



CHAPTER lxx.

An Act to make provisions with reference to the undertakings of the Potteries Electric Traction Company Limited and the North Staffordshire Tramways Company Limited to confer powers upon those companies and for other purposes.

A.D. 1923.

[31st July 1923.]

WHEREAS under or by virtue of the provisions contained in the Acts Provisional Orders and Light Railway Orders referred to in the schedule to this Act and of other Acts and Orders (all of which Acts and Orders are hereinafter together referred to as "the existing Acts and Orders") or some of those Acts and Orders the Potteries Electric Traction Company Limited (hereinafter referred to as "the Potteries Company") and the North Staffordshire Tramways Company Limited (hereinafter together referred to as "the Companies") are respectively the owners of certain tramways and light railways in the county of Stafford which are interconnected and under arrangements between the Companies are worked by the Potteries Company as one system :

And whereas the said tramways and light railways are situate within the districts of more than one local authority and the said authorities are severally authorised to purchase compulsorily the portions of the undertakings of the Companies respectively as authorised by the existing Acts and Orders which comprise such of the said tramways and light railways or parts thereof as are within the respective districts of those authorities :

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— And whereas under the provisions of the existing Acts and Orders the said rights of compulsory purchase will first arise in the case of the portions of the said tramways and light railways in the said respective districts at various dates extending from the year one thousand nine hundred and twenty-four to the year one thousand nine hundred and thirty-two and will recur at certain intervals after the said respective dates :

And whereas it is expedient with a view to consolidating the tenure of the Companies of the said tramways and light railways and ensuring the maintenance of an efficient service in the public interest while also rendering ultimately practicable the compulsory purchase at one and the same time of all the said tramways and light railways that the several dates on which the right of such purchase will first arise should be varied and that such right should be made first exerciseable on one prescribed date and at recurring intervals thereafter :

And whereas the Companies are precluded by provisions contained in the existing Acts and Orders or in agreements to which they are parties from abandoning certain of the said tramways and light railways and it is expedient that provision should be made for the abandonment from time to time of any of the said tramways and light railways or any part thereof with respect to which it can be shown that the traffic thereof is insufficient to allow the same to be worked remuneratively and the public needs are or can be supplied by other means :

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

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the *Potteries and North Staffordshire Tramways and Light Railways Act 1923.*

2. In and for the purposes of this Act—

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The expression “the Companies” means the Potteries Electric Traction Company Limited and the North Staffordshire Tramways Company Limited or (except where the context otherwise requires) one of those Companies;

Interpreta-
tion.

The expression “the existing Acts and Orders” means the Acts and Orders specified in the schedule to this Act and any other Act or Order relating to the Companies or their respective undertakings and includes any enactment incorporated with or applied by any such Act or Order;

The expression “tramways and light railways” means the tramways and light railways constructed by the Companies under the powers of the existing Acts and Orders or any of those Acts and Orders and existing at the date of the passing of this Act except such of the said tramways and light railways or such part or parts thereof as may have been abandoned pursuant to any order made under the section of this Act of which the marginal note is “Power to abandon tramways and light railways”;

The expression “undertakings” or “undertaking” means the undertakings or undertaking of the Companies or that one of them in relation to which the expression is used as authorised by such of the existing Acts and Orders as relate to the Companies respectively or to that Company so far as such undertakings or undertaking relate or relates to the tramways and light railways or any of them;

The expression “the local authorities” means as respects the tramways comprised in the tramways and light railways the authorities who under the provisions of the Tramways Act 1870 are the local authorities of the several districts in which those tramways are respectively situate and as respects the light railways comprised in the tramways and light railways the authorities who under the provisions of the Light Railway Orders relating thereto are the local authorities of the several districts in which those light

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railways are respectively situate and the expression "local authority" means the local authority of any district in relation to which the expression is used;

The expression "road authority" means the authority by whom any road in relation to which the expression is used is repairable.

Variation
and syn-
chronisation
of dates for
compulsory
purchase.

3. Notwithstanding anything contained in any of the existing Acts and Orders or in any other Act or Order or any agreement relating directly or indirectly to the Companies or their respective undertakings the powers of compulsory purchase of the said respective undertakings exercisable by the local authorities respectively pursuant to any such Act or Order shall be exercisable on the thirtieth day of June one thousand nine hundred and twenty-five or on the thirtieth day of June one thousand nine hundred and fifty or at the expiration of every period of thirty years subsequent to the last-mentioned date (and on no other date) provided that any local authority or local authorities intending to exercise such right give to the Company concerned notice in writing of such their intention not less than six months before the date on which they intend to exercise such right. Provided that the powers of compulsory purchase exercisable on the said thirtieth day of June one thousand nine hundred and twenty-five shall be so exercisable upon and subject to the following terms and conditions (that is to say):—

- (a) It shall not be lawful for any of the local authorities to purchase compulsorily the undertaking of either of the Companies or any part of such undertaking unless all the local authorities shall by special resolution decide to purchase compulsorily at one and the same time the undertakings of both the Companies:
- (b) If the local authorities decide as aforesaid they shall give to the Companies notice in writing of such their decision not later than the thirty-first day of December one thousand nine hundred and twenty-four:
- (c) The terms of purchase shall in all cases be those prescribed by section 43 of the Tramways Act 1870:

- (d) The consideration to be paid to the Companies in respect of such purchase as aforesaid shall be determined by one and the same referee nominated under the said section 43 and in one and the same proceeding but the said referee shall by his award determine separately as respects each of the Companies and each of the local authorities in whose districts the undertaking or any part of the undertaking of that Company is situate the value of the tramways and light railways of that Company situate in the district of that local authority and of all lands buildings works materials and plant of that Company suitable to and used by them for the purposes of their undertaking within such district. A.D. 1923.

4.—(1) Where upon any application made to him by the Companies the Minister of Transport is satisfied— Power to abandon tramways and light railways

- (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 tramways and light railways or part or parts thereof in respect of which such application has been made and to any other relevant circumstances; and

- (b) that the requirements of public traffic upon the route of such tramways and light railways or part or parts thereof are or can be adequately served by any other description of transport;

the said Minister may by order authorise the abandonment of the tramways and light railways referred to in the application or any of them or any part or parts thereof respectively.

(2) At any time after the making of any such order as is referred to in subsection (1) of this section the Companies notwithstanding anything contained in any of the existing Acts and Orders or in any agreement relating directly or indirectly to the Companies or their respective undertakings may—

- (a) discontinue the working of the tramways and light railways or part or parts thereof referred to in the order or any of them; and

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- (b) take up and remove the same and all rails paving setts posts cables works apparatus and equipment forming part thereof or provided or used in connection therewith; and
- (c) appropriate use sell or otherwise dispose of such rails paving setts posts cables works apparatus and equipment;

or may exercise any of those powers :

Provided that—

- (i) forthwith after the taking up and removal of any rails paving setts posts cables works apparatus or equipment the Companies shall to the satisfaction of the road authority make good the portion of roadway disturbed by such taking up or removal;
- (ii) if the Companies omit to comply with their obligations under the foregoing paragraph (i) within one month after such taking up and removal as aforesaid the road authority may at any time after the expiration of that period themselves make good the portion of roadway disturbed and recover from the Companies the cost reasonably incurred by them in so doing;
- (iii) nothing in this section shall interfere with or affect the operation of section 41 of the Tramways Act 1870 or of section 65 (Railways to be removed in certain cases) of the Potteries Light Railways Order 1897 as extended by section 12 (Railway to be part of railway of 1897) of the Potteries Light Railways (Extensions) Order 1902 or any right of the Companies to abandon any of the tramways and light railways which they would have been entitled to abandon if this Act had not been passed.

(3) In any order made under this section a date shall be prescribed as from which all the powers obligations and liabilities of the Companies in relation to the tramways and light railways or part or parts thereof to be abandoned pursuant to that order existing under or by virtue of any Act order lease agreement or other instrument whatsoever shall subject to the provisions of this section cease and

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determine and as from that date the said powers obligations and liabilities shall accordingly cease and determine. Provided that where any such power obligation or liability relates partly to any abandoned tramway or light railway or part thereof and partly to any tramway or light railway or part thereof not abandoned as aforesaid such power obligation or liability shall cease and determine as respects the abandoned tramway or light railway or part only and for that purpose such apportionment of any financial obligation or liability and of any other obligation or liability capable of apportionment shall be made as may be agreed upon between the Companies and the party entitled to enforce such obligation or liability or as failing such agreement shall be determined by the Minister of Transport as hereinafter provided :

Provided also that if the Companies under the powers of subsection (2) of this section at any time before the date so prescribed as aforesaid take up and remove any tramway or light railway or any part or parts thereof and the rails paving setts posts cables works apparatus and equipment forming part thereof laid or placed in the roadway in which such tramway or light railway or part or parts is or are situate the Companies shall as from the date of such taking up and removal cease to be under any obligation to maintain or keep in good condition or repair any part of such roadway.

(4) Before making an order under this section the said Minister shall require the Companies to give public notice of the application for an order and as to the manner in which and time within which representations may be made and to give a similar notice in writing to the council of each county borough or urban or rural district within which any part of the tramway or light railway proposed to be abandoned is situate and the said Minister shall consider any representations which may be duly made.

(5) The Minister of Transport may at any time before the discontinuance by the Companies under this section of the working of the tramways and light railways or part or parts thereof referred to in any order made by the said Minister under subsection (1) of this section modify or revoke the provisions of that order by a further order under this section.

(6) If any question shall arise under the provisions of this section between the Companies and any local

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A.D: 1923. authority or road authority such question shall be referred
— to and determined by the Minister of Transport whose
decision thereon shall be final and conclusive.

For protec- 5. Not less than seven days before commencing to
tion of
Stafford- take up and remove under the powers of the section of
shire County this Act of which the marginal note is " Power to abandon
Council. tramways and light railways " any rails paving setts posts
cables works apparatus or equipment laid or constructed
upon or in any main road vested in and repairable by the
Staffordshire County Council the Companies shall give to
the said county council notice in writing of their intention
so to do.

Agreements 6. All agreements between the Companies or either
to continue of them on the one hand and the local authorities or any
in force. of them on the other hand relating to the tramways and
light railways or any of them and subsisting at the date
of the passing of this Act shall continue in force except
so far as they are varied by the provisions of the sections
of this Act of which the marginal notes are respectively
" Variation and synchronisation of dates for compulsory
purchase " and " Power to abandon tramways and light
railways " and such of the said agreements as would but
for the provisions of this section cease to have effect before
the thirtieth day of June one thousand nine hundred and
fifty shall so far as applicable continue in force until the
tramways and light railways to which they respectively
relate are purchased under the provisions of this Act.

For protec- 7. Nothing in this Act shall prevent or interfere with
tion of
Stoke-on- the right of the mayor aldermen and burgesses of the
Trent Cor- borough of Stoke-on-Trent (in this section referred to as
poration. " the corporation ") at any time while the Companies or
either of them are the owners of the tramways and light
railways or any of them to apply for statutory powers
enabling the corporation to purchase upon terms to be
agreed between the corporation and the Companies the
whole of the tramways and light railways or (if at the
time of such application any of the tramways and light
railways shall have been purchased by the local authorities
or any of them or abandoned under the powers of this Act)
the whole of those parts of the tramways and light railways
of which the Companies or either of them are at that time
the owners Provided that any such purchase by the
corporation as aforesaid shall not (as respects any of the

tramways and light railways purchased which are outside the said borough of Stoke-on-Trent) in any way prejudice or affect the rights of purchase exerciseable by the local authorities or any of them with respect to the tramways and light railways under the existing Acts and Orders as amended by this Act.

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8. In respect of the exercise of any powers or the performance of any duties by this Act conferred or imposed upon the Minister of Transport the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport 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."

As to inquiries by Minister of Transport.

9. The Companies shall respectively as soon as practicable after the expiration of each year send to the Minister of Transport a copy of the accounts for that year relating to their undertaking in the form in which such accounts are submitted by the Companies respectively to their shareholders.

Companies to submit accounts to Minister of Transport.

10. With respect to notices and to the delivery thereof by or to the Companies or either of them the following provisions shall have effect (that is to say):—

Form and delivery of notices.

- (1) Every notice shall be in writing and if given by the Companies or either of them or by any local authority shall be signed by their secretaries or secretary or clerk as the case may be :
- (2) Any notice to be delivered by or to the Companies or either of them to or by any local authority may be delivered by being left at the principal offices or office of the Companies or Company concerned or of that authority as the case may be or by being sent by post in a prepaid letter addressed to their respective secretaries or secretary or clerk at their principal offices or office as the case may be.

11.—(1) Each of the Companies shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and register the same and if

Copy of Act to be registered.

A.D. 1923. — either of the Companies shall fail to comply with the requirement of this section within three months from the passing of this Act that Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Company delivering such copy on the registration thereof the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England.

Costs of
Act.

12. 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 Companies in such proportions as may be agreed between them or failing such agreement in equal shares.

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The SCHEDULE referred to in the
foregoing Act.

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Title of Act or Order.	Act confirming Order.
The Stoke-upon-Trent Fenton Longton and District Tramways Order 1879.	The Tramways Orders Confirmation Act 1879.
The North Staffordshire Tramways Order 1880.	The Tramways Orders Confirmation (No. 2) Act 1880.
The North Staffordshire Tramways Extensions Order 1881.	The Tramways Orders Confirmation (No. 1) Act 1881.
The North Staffordshire Tramways Order 1882.	The Tramways Orders Confirmation (No. 1) Act 1882.
The North Staffordshire Tramways Order 1883.	The Tramways Orders Confirmation (No. 1) Act 1883.
The North Staffordshire Tramways (Release of Deposit) Order 1886.	The Tramways Orders Confirmation (No. 1) Act 1886.
The Potteries Extension Tramways Order 1896.	The Tramways Orders Confirmation (No. 2) Act 1896.
The Potteries Light Railways Order 1897.	
The Potteries Light Railways (Extensions) Order 1902.	
The North Staffordshire Tramways Act 1902.	
The Potteries and North Staffordshire Tramways (Amendment) Order 1908.	The Tramways Orders Confirmation (No. 2) Act 1908.

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