



CHAPTER lvii.

An Act to confirm a Provisional Order made by the Minister of Transport under the St. Helens Corporation Act 1921 relating to St. Helens Corporation trolley vehicles. [29th July 1927.] A.D. 1927.

WHEREAS under the authority of section fifty-five of the St. Helens Corporation Act 1921 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed :

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 as amended and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore 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 :—

1. This Act may be cited as the St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1927. Short title.

[Price 6d. Net.]

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—
Confirma-
tion of
Order in
schedule.

2. The Order as amended and set out in the schedule to this Act annexed 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.

SCHEDULE.

A.D. 1927.

ST. HELENS CORPORATION (TROLLEY
VEHICLES).

Order authorising the Mayor Aldermen and Burgesses of the borough of St. Helens to provide maintain and use trolley vehicles upon certain routes in the borough of St. Helens and the township of Windle in the rural district of Whiston.

1. This Order may be cited as the St. Helens Corporation (Trolley Vehicles) Order 1927 and the St. Helens Corporation (Trolley Vehicles) Order 1924 and this Order may be cited together as the St. Helens Corporation (Trolley Vehicles) Orders 1924 and 1927. Short and collective titles.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable for the purposes of this Order) hereby incorporated with and form part of this Order (namely) :— Incorporation of Acts.

(1) The Lands Clauses Acts but with the following exceptions namely :—

(a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;

(b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) :

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

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

Section 41 (Tramways to be removed in certain cases) ;

Section 46 (Byelaws by local authority Promoters may make certain regulations) ;

Section 47 (Penalties may be imposed in byelaws) ;

Section 48 (Power to local authority to license drivers conductors &c.) ;

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- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 52 (Transient offenders);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to widen &c. roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads):

Provided that such provisions shall be read and have effect as if trolley vehicle equipment were tramways and as if trolley vehicles were carriages used on tramways.

Interpreta-
tion.

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

“The Corporation” means the mayor aldermen and burgesses of the borough of St. Helens;

“The borough” means the borough of St. Helens;

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

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle equipment” means and 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 the trolley vehicles;

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

“The Act of 1869” “the Act of 1879” “the Act of 1883” “the Act of 1898” “the Order of 1900” “the Act of 1911” “the Act of 1921” and “the Order of 1924” mean respectively the St. Helens Improvement Act 1869 the Saint Helens and District Tramways Act 1879 the

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Saint Helens and District Tramways Act 1883 the A.D. 1927.
St. Helens Corporation Act 1898 the St. Helens Cor-
poration Tramways Order 1900 (confirmed by the
Tramways Orders Confirmation (No. 2) Act 1900) the
St. Helens Corporation Act 1911 the St. Helens Cor-
poration Act 1921 and the St. Helens Corporation
(Trolley Vehicles) Order 1924.

4. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following trolley vehicle routes (that is to say):— Additional trolley vehicle routes.

Route No. 1 (1 mile 6 furlongs 6 chains in length to be situate in the borough) Commencing in Westfield Street at the junction of that street with Eccleston Street and proceeding thence along Westfield Street Ormskirk Street Church Street Bridge Street Liverpool Road Prescott Road to and terminating in Prescott Road at the junction of that road with Lugsmore Lane;

Route No. 2 (1 mile 5 furlongs 5 chains in length to be situate in the borough and in the township of Windle in the rural district of Whiston) Commencing in Duke Street at the junction of that street with North Road and proceeding thence eastwards along Duke Street Corporation Street Cotham Street Baldwin Street North Road City Road Moss Bank Road to and terminating in Moss Bank Road at the junction of that road with Sandy Lane;

Route No. 3 (2 miles and 8 chains in length to be situate in the borough) Commencing in Higher Parr Street at the junction of that street with Park Road and proceeding thence along Higher Parr Street Ashcroft Street Parr Stocks Road Chancery Lane Broad Oak Road Derbyshire Hill Road and Fleet Lane to and terminating at the borough boundary;

Route No. 3A (5 furlongs 9 chains in length to be situate in the borough) Commencing in Newton Road at the junction of that road with Derbyshire Hill Road and proceeding thence along Newton Road to and terminating in that road at the boundary of the borough;

Route No. 4 (1 mile 6 furlongs and 4 chains in length to be situate in the borough) Commencing in Corporation Street at the junction of that street with Cotham Street proceeding thence along Corporation Street Higher Parr Street Park Road and Blackbrook Road and terminating in that road at the boundary of the borough;

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Route No. 4A (4 furlongs 5 chains in length to be situate in the borough) Commencing in Church Street at the junction of that street with Ormskirk Street and Bridge Street proceeding thence along Church Street and Parr Street and terminating in Parr Street at the junction of Parr Street with Higher Parr Street and Corporation Street;

Route No. 5 (5 furlongs 5 chains in length to be situate in the borough) Commencing in Eccleston Street at the junction of that street with Westfield Street proceeding thence along Eccleston Street Boundary Road and Knowsley Road and terminating in Knowsley Road at the junction of Knowsley Road with Dunriding Lane :

Provided that before equipping any route for working trolley vehicles to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

Vehicles not to be deemed light locomotives or motor cars.

5.—(1) The trolley vehicles authorised by this Order shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any of the provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

(2) The trolley vehicles authorised by this Order shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

For protection of certain railway companies.

6. The following provisions for the protection of the London and North Eastern Railway Company, and the London Midland and Scottish Railway Company (each of whom is in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers of this Order (that is to say) :—

(1) All trolley vehicle equipment authorised by or in pursuance of this Order where the same shall be erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such

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bridge or approaches or other work and according to plans and particulars to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided. Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof. All such trolley vehicle equipment shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company. The Corporation shall so construct maintain and use the trolley vehicle equipment and use the trolley vehicles as not to affect injuriously any such bridge or approaches or other work and in the event of any injury being occasioned to such bridge or approaches or work by the construction maintenance user or removal of the trolley vehicle equipment or the user of the trolley vehicles upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expense of so doing :

- (2) The Corporation shall on demand pay to the company the reasonable expense (if any) incurred by the company of and in connection with the superintendence by the company of the works of the Corporation and of and in connection with the employment by the company during the execution or repair by the Corporation of any work or trolley vehicle equipment affecting any railway bridge or other work belonging to or maintainable by the company of such inspectors signalmen and watchmen (if any) as may be reasonably necessary for inspecting watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution or repair of any work or trolley vehicle equipment of the Corporation and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of either of them or otherwise :
- (3) The Corporation shall not in any manner in the execution maintenance user or repair of any trolley vehicle equipment obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or maintainable by the company or any traffic thereon :
- (4) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works

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or property or to any works or property which they may be liable to maintain or to the traffic on their railway or to any company or person using the same by or by reason of the execution or failure of any of the said works of the Corporation or trolley vehicle equipment or by or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors for the said works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (5) If the Company in the exercise of their existing powers shall hereafter require to widen lengthen strengthen re-construct alter or repair any of their bridges approaches or other works under or upon which the trolley vehicle equipment is laid or to widen or alter any railway of the company thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such works and trolley vehicle equipment be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the works and trolley vehicle equipment shall be stopped or delayed or such part of the works or trolley vehicle equipment shall be taken up diverted or removed as may be reasonably necessary at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the works and trolley vehicle equipment shall be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (6) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or trolley vehicle equipment :

- (7) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer : A.D. 1927.
- (8) If having regard to the proposed position of any works or trolley vehicle equipment of the Corporation authorised by or in pursuance of this Order when considered in relation to the position of the works of the company at any point where any works or trolley vehicle equipment will be constructed under or over any railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus or works or apparatus for traction purposes of the company or for the electrical control of the company's railway shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation :
- (9) If by reason of any works or apparatus of the Corporation it shall become necessary to alter any of the signals signal posts or signalling works or apparatus of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expense incurred by them in connection with such alterations :
- (10) The trolley vehicles authorised by this Order shall only be used for the purpose of conveying—
- (a) passengers and their luggage;
 - (b) dogs in the care of passengers;
 - (c) parcels not exceeding fifty-six pounds in weight;
 - (d) materials required by the Corporation in the exercise of the powers of section 53 of the Act of 1921 as extended and applied to the exercise of the powers of this Order; and
 - (e) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;

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and save as aforesaid shall not be used for the carriage of animals minerals and goods :

- (11) If any difference arises under this section between the Corporation and the company the same shall be settled by arbitration the arbitrator being appointed on the application of either party after notice in writing to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Power to borrow.

7.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the provision of trolley vehicles	£ 47,600	Ten years from the date or dates of borrowing.
(b) For the provision of trolley vehicle equipment and the construction of other works necessary for working the trolley vehicles authorised by this Order.	16,200	Twenty years from the date or dates of borrowing.
(c) The alteration and extension of buildings for the purposes of the trolley vehicles of the Corporation.	8,000	Thirty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of their trolley vehicle undertaking.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the

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Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Transport. A.D. 1927.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Transport.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 125 (Security for principal moneys) of the Act of 1898.

8.—(1) The following sections of the Act of 1869 the Act of 1879 the Act of 1883 the Act of 1898 the Order of 1900 the Act of 1911 the Act of 1921 and the Order of 1924 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say):—

Application of provisions of previous enactments.

Act of 1869 :

Section 378 (Protection to lenders from inquiry as to application of money) as amended by section 91 of the Act of 1921;

Section 385 (Regulations as to mortgagees);

Section 386 (Transfers of mortgages);

Section 388 (Power to mortgagees to obtain a receiver) as amended by section 91 of the Act of 1921; and

Section 389 (Accounts open to mortgagees).

Act of 1879 :

Section 56 (Passengers' luggage);

Section 58 (Company to carry small parcels) as amended by section 25 of the Act of 1898;

Section 59 (Tolls for small parcels).

Act of 1883 :

Section 37 (As to recovery of penalties);

Section 38 (Amendment of the Tramways Act 1870 as to byelaws by local authority).

Act of 1898 :

Section 15 (Fares on Sundays or public holidays not to be raised);

Section 17 (Provisions as to motive power);

Section 19 (Special provisions as to use of electric power);

Section 21 (Byelaws);

Section 23 (Repeal of section 57 of Act of 1879—Charges for animals and goods);

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- Section 24 (Corporation &c. not bound to carry goods &c.);
- Section 25 (Amendment of section 58 of Act of 1879);
- Section 37 (Application of revenue);
- Section 122 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 124 (Application of money borrowed);
- Section 130 paragraph (b) (Periods for repayment of principal moneys);
- Section 139 (Consolidation of loans).
- Order of 1900 :
- Section 15 (Mechanical power works);
- Section 16 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
- Section 17 (Working agreements);
- Section 19 (Protection of local authority);
- Section 20 (Provisions as to arbitration).
- Act of 1911 :
- Section 106 (Moneys borrowed to be principal moneys within meaning of Act of 1898);
- Section 111 (Expenses of execution of Act);
- Section 112 (Audit of accounts).
- Act of 1921 :
- Section 9 (Temporary stoppage of streets);
- Section 30 (Power to acquire patent rights);
- Section 31 (Shelters or waiting rooms);
- Section 33 (Cloak-rooms &c.);
- Section 34 (Power to reserve cars for special purposes);
- Section 35 (Power to require intending passengers to wait in lines or queues);
- Section 36 (Stopping and starting places);
- Section 37 (For protection of railway companies);
- Section 38 (Through cars and omnibuses);
- Section 39 (Attachment of signs indicating stopping-places to lamp-posts &c.);
- Section 40 (Lopping of trees overhanging highways);
- Section 41 (Lost property);
- Section 43 (For protection of Postmaster-General);
- Section 44 (Tolls for passengers on tramways);
- Section 45 (Cheap fares for labouring classes);
- Section 46 (Payment of fares rates and charges);
- Section 47 (Periodical revision of rates and charges);

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Section 49	(Penalty for malicious damage);	A.D. 1927.
Section 50	(Removal of obstructions);	
Section 51	(Attachment of brackets &c. to buildings);	
Section 52	(Power for Corporation to suspend traffic);	
Section 53	(Use of tramways for sanitary purposes);	
Section 54	(Tramway working agreements);	
Section 56	(As to byelaws under this Part of this Act).	

Order of 1924 :

Section 5	(Adaptation of roads);
Section 6	(As to electrical works);
Section 7	(Corporation to have exclusive right of using apparatus for working trolley vehicles);
Section 9	(Licence duties on trolley vehicles);
Section 10	(Approval of vehicles by Minister of Transport);
Section 11	(Inspection by Minister of Transport);
Section 12	(Conveyance of mails);
Section 13	(Use of posts &c. by Postmaster-General);
Section 14	(Trolley vehicles to form part of tramway undertaking);
Section 15	(Accounts to be furnished to Minister of Transport);
Section 16	(As to lands).

(2) (a) In the application of the above-mentioned provisions (other than the provisions of the Order of 1924) to the trolley vehicles authorised by this Order the same shall be read and have effect as if trolley vehicle equipment were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on tramways and as if the trolley vehicle undertaking authorised by this Order formed part of the tramway undertaking of the Corporation.

(b) The powers conferred upon the Corporation by the said section 40 of the Act of 1921 may be exercised outside the boundaries of the borough with regard to any tree hedge or shrub which overhangs any road forming part of any trolley vehicle route.

(c) Subsection (B) (4) of section 43 (For protection of Postmaster-General) of the Act of 1921 shall be read and have effect as if the words "generated or used by or supplied to the Corporation" were inserted in that subsection in substitution for the words "generated by the Corporation."

(3) Where the Minister of Transport causes any inquiry under the provisions of the said section 47 of the Act of 1921 (as extended and applied to the provisions of this Order) to be

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(4) Notwithstanding anything contained in section 10 of the Order of 1924 as applied to this Order before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used under this Order upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Costs of
Order.

9. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Order as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money to be borrowed under the powers of this Order for that purpose.

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