



CHAPTER xxxv

An Act to confirm a Provisional Order made by the Minister of Transport under the North Ormesby South Bank Normanby and Grangetown Railless Traction Act, 1912, relating to Teesside Railless Traction Board trolley vehicles. [27th July, 1961]

WHEREAS under the authority of section thirty-one of the North Ormesby South Bank Normanby and Grange-town Railless Traction Act, 1912 (as applied to the Teesside Railless Traction Board by section eighty-nine of the Middlesbrough Corporation Act, 1919) the Minister of Transport has made the Provisional Order which, as amended, is set out in the schedule to this Act:

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

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

Be it therefore 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:—

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

2. This Act may be cited as the Teesside Railless Traction Board (Additional Route) Order Confirmation Act, 1961.

SCHEDULE

TEESSIDE RAILLESS TRACTION BOARD (ADDITIONAL ROUTE)

Provisional Order authorising the Teesside Railless Traction Board to use trolley vehicles upon an additional route in the urban district of Eston in the North Riding of the County of York.

Short and
collective
titles.

1. This Order may be cited as the Teesside Railless Traction Board (Additional Route) Order, 1961, and the Teesside Railless Traction Board Acts and Order, 1912 to 1949, and this Order may be cited together as the Teesside Railless Traction Board Acts and Orders, 1912 to 1961.

Interpretation.

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

“the Board” means the Teesside Railless Traction Board constituted by the Middlesbrough Corporation Act, 1919;

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

“the district” means the urban district of Eston in the North Riding of the County of York;

“the Council” means the Council of the district;

“trolley vehicle” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1912;

“the trolley vehicle undertaking” means the trolley vehicle undertaking of the Board for the time being authorised;

“the Act of 1912” means the North Ormesby, South Bank Normanby and Grangetown Railless Traction Act, 1912;

“the Act of 1919” and “the Act of 1933” mean respectively the Middlesbrough Corporation Act, 1919, and the Middlesbrough Corporation Act, 1933;

“the existing Acts” means the unrepealed provisions of the Act of 1912 and so much of the Act of 1919 and of the Act of 1933 respectively as relate to the trolley vehicle undertaking;

“the Minister” means the Minister of Transport;

“the Commission” means the British Transport Commission;

“the railway” means the Normanby branch railway of the Commission;

“the level crossing” means the level crossing known as Skippers Lane crossing where the additional trolley vehicle route authorised by this Order crosses the railway;

“the engineer” means an engineer to be appointed by the Commission;

“ trolley vehicle equipment ” has the meaning assigned to that expression by the Act of 1912.

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

Power to use trolley vehicles.

A route (2 furlongs 0·3 chains or thereabouts in length) commencing in Old Middlesbrough Road at its junction with Middlesbrough Road on the south-western side of the bridge over the railway and passing along Old Middlesbrough Road to and terminating at its junction with Middlesbrough Road on the north-eastern side of the said bridge.

4. Subject to the provisions of the existing Acts and of this Order the undertaking authorised by this Order shall for all purposes be deemed to form part of the trolley vehicle undertaking.

New route to form part of trolley vehicle undertaking.

5. For the protection of the Commission the following provisions shall unless otherwise agreed in writing between the Board and the Commission apply and have effect:—

For protection of British Transport Commission.

(1) Notwithstanding anything in this Order the Board shall not use any trolley vehicles across the railway on the level until the level crossing has been widened and reconstructed by the Commission to enable the same to be used temporarily by trolley vehicles and such other traffic as will be diverted thereover during and in consequence of the repairing of the bridge carrying Middlesbrough Road over the railway:

Provided that—

(a) the extent of such widening and reconstruction shall be agreed between the engineer and a consulting engineer to be appointed by the Board and shall be subject to the approval in writing of the Minister who as a condition of such approval may require the provision of incidental works and apparatus for the protection and safety of road and rail traffic at the level crossing; and

(b) the Commission shall commence the work of widening and reconstruction as soon as reasonably practicable after receiving notice in writing from the Board requiring them so to do and shall complete the same with all reasonable dispatch;

(2) The Board shall repay to the Commission on demand the whole cost as certified by the engineer of widening and reconstructing the level crossing as aforesaid including the cost of any incidental works and apparatus that may in the opinion of the Minister be required for the protection and safety of road or rail traffic at the level crossing;

- (3) In widening the level crossing for the temporary purposes aforesaid the Commission shall not be deemed to have dedicated for use as a public highway any land belonging to them which is not so dedicated at the date of this Order and nothing in this Order shall be construed as imposing upon the Commission any obligations with respect to the level crossing to which the Commission are not subject at the date of this Order ;
- (4) All trolley vehicle equipment which may be erected or placed by the Board under the powers of this Order upon across under or over the railway or any lands of the Commission shall be so erected and placed only in accordance with proper and sufficient plans and specifications previously submitted by the Board to the engineer for his approval and approved by him or in case of difference settled by arbitration :
- Provided that—
- (a) if within twenty-one days after such plans and specifications shall have been so submitted to the engineer he shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same ; and
- (b) no such trolley vehicle equipment shall be erected or placed until the same shall have been approved by the Minister ;
- (5) All such trolley vehicle equipment shall be erected or placed under the superintendence (if given) and to the reasonable satisfaction of the engineer (to whom the Board shall give not less than twenty-one days' notice in writing of their intention to carry out the work) and shall at all times while so erected or placed be maintained by the Board to the like satisfaction ;
- (6) The Board shall within one month after the powers of this Order have ceased to be exercisable with all reasonable dispatch remove any trolley vehicle equipment erected or placed by them as aforesaid and restore and make good any land or property of the Commission disturbed or interfered with by the erection placing or removal of such trolley vehicle equipment under the supervision (if given) and to the reasonable satisfaction of the engineer (to whom the Board shall give not less than twenty-one days' notice in writing of their intention to remove such trolley vehicle equipment) ;
- (7) The Board shall not in the erection maintenance or removal of any trolley vehicle equipment obstruct or interfere with the free uninterrupted or safe user of the railway or the traffic thereon ;
- (8) In addition to the sums payable by the Board to the Commission under paragraph (2) of this section the Board

shall repay to the Commission on demand all costs charges and expenses certified by the engineer to have been incurred by the Commission—

(i) in making any temporary alterations or additions to their railway and works or apparatus that may be required in consequence of the widening and reconstruction of the level crossing or the erection or placing of any trolley vehicle equipment (including any works necessary to avoid danger from the breaking or falling of wires);

(ii) in carrying out any readjustment or restoration of their railway and works or apparatus after the temporary use of the level crossing by trolley vehicles has ceased;

(iii) in respect of the employment of persons for inspecting watching lighting or signalling the railway and for preventing as far as may be any interference danger or accident to the railway or the traffic thereon arising from the widening and reconstruction of the level crossing or the erection placing or removal of any trolley vehicle equipment; or

(iv) in respect of the employment of any persons which in the opinion of the Commission it may be necessary to employ to operate the gates at the level crossing or to watch or superintend the level crossing at any time during which the powers of this Order are exercisable;

- (9) The Board shall also pay to the Commission the amount by which the capitalised annual cost of maintaining renewing and attending the level crossing when widened and reconstructed exceeds the capitalised annual cost of maintaining renewing and attending the level crossing as it exists at the date of this Order;
- (10) The Board shall be responsible for and make good to the Commission all costs charges damage and expenses not otherwise provided for in this section and which may be occasioned to the Commission or to the railway or the traffic thereon by reason of the widening and reconstruction of the level crossing or of any such trolley vehicle equipment as aforesaid or the construction maintenance renewal operation or removal thereof and the Board shall hold harmless and indemnify the Commission from and against all claims or demands arising out of or in connection with the widening and reconstruction of the level crossing or such trolley vehicle equipment or the construction maintenance renewal operation or removal thereof unless such costs charges damage or expenses shall be occasioned or such claims and demands shall arise by reason of the neglect or default of the Commission their servants or agents;
- (11) Any difference arising between the Board and the Commission under this section (other than a difference as to

the construction of this section or as to any matter which in accordance with any statutory provision (including any provision of this Order) or otherwise falls to be determined by the Minister) shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers.

Saving for town and country planning.

6. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Cesser of powers.

7. The powers of this Order shall cease to be exercisable at the expiration of six months from the day on which the repairing of the bridge carrying Middlesbrough Road over the railway is completed and the said bridge is reopened to traffic.

Costs of Order.

8. All costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and confirming this Order as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid in the first instance by the Board and the same shall be repaid to the Board as to one equal third part thereof by the Corporation and as to two equal third parts thereof by the Council.

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Table of Statutes referred to in this Act

Short title	Session and chapter
North Ormesby South Bank Normanby and Grangetown Railless Traction Act, 1912 ...	2 & 3 Geo. 5. c. lv.
Middlesbrough Corporation Act, 1919 ...	9 & 10 Geo. 5. c. lviii.
Middlesbrough Corporation Act, 1933 ...	23 & 24 Geo. 5. c. lxxxiii.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.

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ARRANGEMENT OF SECTIONS

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SCHEDULE

TEESSIDE RAILLESS TRACTION BOARD (ADDITIONAL ROUTE)

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