control.

11.—(1) In this section “the front line route” means the route of Tramway No. 1 authorised by the Hastings Tramways (Extensions) Act 1903.

Removal of apparatus.

(2) Subject to the provisions of this section and of section 12 (For protection of the Postmaster-General) of this Act and notwithstanding anything contained in any of the existing Acts the Maidstone Company shall within a period not exceeding two years after the discontinuance of the running of trolley vehicles along a route or part of a route in pursuance of section 10 (Discontinuance of trolley vehicles) of this Act remove any redundant apparatus (except any cable or junction box laid or placed underground which the local authority have agreed shall

be left in situ) and any such redundant apparatus removed by the Maidstone Company under this subsection may be sold or otherwise disposed of as the Maidstone Company may think fit:

Provided that—

- (i) not less than six months before removing any standard on the front line route which carries street lighting equipment the Maidstone Company shall give notice in writing to the local authority of their intention so to do;
- (ii) in any case where any standard wire or feeder pillar which the Maidstone Company are under obligation to remove will in consequence of a road improvement or of the construction of a new road become an obstruction to traffic it shall be removed by the Maidstone Company if so requested by the local authority on or before the commencement of the road improvement or the construction of the new road; and
- (iii) except by agreement with the local authority no standard or other redundant apparatus the removal of which necessitates breaking up the surface of a road shall be removed during the period between the fifteenth day of June and the fifteenth day of September in any year.

(3) Any cable or junction box which in pursuance of subsection (2) of this section the local authority agree shall be left in situ shall from the date of the agreement become the property of the local authority who may leave it in situ or take up remove and sell or otherwise dispose of the same or any part thereof as they may think fit.

(4) (a) Notwithstanding anything in subsection (2) of this section or in the said section 12—

- (i) the Maidstone Company and the local authority in whose district any standard is situate may enter into and carry into effect agreements for the acquisition by the local authority of the standard in situ;
- (ii) the local authority may within a period not exceeding nine months after the passing of this Act give notice in writing to the Maidstone Company in relation to a standard which is not the subject of an agreement under sub-paragraph (i) of this paragraph that they desire to acquire the standard specified in the notice;
- (iii) the local authority may at any time before any standard is removed by the Maidstone Company remove from the standard any street lighting equipment attached thereto.



(b) Any standard which is the subject of an agreement under sub-paragraph (i) of paragraph (a) of this subsection or in respect of which the local authority give notice under sub-paragraph (ii) of the said paragraph shall not be removed by the Maidstone Company and as from the day of discontinuance shall become the property of the local authority and shall be deemed to have been placed or erected by the local authority in the exercise of their functions.

(c) Where the local authority acquire any standard under paragraph (a) of this subsection the Maidstone Company shall at their own expense within a period not exceeding two years after the day of discontinuance remove any trolley vehicle equipment attached to the standard but shall not remove any such equipment if it is required in connection with street lighting or for the support of any telegraph.

(5) Subject to any agreement between the Maidstone Company and the local authority where the Maidstone Company remove any redundant apparatus from that part of the trunk road (A.259) within the borough of Bexhill or from any other road in pursuance of this section the Minister in the case of the said trunk road and the local authority in the case of any other road shall at his or their own expense light and guard the excavation and reinstate and make good up to his or their normal standard the road from which the apparatus has been removed:

Provided that the Maidstone Company shall—

- (a) in respect of the said trunk road pay to the Minister the cost of lighting and guarding the excavation and of reinstating and making good the said trunk road; and
- (b) in respect of any other road pay to the local authority the cost of lighting and guarding the excavation and of reinstating and making good the road where the Maidstone Company remove any standard other than a standard which forms part of the apparatus on the front line route and at the passing of this Act carries street lighting equipment.

(6) The provisions of this section may be varied by agreement between the Maidstone Company and the local authorities.

(7) Any dispute which may arise under this section between the Maidstone Company and the Minister or the local authority other than a dispute as to the construction of this section shall be referred to and determined by an arbitrator to be appointed in default of agreement on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.



For protection  
of the  
Postmaster-  
General.

12.—(1) In this section references to section 10 (Use of tramway posts by Postmaster-General) of the Act of 1921 shall be read as references to that section as extended and applied by section 20 (Application to trolley vehicles of certain provisions of Acts of 1905 1920 and 1921) of the Hastings Tramways Company (Trolley Vehicles) Act 1927 and section 5 (Application of Act of 1927 to new trolley vehicle routes and turning points) of the Hastings Tramways Company (Trolley Vehicles) Act 1930.

(2) (a) Notwithstanding anything in section 11 (Removal of apparatus) of this Act the Maidstone Company shall not less than three months before removing any standard to which a telegraph has been affixed by the Postmaster-General under the said section 10 give to the Postmaster-General notice in writing of their intention so to do.

(b) The local authority shall not less than three months before removing any standard to which a telegraph has been affixed by the Postmaster-General under the said section 10 and which has been acquired by the local authority in pursuance of the said section 11 give to the Postmaster-General notice in writing of their intention so to do.

(3) At any time within the period of twenty-eight days after receiving any such notice as is referred to in subsection (2) of this section the Postmaster-General may give a counter-notice in writing to the Maidstone Company or to the local authority as the case may be that he wishes to acquire the standard in situ.

(4) The Postmaster-General when sending to the Maidstone Company any such counter-notice as is referred to in subsection (3) of this section shall send a copy thereof to the local authority.

(5) A standard mentioned in a counter-notice given under subsection (3) of this section shall not be removed by the Maidstone Company or by the local authority as the case may be and shall at the expiration of the period of twenty-eight days mentioned in that subsection vest in and become the property of the Postmaster-General and shall be deemed to be a telegraphic line duly placed by the Postmaster-General with all requisite consents pursuant to the Telegraph Act 1863.

(6) The Postmaster-General shall pay to the Maidstone Company or to the local authority as the case may be in respect of every standard which vests in him in pursuance of this section such sum (being equivalent to the market value of the standard) as may be agreed between the Postmaster-General and the Maidstone Company or the local authority as the case may be or failing agreement determined by an arbitrator to be appointed in default of agreement in manner prescribed by subsection (7) of the said section 11.

(7) Notwithstanding the repeal of the existing Acts—

(a) the Postmaster-General shall be entitled to continue to use for the support of any telegraph any standard which immediately before the passing of this Act he was using under and by virtue of the said section 10 until such time as the same shall be removed in accordance with the provisions of this Act by the Maidstone Company or (if and when the same shall have been acquired by a local authority under the said section 11) by the local authority; and

(b) so long as the Postmaster-General is entitled under and by virtue of this subsection to use any standard for the support of any telegraph the Postmaster-General shall with respect to such standard have the like rights and be subject to the like obligations in relation to the Maidstone Company or as the case may be the local authority which shall have acquired the standard as the rights he had and the obligations to which he was subject in relation to the Hastings Company immediately before the passing of this Act under the said section 10 (other than paragraphs (D) (I) and (J) of subsection (1) of that section).

**13.** On the day of final discontinuance the existing Acts and Repeals. sections 77 to 82 of the Hastings Corporation (General Powers) Act 1937 shall be wholly repealed.

**14.** Notwithstanding the repeal by this Act of the Bexhill and St. Leonards Light Railway Order 1900 the Maidstone Company shall continue to be subject to the obligations (if any) in relation to the maintenance of Sheepwash Bridge in the county borough of Hastings and of Sea Road Bridge in the borough of Bexhill to which the Hastings Company were subject immediately before the date of dissolution. Maintenance of certain bridges.

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



## SCHEDULE

Bexhill and St. Leonards Light Railway Order 1900.  
 Hastings Tramways Act 1900.  
 Hastings Tramways (Extension of Time) Act 1902.  
 Hastings Tramways (Extensions) Act 1903.  
 Hastings Tramways Act 1905.  
 Hastings Tramways Act 1920.  
 Hastings Tramways Act 1921.  
 Hastings Tramways Company (Trolley Vehicles) Act 1927.  
 Hastings Tramways Company (Trolley Vehicles) Act 1930.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Telegraph Act 1863... ..	26 & 27 Vict. c. 112.
Telegraph Act 1869... ..	32 & 33 Vict. c. 73.
Telegraph Act 1878... ..	41 & 42 Vict. c. 76.
Hastings Tramways Act 1900	63 & 64 Vict. c. cxl.
Hastings Tramways (Extension of Time) Act 1902 ... ..	2 Edw. 7 c. clix.
Hastings Tramways (Extensions) Act 1903	3 Edw. 7 c. xcvi.
Hastings Tramways Act 1905 . . . . .	5 Edw. 7 c. xcix.
Hastings Tramways Act 1920 . . . . .	10 & 11 Geo. 5 c. lxxxiv.
Hastings Tramways Act 1921 . . . . .	11 & 12 Geo. 5 c. lxxxv.
Hastings Tramways Company (Trolley Vehicles) Act 1927 . . . . .	17 & 18 Geo. 5 c. lxxix.
Hastings Tramways Company (Trolley Vehicles) Act 1930 . . . . .	20 & 21 Geo. 5 c. cxxvi.
Road Traffic Act 1930 . . . . .	20 & 21 Geo. 5 c. 43.
Hastings Corporation (General Powers) Act 1937 . . . . .	1 Edw. 8 & 1 Geo. 6 c. lxxviii.
Road Traffic Act 1956 . . . . .	4 & 5 Eliz. 2 c. 67.

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