

[19 & 20 GEO. 5.] *Leamington and  
Warwick Traction Act, 1929.*

[Ch. xliv.]



## CHAPTER xliv.

An Act to authorise the Leamington and Warwick Electrical Company Limited to abandon their tramways and provide and run omnibuses and for other purposes. [10th May 1929.] A.D. 1929.

**W**HEREAS the Leamington and Warwick Electrical Company Limited (in this Act called "the Company") have under the powers contained in the Leamington and Warwick Tramways Orders 1879 and 1882 the Warwick Tramways Order 1900 and the Leamington Tramways Order 1901 constructed and work a system of tramways situate partly in the borough of Warwick and partly in the borough of Royal Leamington Spa :

And whereas it is expedient that the Company be authorised to abandon their said tramways and to provide and run omnibuses along the streets and roads in which the tramways of the Company are constructed and along other routes and that the provisions contained in this Act with respect thereto should be enacted :

And whereas it is expedient that such other powers be conferred upon the Company and such other provisions be made as are in this Act more particularly set forth :

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

[Price 1s. Net.]

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[Ch. xliv.] *Leamington and Warwick Traction Act, 1929.* [19 & 20 GEO. 5.]

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 title.

1. This Act may be cited as the Leamington and Warwick Traction Act 1929.

Citation of Acts.

2. The Leamington and Warwick Tramways Orders 1879 and 1882 the Warwick Tramways Order 1900 the Leamington Tramways Order 1901 and this Act may be cited together as the Leamington and Warwick Traction Acts 1879 to 1929.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

“ The Order of 1879 ” “ the Order of 1882 ” “ the Order of 1900 ” and “ the Order of 1901 ” mean respectively the Leamington and Warwick Tramways Order 1879 the Leamington and Warwick Tramways (Amendment) Order 1882 the Warwick Tramways Order 1900 and the Leamington Tramways Order 1901 ;

“ The existing Orders ” means the Order of 1879 the Order of 1882 the Order of 1900 and the Order of 1901 ;

“ The existing tramways ” means the tramways constructed by the Company under the powers of the existing Orders ;

“ Omnibus ” shall have the meaning assigned to that expression in section 14 of the Roads Act 1920 ;

“ Omnibus routes ” means any routes upon which the Company work and run omnibuses under the section of this Act the marginal note whereof is “ Power to run omnibuses ” ;

“ Specified routes ” means the routes of the existing tramways and the new routes (i) (ii) (iii) (iv) and (v) described in the section of this Act the marginal note whereof is “ Power to run omnibuses ” ;

A.D. 1929.  
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“ Road authority ” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road ;

“ The Minister ” means the Minister of Transport.

#### TRAMWAYS AND OMNIBUSES.

4.—(1) The Company shall within two years from the first day of January one thousand nine hundred and thirty abandon and discontinue the existing tramways Provided that the Company shall give to the road authority not less than one month's previous notice of their intention to abandon and discontinue such tramways or any of them or any part thereof.

As to  
abandon-  
ment of  
existing  
tramways.

(2) When the Company have in pursuance of the foregoing provisions of this section abandoned and discontinued the whole or part of any of the existing tramways they may and if required by the road authority shall forthwith take up and remove the rails and paving setts of the tramway or part thereof so abandoned and discontinued and the apparatus and equipment provided or used for the purposes thereof or in connection therewith (hereinafter in this section called “ tramway apparatus ”) :

Provided that the removal of any such rails paving setts and tramway apparatus shall (unless the road authority otherwise previously consent in writing) be carried out in sections each having a maximum length of one-quarter of a mile (the Company being at liberty to proceed simultaneously with any two or more sections not being contiguous sections) and that until the road upon any such section shall have been restored under the provisions of subsection (3) of this section the removal of any such rails paving setts and tramway apparatus on any other section within one-quarter of a mile shall not be commenced.

A.D. 1929.

(3) On the taking up and removal of any such rails paving setts or tramway apparatus the Company shall (except where the rails paving setts or apparatus are not situate in a road dedicated to public use) with all convenient speed and in all cases within six weeks (unless the road authority otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the road authority restore the portion of road upon which such rails paving setts and tramway apparatus were laid or placed to as good a condition as that in which it was before the rails paving setts and tramway apparatus were laid or placed thereon and shall clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night until such filling in making good restoration and clearing away as aforesaid has been completed or (in cases where the works necessary for the restoration are done by the road authority under the provisions of the proviso to this subsection) until the removal of such rails paving setts and tramway apparatus has been completed :

Provided that the road authority (if they think fit) may within one month after the service upon them of the notice referred to in subsection (1) of this section give notice to the Company that they desire themselves to do the works necessary for the restoration of the road and the Company shall in lieu of carrying out the said works pay to the road authority in respect of the tramway or part thereof to be abandoned by the Company a sum calculated on the basis of five shillings and sixpence per superficial yard of the portion of road so to be restored which the Company are at the date of the passing of this Act liable to maintain such sum to be paid in respect of any portion of road as to one-half thereof within one month after the commencement of the works by the road authority and as to the remaining one-half thereof as and when the restoration thereof is completed.

(4) As from the date on which the Company abandon and discontinue the whole or any part of any of the existing tramways in pursuance of the foregoing provisions of this section they shall cease to be under any obligation to use the same or to run carriages

thereon and as from the date on which the reinstatement of the road (if carried out by the Company) or as from the date of the notice from the road authority to the Company under the proviso to subsection (3) of this section they shall cease to be under any obligation to maintain or repair any part of the roadway or bridge or land in which the same is situate or (except as provided by this Act) to make any payment to any local or road authority in respect of such tramways. A.D. 1929.

(5) Notwithstanding anything in the foregoing provisions of this section the following provisions shall have effect :—

- (a) The Company may with the approval of the road authority concerned leave in the roadway all or any part of such rails paving setts and tramway apparatus ;
- (b) If at any time before or within one month after the date of abandonment any of the road authorities shall give notice to the Company that they desire for the purpose of supplying electricity or of supporting any overhead wires or cables or for any other purpose that any of the overhead equipment on any road or footpath in their district shall not be removed by the Company then the Company shall sell and the road authority giving the notice shall purchase the overhead equipment to which the notice relates on terms to be agreed between the road authority and the Company 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 :

Provided that if all or any part of such rails and paving setts are left in the roadway by the Company under paragraph (a) of this subsection the Company shall (when the road authority remove the same) pay to the road authority the cost of removal thereof and (in addition) towards the cost of restoring such portion of road a sum calculated on the basis of five shillings and sixpence per superficial yard of the portion of road so

A.D. 1929. — restored and the road authority shall deliver to the Company the rails and paving setts removed by them or (if the Company so require in writing) shall sell the same and pay to the Company the price realised by such sale less the cost reasonably incurred by them in selling the same.

(6) If any rails paving setts and tramway apparatus be left in any roadway by agreement with the road authority under paragraph (a) of subsection (5) of this section or if any part of the overhead equipment be purchased by either of the road authorities under paragraph (b) of the said subsection (5) then as from the date and subject to the terms of such agreement or as from the date of such purchase as the case may be any and every obligation or liability imposed on the Company by the existing Orders or this Act or any other Act or any agreement or instrument whatsoever with respect to the maintenance or the taking up and removal of or otherwise relating to such rails paving setts and tramway apparatus or equipment (as the case may be) shall cease and the provisions of the existing Orders and of the Acts incorporated therewith shall cease to apply thereto.

Power  
to run  
omnibuses.

5.—(1) The Company may provide maintain work and run omnibuses—

(a) In the borough of Warwick and the borough of Royal Leamington Spa along the routes of all or any of the existing tramways; and

(b) Along the following routes (that is to say):—

In the borough of Warwick—

(i) Commencing in High Street at the terminus of the existing tramways and proceeding along Swan Street to Market Place thence along Old Square and Church Street to High Street and terminating in that street;

In the boroughs of Warwick and Royal Leamington Spa—

(ii) Commencing in the borough of Warwick at the junction of Castle Hill and St. Nicholas' Church Street and proceeding along Castle Hill to its junction with Banbury Road along

Banbury Road to its junction with Myton Road along Myton Road Warwick Old Road and High Street Leamington to its junction with Bath Street; A.D. 1929.  
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In the borough of Warwick—

(iii) Commencing at the junction of Smith Street and St. Nicholas' Church Street and proceeding along St. Nicholas' Church Street and Castle Hill to its junction with Jury Street and Smith Street;

In the borough of Royal Leamington Spa—

(iv) Commencing at the junction of Spencer Street and Bath Street and proceeding along Bath Street Clemens Street and Brunswick Street to the junction of that street with St. Helens Road along St. Helens Road to its junction with Tachbrook Road thence in a north-westerly direction along Tachbrook Road and Lower Avenue and terminating at the junction of Lower Avenue and Spencer Street;

(v) Commencing at the junction of Victoria Terrace and Priory Terrace and proceeding along Priory Terrace to its junction with Church Street thence along Church Street and High Street to its junction with Bath Street;

and with the consent of the local and road authorities which consent shall not be unreasonably withheld along any other routes in the boroughs of Warwick and Royal Leamington Spa.

(2) The Town Police Clauses Acts 1847 and 1889 shall subject to the provisions of this Act apply to any omnibus supplied or used under this section.

(3) The powers of this section shall be exerciseable by the Company subject to such byelaws as the licensing authority or licensing authorities of the borough in which such omnibuses may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses.

(4) The Company may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running maintenance and equipment of the omnibuses provided by the Company under this Act.

A.D. 1929.

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

(6) The Company shall not (unless the Minister otherwise approves) use on any omnibus run by them any tyres other than pneumatic tyres.

(7) Any omnibus 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.

(8) 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 of the Company as if they were carriages used on tramways.

(9) The Company shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue.

Fares and  
charges for  
passengers.

6. The Company may demand and take for every passenger conveyed on the omnibuses including every expense incidental to such conveyance a fare or charge not exceeding one 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 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 :

Provided also that the Company shall issue return tickets available on the day of issue only entitling passengers to travel on the omnibuses once both ways between Market Place Warwick and the terminus of the existing tramways in Avenue Road Leamington or vice versa or any less distance at a return fare of sixpence.

Passengers'  
luggage.

7. Every passenger conveyed on the omnibuses 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. A.D. 1929.  
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8.—(1) The Company may if they think fit convey on the omnibuses parcels not exceeding one hundred and twelve pounds in weight and dogs whether in the care of passengers or otherwise. Parcels &c.

(2) The Company may demand and take for the conveyance of any dog a sum not exceeding the fare payable by a passenger travelling between the same stage points 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.

9.—(1) If at any time after three years from the opening for public traffic of any omnibus route or after three years from the date of any order made in pursuance of this section in respect of the omnibus routes or any portion thereof it is represented in writing to the Minister by the local authority of the district in which the omnibus routes or such portion is wholly or partly situate or by twenty inhabitant ratepayers of that 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 routes or on such portion 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 the omnibus routes or on any portion thereof 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. Periodical revision of fares and charges.

(2) In considering any representation under this section the Minister shall have regard to the capital of the Company and the provision of a reasonable return thereon subject to such adjustment as the Minister may think fit in respect of any capital expended upon works which by reason of the exercise of the powers of this Act have been superseded.

A.D. 1929.

Service for  
labouring  
classes.

**10.**—(1) The Company after the opening of any omnibus route shall and they are hereby required to run a proper and sufficient service of omnibuses thereon for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but the Company shall not be bound to take any fare less than one penny On Saturdays the Company in lieu of running such omnibuses after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Minister that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to him to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

List of  
fares &c.  
to be  
exhibited.

**11.** A list of the fares and charges by this Act authorised to be demanded and taken in respect of traffic on the omnibuses shall be exhibited in a conspicuous place inside each of the omnibuses.

As to fares  
on Sundays  
or holidays.

**12.** 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 week-days.

Company  
to provide  
reasonable  
service.

**13.** The Company shall at all times after the opening of any of the specified routes for public traffic provide such service of omnibuses thereon as may be reasonably required in the public interests and the Company shall be liable to a penalty not exceeding five pounds for every day on which they shall fail (unless for reasons beyond their control) to comply with the provisions of this section Any question which may arise as to the service of omnibuses required in the public interests shall be determined on the application of the Company or of a local authority by the Minister whose decision shall be final.

14.—(1) If and so long as the service or services of transport provided by the Company along any specified route adequately meets the requirements of such route it shall not be lawful except as hereinafter in this section provided for any company local authority body or person except the Company or a railway company in pursuance of their statutory powers to run omnibuses along such route or along any other route in competition with such service or services of the Company.

A.D. 1929.

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Restricting  
running of  
omnibuses  
in com-  
petition.

(2) Any failure on the part of the Company to afford an adequate service along any such route which is due to strikes or unforeseen accidents or circumstances beyond the control of the Company shall not entitle any such company authority body or person to run omnibuses along such route or along any other route in competition therewith.

(3) The licensing authority of the borough in which any such route or part thereof is situate may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire. Provided that if any question arises between the Company and any company authority body or person as to whether any route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided. Provided further 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.

(4) Any question at any time arising as to whether or not the Company are providing an adequate service along any route or whether there is or would be any such competition shall be determined by the Minister 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 be enforceable by writ of mandamus.

A.D. 1929.

(5) Nothing in this section shall be deemed 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 such omnibus serves a district or districts beyond the districts in which the specified routes are situate and 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 prevent the grant of a 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 of the specified routes or any route in competition therewith.

Application  
of certain  
provisions  
of Order of  
1900.

15. The following sections of the Order of 1900 shall so far as the same are applicable and except as otherwise provided extend and apply to the Company in respect of the undertaking authorised by this Act in as full and complete a manner as if the said sections (with all necessary alterations and with the substitution of the word "Minister" for the words "Board of Trade" and of the words "Tramways Act 1870" for the words "principal Act") were re-enacted in this Act (that is to say) :—

Section 12 (As to removal of snow &c.);

Section 30 (Saving as to powers of borrowing on mortgage) ;

Section 33 (Provisions as to arbitration).

Power to  
purchase  
lands.

16. The Company may purchase by agreement take on lease and hold lands and buildings and may erect on any such lands depôts buildings and sheds for the purposes of their omnibuses Provided that the Company shall not create or permit any nuisance on any such lands.

Conveyance  
of mails.

17. The Company shall perform in respect of their omnibuses 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 relates.

Shelters or  
waiting-  
rooms.

18. The Company may erect and maintain sheds shelters or waiting-rooms and gangways for the accommodation of passengers on any omnibus route established under the authority of this Act and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

**19.** The Company may appoint the stations and places from which the omnibuses of the Company shall start or at which they may stop for the purposes of taking up or setting down passengers and may make regulations for fixing the time during which such omnibuses shall be allowed to remain at any such place : A.D. 1929.  
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Stopping  
and  
starting  
places.

Provided that any starting or stopping station or place appointed by the Company under this section and any regulations made by the Company thereunder for fixing the time during which omnibuses shall be allowed to remain at any starting or stopping station or place shall be subject to the previous approval of the local and road authorities which approval shall not be unreasonably withheld.

**20.** The Company may run through omnibuses along any route on which the Company are for the time being authorised to run omnibuses and such 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 by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus. Provided that during the running of such through omnibuses the Company shall maintain a reasonably sufficient ordinary service of omnibuses. Through  
omnibuses.

**21.—(1)** Notwithstanding anything contained in this Act or any other Act or Order to the contrary the Company may on any occasion run and reserve omnibuses on any route on which the Company are for the time being authorised to run 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 may be directed by the Company 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 for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance the same are reserved.

A.D. 1929.

(3) The restrictions contained in this Act or any other Act or Order as to fares or charges for passengers 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.

Attachment  
of signs  
indicating  
stopping  
places.

22.—(1) The Company may attach to any lamp-post pole standard or similar erection erected on or in the highway of or near to any of the omnibus routes signs or directions indicating the position of stopping places for omnibuses. Provided that in cases where the Company are not the owners of such lamp-posts pole standard or similar erection they shall give 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 lamp-post 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.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post 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 pole standard or similar erection belonging to any local authority county council or railway company without the consent in writing of the authority council or railway company.

Cloak-  
rooms &c.

23. The Company may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their omnibus undertaking and at suitable places on any of the omnibus routes and the Company may make charges for the use of such cloakrooms 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 the highway without the consent of the local authority and the road authority.

**24.** Any property found in any omnibus of the Company or in any shelter or waiting-room in connection with their omnibus undertaking 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.

A.D. 1929.

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Lost  
property.

**25.** Notwithstanding anything in the existing Orders or this Act or any provisions of the Tramways Act 1870 incorporated with those Orders or this Act or any of them the following provisions shall (unless otherwise agreed between the Company and the local authority of any district in which the undertaking of the Company is situate) have effect with reference to the purchase by the local authorities of the undertaking of the Company authorised by the existing Orders and this Act (hereinafter in this section referred to as "the undertaking") :—

Power to  
local  
authorities  
to purchase  
under-  
taking.

(1) Subject as hereinafter provided it shall be lawful for the local authorities if by resolution passed at a special meeting of each local authority they so decide to purchase on the thirty-first day of December one thousand nine hundred and fifty-nine or the thirty-first day of December in every subsequent tenth year (but at no other date) so much of the undertaking as is situate within their respective districts upon terms of paying the fair market value of such portion of the undertaking as a going concern but without any addition in respect of compulsory purchase which value shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870 :

(2) The powers of compulsory purchase conferred on the local authorities by this section shall be exerciseable only upon and subject to the following terms and conditions (that is to say):—

(a) the Company shall not be required to sell any part of the undertaking unless each of the local authorities in whose districts the undertaking is situate purchases at one and the same time the portion of the undertaking in their district;

A.D. 1929.

(b) if the local authorities decide to purchase the undertaking they shall give to the Company notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase;

(c) the sum to be paid to the Company in respect of such purchase shall if not agreed be determined by one and the same referee nominated under the said section 43 of the Tramways Act 1870 and in one and the same proceeding but the said referee shall by his award determine separately as respects each of the local authorities the value of the undertaking situate in the district of that local authority including all lands buildings works materials and plant of the Company suitable to and used by them for the purposes of the undertaking within such district;

(d) the respective sums to be paid to the Company by each of the local authorities shall together be equal to the fair market value of the undertaking as a going concern :

- (3) Subject to the foregoing provisions of this section the said section 43 of the Tramways Act 1870 shall apply to the purchase of the undertaking by the local authorities under this section as if the said section 43 with any necessary modifications were re-enacted in this Act :
- (4) On any sale to the local authorities such arrangements as may be approved by the Minister shall be made for vesting in each local authority the portion of the undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the undertaking and the sale shall not take effect until an instrument has been properly executed in a form approved by the Minister for carrying into effect such arrangements :
- (5) After the completion of the purchase of the undertaking by such local authorities the powers of the Company under this Act to provide maintain work or run omnibuses in the districts of such local authorities shall cease to such

extent as the Minister may after inquiry by order determine and the provisions of the section of this Act whereof the marginal note is "Restricting running of omnibuses in competition" shall enure for the protection of such local authorities in respect of the portion of the undertaking of the Company purchased by them. A.D. 1929.

26. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Royal Leamington Spa and the mayor aldermen and burgesses of the borough of Warwick (each of which is in this section called "the corporation") shall unless otherwise agreed in writing between the corporation and the company apply and have effect (that is to say):— For protection of Leamington and Warwick Corporations.

(1) The provisions of the existing Orders and of the Tramways Act 1870 which at the passing of this Act enure for the protection of the water mains pipes valves syphons or other works or apparatus of the corporation (all of which are in this section referred to as "apparatus") in relation to the existing tramways shall continue in force and enure for the protection of the corporation until the date when the taking up and removal of the existing tramways or any part thereof or the rails and paving setts thereof shall be commenced:

(2) If any injury shall be caused to any apparatus of the corporation during and by reason of the taking up or removal by the Company of any of the existing 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 corporation the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the corporation against all claims and demands arising out of such injury:

A.D. 1929.

- (3) If any difference shall arise between the corporation and the Company under this section the same shall be referred to and settled by an arbitrator to be appointed on the application of either party after notice in writing to the other 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 settlement.

For protection of  
Warwick  
Gas Com-  
pany and  
Leaming-  
ton Priors  
Gas Com-  
pany.

27. For the protection of the Warwick Gas Company and of the Leamington Priors Gas Company (each of which companies is in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Company have effect notwithstanding any other provisions of this Act (that is to say):—

- (1) The provisions of the existing Orders and of the Tramways Act 1870 which at the passing of this Act enure for the protection of the gas company in relation to the existing tramways shall continue in force and enure for the protection of the gas company until the date when the taking up and removal of the existing 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 "apparatus") of the gas company during and by reason of the taking up or removal by the Company of any of the existing 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 gas company the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the gas company against all claims and demands arising out of such injury:

(3) If any structure erected by the Company under the powers of either of the sections of this Act the marginal notes whereof are respectively "Shelters or waiting-rooms" and "Cloakrooms &c." is situate over any apparatus of the gas company laid or placed before the erection of such structure and the gas 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 gas company in obtaining such access :

A.D. 1929.

(4) If any difference shall arise between the gas 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.

**28.** The Company shall not exercise the powers of the sections of this Act of which the marginal notes are "Shelters or waiting-rooms" "Stopping and starting places" and "Cloakrooms &c." upon any road or bridge belonging to or maintained by or at the expense of any railway or canal company or so to obstruct the convenient access to or exit from any railway station depôt or property.

For protection of railway and canal companies.

**29.** Nothing contained in this Act shall impose any obligation upon or enlarge any existing obligation of a railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

Saving for railway and canal companies.

**30.—**(1) The Company on the one hand and any local authority empowered to run omnibuses in any borough or district in or adjacent to which the Company are for the time being empowered to run omnibuses on

Working and other agreements.

A.D. 1929. 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.

(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.

(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) Nothing in this section or in any agreement made in pursuance of this section shall authorise any local authority to run omnibuses except—

(a) upon routes along which the local authority have powers under or in pursuance of an Act or Order to provide omnibus services; and

(b) subject to any statutory limitations restrictions or obligations imposed on the local authority in respect of the exercise of such powers. A.D. 1929.

MISCELLANEOUS.

**31.** Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company and it is provided that such consent or approval shall not be unreasonably withheld any difference as to whether such consent or approval is unreasonably withheld shall be determined by the Minister. Consents of local or road authority.

**32.** All orders regulations and byelaws made by the Minister under the authority of this Act shall be signed by a secretary or an assistant secretary of the Ministry of Transport. Orders &c. of Minister.

**33.** Any byelaws made by the Company under this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws. As to making of byelaws.

**34.** 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 the existing Orders or 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." Inquiries by Minister.

**35.** 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 furnish to the Minister a copy of their annual accounts. Accounts to be furnished to Minister.

**36.** Proceedings for the recovery of any demand made under the authority of the existing Orders or this Act or any subsequent Act relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

A.D. 1929.

Recovery of  
penalties  
&c.

**37.** Save as otherwise by the existing Orders or this Act expressly provided all offences against the existing Orders and this Act or any incorporated enactment and all penalties forfeitures costs and expenses imposed or recoverable under the existing Orders or this Act or any incorporated enactment or under any byelaw made thereunder respectively 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.

**38.**—(1) The following provisions of the existing Orders are hereby repealed (namely):—

The Order of 1879—

Section 23 (Use of tramways for sanitary purposes);

Section 30 (Local authorities to participate in surplus profits).

The Order of 1900—

Section 29 (Purchase by local authority);

Section 32 (Recovery of penalties).

The Order of 1901—

Section 8 (Purchase by local authority).

(2) As from the date when any of the existing tramways is abandoned and discontinued under the provisions of the section of this Act of which the marginal note is "As to abandonment of existing tramways" sections 12 (Penalty for not maintaining rails and roads in good condition) and 13 (Power to Board of Trade to inquire as to maintenance of rails and roads) of the Order of 1879 shall cease to apply to and in respect of the tramways so abandoned and discontinued and to the carriages used thereon and as from the date when all the existing tramways have been so abandoned and discontinued the said sections and any reference to those sections in the existing Orders shall be repealed.

Copy of  
Act to be  
registered.

**39.** The Company 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 such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those

[19 & 20 GEO. 5.] *Leamington and* [Ch. xliv.]  
*Warwick Traction Act, 1929.*

three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily. A.D. 1929.  
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There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association 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.

40. 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 Company. Costs of Act.

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