



CHAPTER xvii.

An Act to confirm a Provisional Order under the A.D. 1929.
Private Legislation Procedure (Scotland) Act
1899 relating to Dundee Broughty Ferry and
District Traction. [26th July 1929.]

WHEREAS the Provisional Order set forth in the
schedule hereunto annexed has after inquiry
held before Commissioners been made by one of His
Majesty's Principal Secretaries of State under the pro-
visions of the Private Legislation Procedure (Scotland)
Act 1899 as read with the Secretaries of State Act 1926
and it is requisite that the said Order should be confirmed
by Parliament :

62 & 63 Vict.
c. 47.
16 & 17
Geo. 5. c. 18.

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. The Provisional Order contained in the schedule
hereunto annexed shall be and the same is hereby
confirmed.

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Dundee Broughty
Ferry and District Traction Order Confirmation Act
1929.

Short title.

A.D. 1929.

SCHEDULE.

DUNDEE BROUGHTY FERRY AND DISTRICT
TRACTION.

Provisional Order to authorise the Dundee Broughty Ferry and District Tramways Company to provide and run omnibuses to confer further powers upon the Company with regard to tramways and omnibuses to change the name of the Company and for other purposes.

WHEREAS the Dundee Broughty Ferry and District Tramways Company (hereinafter called "the Company") were incorporated by the Dundee Broughty Ferry and District Tramways Order 1904 and under the powers of that Order the Company constructed a system of tramways extending from the city of Dundee to the burgh of Monifieth in the county of Angus :

And whereas the Tramways Nos. 1 and 2 authorised by the said Order of 1904 were subsequently acquired by the lord provost magistrates and councillors of the city and royal burgh of Dundee (hereinafter called "the Dundee Corporation") in terms of section 45 (7) of that Order :

And whereas it is expedient that the Company should be empowered to run omnibuses and that the provisions contained in this Order with respect to the tramways and omnibuses of the Company be enacted :

And whereas the Company were by the said Order of 1904 empowered to raise capital to the amount of seventy three thousand five hundred pounds and to borrow on mortgage a sum not exceeding one-third of the amount of such capital :

And whereas the Company have created and issued seventy-three thousand five hundred shares of one pound each of which shares seventy two thousand are fully paid and on the remaining one thousand five hundred shares the sum of four shillings per share has been paid :

And whereas the Company borrowed on mortgage of their undertaking the sum of twenty-four thousand five hundred pounds but of the sum so borrowed eight thousand seven hundred pounds has been repaid and the Company have mortgages outstanding amounting to the sum of fifteen thousand eight hundred pounds : A.D. 1929.
—

And whereas it is expedient that the name of the Company be changed and that the Company be empowered to raise additional capital and borrow further money as provided by this Order :

And whereas the tramways of the Company are partly within and partly without the city of Dundee and connect with the tramway system of the Dundee Corporation and it is expedient that the provisions of the Order of 1904 with reference to the purchase of the undertaking of the Company be amended and that the Dundee Corporation should be empowered to purchase the undertaking of the Company as a whole :

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

PRELIMINARY.

1.—(1) This Order may be cited as the Dundee Broughty Ferry and District Traction Order 1929. Short title and citation.

(2) The Dundee Broughty Ferry and District Tramways Order 1904 and this Order may be cited together as the Dundee Broughty Ferry and District Traction Orders 1904 and 1929.

2. This Order shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.” Com-mencement of Order.

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929.

—
Incorporation of
general
Acts.

3. The following Act and Parts of an Act are (except where expressly varied by this Order) incorporated with and form part of this Order (that is to say):—

The Companies Clauses Consolidation (Scotland) Act 1845 and Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) and Part IV (relating to change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation.

4. In this Order 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 Order unless the context otherwise requires—

“The Order of 1904” means the Dundee Broughty Ferry and District Tramways Order 1904;

“The tramways” means the Tramways Nos. 3 4 and 5 authorised by and constructed by the Company under the powers of the Order of 1904;

“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 Order the marginal note whereof is “Power to run omnibuses”;

“The undertaking” means the undertaking of the Company authorised by the Order of 1904 and this Order;

“Road authority” means with reference to any road or part of a road over which any 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;

“The directors” and “the secretary” mean respectively the directors and the secretary of the Company;

“The city” means the city and royal burgh of Dundee; A.D. 1929.

“The Dundee Corporation” means the lord provost magistrates and councillors of the city;

“Contingencies” in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 includes the contingency of the undertaking being sold at a sum less than the aggregate amount of the capital and debts of the Company.

TRAMWAYS AND OMNIBUSES.

5.—(1) The Company may provide and maintain omnibuses and may in conjunction with the Dundee Corporation and in order to supplement the tramway service work and run a joint service of omnibuses along the route between the High Street of Dundee and High Street Monifieth at present served by the tramways of the Company and the Dundee Corporation or alternatively to so much of that route as is (a) between the High Street of Dundee and the top of Market Street by way of Commercial Street Dock Street East Dock Street and Market Street and (b) between the south end of Strips of Craigie Road and the west end of Queen Street Broughty Ferry by way of Dundee Road and West Queen Street Provided that nothing contained in this Order shall entitle the Company to run omnibuses over any part of the said route except upon such terms as may be agreed upon mutually between the Company and the Dundee Corporation or failing such agreement as may be determined by the Minister.

Power to run omnibuses.

(2) The Company may convey passengers passengers' luggage and parcels in the said omnibuses and may demand take and recover tolls rates and charges for the use of such omnibuses and for such conveyance as aforesaid but no parcel conveyed by the Company under this section shall exceed fifty-six pounds in weight.

(3) 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.

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929.

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

(5) The Company shall perform in respect of the omnibuses provided under this section 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.

(6) 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.

(7) 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.

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

Power to
provide
garages
&c.

6. The Company may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds or may use and adapt any of their existing carsheds for the said purposes or any of them but the Company shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

Tramway
and omni
bus fares
and
charges.

7.—(1) (a) Section 51 (Passengers' fares) of the Order of 1904 shall be read and have effect as if the words "one penny half-penny" had been inserted therein instead of the words "one penny" in both cases where such last-mentioned words occur in that section.

(b) Section 54 (Rates for parcels) of the Order of 1904 is hereby amended and the Company may and are hereby empowered to demand and take in respect of parcels increased rates and charges not exceeding in any

[20 GEO. 5.] *Dundee Broughty Ferry* [Ch. xvii.]
and District Traction Order Confirmation Act, 1929.

case by more than fifty per centum the rates and charges specified in that section. A.D. 1929.

(c) Section 55 (Cheap fares for labouring classes) of the Order of 1904 shall be read and have effect as if the words "one penny" had been inserted therein instead of the words "one half-penny."

(2) The provisions of sections 51 to 57 of the Order of 1904 as amended by this section and with the substitution of the words "Minister of Transport" for the words "Board of Trade" and "Board" shall extend and apply mutatis mutandis to the omnibuses of the Company and to the Company in respect thereof. Provided that for the purposes of such extension and application the said section 57 shall be read and have effect as if the words "three years from the opening of any omnibus route" had been inserted therein instead of the words "three years from the opening for public traffic of the tramways or any portion thereof."

8.—(1) The Company and the Dundee Corporation may enter into and carry into effect agreements between them 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. Working and other agreements.

(2) Any agreement made under subsection (1) 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 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 either 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;

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929.

(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 arising from any such omnibus service as aforesaid.

(3) The Dundee Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to the working user management or maintenance of any omnibus service except along the route referred to in subsection (1) of the section of this Order the marginal note whereof is "Power to run omnibuses."

Through
cars and
omnibuses.

9. The Company may run through cars along the routes of the tramways and through omnibuses along any of the omnibus routes and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Company and they may demand and take for every passenger carried by such cars and omnibuses a fare or charge not exceeding the maximum fare or charge for the time being authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus:

Provided that during the running of such through cars or omnibuses the Company shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

Power to
reserve
cars and
omnibuses
for special
purposes.

10.—(1) Notwithstanding anything in the Order of 1904 or in the section of this Order the marginal note whereof is "Tramway and omnibus fares and charges" to the contrary the Company may on any occasion run and reserve cars along any of the tramways and omnibuses on any of the omnibus routes for any special purpose which the Company may consider necessary or desirable provided that such special cars or omnibuses shall be distinguished from other cars or omnibuses in such manner as the Company may direct and that during the running of such special cars or omnibuses the Company shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

(2) The Company may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved. A.D. 1929.
—

(3) The restrictions contained in the Order of 1904 and this Order as to fares or charges shall not extend to any car or omnibus run for special purposes and in respect thereof the Company may demand and take such fares or charges as they shall think fit.

11. The Company may appoint the stations and places from which the cars on the tramways and 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 fix the time during which such cars or omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall be subject to the consent of the local authority of the district within which the said stations and places are appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister. Stopping
and
starting
places.

12.—(1) The Company may attach to any lamp-post pole standard or other similar erection erected on or in the highway of or near to any of their tramway routes or omnibus routes signs or directions indicating the position of stopping places for tramcars or omnibuses. Provided that in cases where the Company are not the owners of such lamp-post 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. Attach-
ment of
signs
indicating
stopping
places.

(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.

A.D. 1929.

(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 local authority county council or railway company.

Cloak-
rooms &c.

13. The Company may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with the undertaking and at suitable places on any of the tramway routes or omnibus routes and the Company may make charges for the use of such cloak-rooms 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 road authority.

Lost
property.

14. Any property found in any tramcar or omnibus of the Company or in any shelter or waiting-room in connection with the undertaking shall forthwith be handed to the conductor of the vehicle or be taken to the 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.

Applica-
tion to
omnibuses
of certain
provisions
of Order of
1904.

15. The following sections of the Order of 1904 shall extend and apply to the omnibuses of the Company and to the omnibus routes and to the Company in respect of the purposes of this Order in as full and complete a manner as if the said sections (with all necessary alterations and with the substitution of the words "Minister of Transport" for the words "Board of Trade") were re-enacted in this Order (that is to say) :—

Section 34 (Shelters or waiting rooms);

Section 98 (Form and delivery of notices);

Section 99 (Consents of local or road authority);

Section 100 (Deposits for future Orders not to be paid out of capital);

Section 101 (Provisions as to general Tramway Acts);

Section 102 (Recovery of penalties).

16. The Company may purchase provide and hire omnibuses and all apparatus and things which may be necessary for or incidental to the working of omnibuses and the exercise of the powers conferred on the Company by this Order but nothing in this Order shall entitle the Company to manufacture chassis or empower the Dundee Corporation in the event of their purchasing the undertaking to manufacture omnibuses or any such apparatus or things.

A.D. 1929.

Power to provide omnibuses and apparatus.

17. Subsection (4) of section 64 (For protection of Post Office telegraph lines) of the Order of 1904 shall be read and have effect as if the words "generated or used by or supplied to the Company" were inserted in that subsection in substitution for the words "generated by the Company."

For protection of Post-master-General.

18. For the protection of the London Midland and Scottish and London and North Eastern Railway Companies (each of which companies is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company have effect (that is to say):—

For protection of London Midland and Scottish and London and North Eastern Railway Companies.

- (1) The Company shall not exercise the powers of the sections of this Order whereof the marginal notes respectively are "Stopping and starting places" and "Cloak-rooms &c." nor of section 34 (Shelters or waiting rooms) of the Order of 1904 on any bridge or road belonging to or maintained by the railway company or so as to obstruct the convenient access to or exit from any station dépôt or other property of the railway company;
- (2) Nothing in this Order shall impose any obligation upon or enlarge any existing obligation of the railway company to maintain strengthen adapt alter or reconstruct any road maintainable by them or any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them.

CHANGE OF NAME.

19. The name of the Company shall be the Dundee Broughty Ferry and District Traction Company.

Change of name.

A.D. 1929.

ADDITIONAL CAPITAL.

Power to
raise
additional
capital.

20. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole sixteen thousand five hundred pounds nominal capital by the issue at their option of new ordinary shares or preference shares or wholly or partially by any one or more of those modes respectively but the Company shall not issue any shares of less nominal value than one pound.

New
ordinary
shares to
be subject
to same
incidents
as existing
shares.

21. Any new ordinary shares created by the Company under this Order and the holders of such new ordinary shares respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as if the capital represented by the new ordinary shares were part of the now existing ordinary capital of the Company of the same class or description and the new ordinary shares were shares in that capital.

Dividends
&c. on
preference
shares.

22.—(1) The Company may provide that any preference shares created under the powers of this Order shall be entitled to a cumulative preferential dividend not exceeding the rate of eight pounds per centum per annum and that if the profits of any year are not sufficient to pay such dividend the deficiency shall be made good out of any funds of the Company which may be available for that purpose or out of the profits of any subsequent year.

(2) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right of repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company.

(3) The Company may on such terms and conditions as they think fit form and maintain special sinking contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any deficiency or arrears of dividend thereon and may provide for yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for the final distribution of such funds and they may appoint trustees to receive hold manage and apply such funds all on such terms and conditions and with such powers and immunities as the Company may prescribe.

A.D. 1929.

(4) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificates of such shares.

23. The additional capital authorised by this Order shall form part of the capital of the Company.

Additional
capital to form
part of capital
of Company.

24.—(1) The Company in general meeting may without any further or other authority than is given by this section in respect of the capital already raised or created by the issue of shares under the Order of 1904 borrow on mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the sum of fifteen thousand eight hundred pounds outstanding at the thirty-first day of December one thousand nine hundred and twenty-eight) the sum of thirty-six thousand seven hundred and fifty pounds.

Power to
borrow in
respect of
authorised
and ad-
ditional
capital.

(2) The Company in general meeting may also in respect of the additional capital authorised by this Order from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of such additional capital for the time being issued but no part of any such sum or sums shall be borrowed until shares for the portion of capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929. Consolidation (Scotland) Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assignees and also that such persons or their executors administrators successors or assignees are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appoint-
ment of
judicial
factor.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than four thousand pounds in the whole.

Applica-
tion of
certain
sections of
Order of
1904.

26. The following sections of the Order of 1904 shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply to the provisions and for the purposes of this Order (that is to say) :—

Section 68 (Shares not to be issued until one-fifth paid);

Section 69 (Receipt in case of persons not sui juris);

Section 71 (Rights of mortgagees on sale of tramways);

Section 73 (Company not to create debenture stock).

Priority of
mortgages.

27. All mortgages granted by the Company before the commencement of this Order in pursuance of the powers of the Order of 1904 and which shall be subsisting at the commencement of this Order shall (unless otherwise provided by such mortgages) during the continuance

of such mortgages have priority over any mortgages to be granted by virtue of this Order and subject as aforesaid all moneys borrowed on mortgage by the Company under the powers of the Order of 1904 or this Order shall rank *pari passu* as regards both principal and interest and shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

A.D. 1929.

—

28. All moneys raised under this Order whether by shares or borrowing shall be applied only to the purposes of this Order and to the general purposes of the undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Order any moneys which they have raised under the Order of 1904 and which may not be required for the purposes of that Order.

Applica-
tion of
moneys.

MEETINGS DIRECTORS &C.

29. The ordinary general meeting of the Company shall be held in each year at such time and place as the directors may from time to time appoint.

Annual
meeting.

30. Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been sent by post it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

Notice of
meetings.

31.—(1) At all general meetings of the Company whether ordinary or extraordinary every holder of ordinary shares shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each one pound ordinary share held by him Provided always that

Voting.

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929. no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share to which a preferential dividend shall be assigned.

Appoint-
ment of
proxies.

32. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 the attorney of any holder of ordinary or preference shares in the capital of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of such holder and for that purpose may execute on behalf of the holder the necessary form of proxy. Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

33. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 where several persons are jointly entitled to and registered as holders of any ordinary or preference shares in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares of the same class are entitled to vote) either personally or by proxy in respect of the shares as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any shares stand shall for the purposes of this section be deemed joint holders thereof.

Quorum of
directors.

34. Notwithstanding anything in section 79 (Quorum of meetings) of the Order of 1904 the quorum of a meeting of directors shall be two or such greater number as may from time to time be fixed by the directors.

As to
qualifica-
tion of
directors.

35. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be

required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is agreed upon if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no such director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity. A.D. 1929. —

36. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors shall be less than three the directors shall not act as such except for the purpose of filling vacancies among the directors and allotting shares to any proposed director or directors. Continuing directors.

37. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election. Notice of candidature for office of director.

38. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 it shall not be necessary after the commencement of this Order to authenticate the register of shareholders of the Company by affixing the common seal of the Company to the register. As to shareholders' register.

39. Notwithstanding anything in section 13 of the Companies Clauses Consolidation (Scotland) Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage or a new certificate of any shares or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be Indemnity may be required before issue of substituted certificates &c.

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929. — lost or destroyed until they have received from the person to whom such new debenture or mortgage certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage shares dividend or interest represented thereby.

Execution
of deeds.

40. Any deed to which the Company is a party and any other document requiring to be sealed by the Company shall be held to be validly executed on behalf of the Company if it is sealed with the common seal of the Company and subscribed on behalf of the Company—

(a) by any two of the directors; or

(b) by any one of the directors and the secretary;

and such subscription on behalf of the Company shall be equally binding whether attested by witnesses or not.

As to
contracts.

41. Notwithstanding anything in any Act relating to the Company any contract or agreement required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

Remunera-
tion of
secretary.

42. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation (Scotland) Act 1845 they may determine the remuneration of the secretary.

MISCELLANEOUS.

Power to
Dundee
Corporation
to purchase
under-
taking.

43. Notwithstanding anything in the Order of 1904 or this Order or any provisions of the Tramways Act 1870 incorporated with the Order of 1904 the following provisions shall (unless otherwise agreed between the Company and the Dundee Corporation) have effect with reference to the purchase of the undertaking (that is to say) :—

- (1) The Dundee Corporation may (if by resolution passed at a meeting of the Corporation they so decide) within six months from the thirty-first day of December one thousand nine hundred and thirty-four or within six months from the

thirty-first day of December in every subsequent seventh year by notice in writing require the Company to sell and thereupon the Company shall sell to the Dundee Corporation the undertaking upon the terms of paying the fair market value of the undertaking as a going concern and all lands buildings works materials and plant of the Company suitable to and used by the Company exclusively for the purposes thereof but without any allowance for compulsory purchase such value to be in case of difference determined by an arbiter to be appointed by the Minister on the application of either party :

A.D. 1929.

- (2) The Company may at any time sell and the Dundee Corporation may purchase the undertaking or any part thereof if the Dundee Corporation shall have decided by resolution to make such purchase :
- (3) No such resolution shall be valid unless one month's previous notice of the meeting and of the purpose thereof has been given in the manner in which notices of meetings of the Dundee Corporation are usually given :
- (4) Subject to the foregoing provisions of this section section 43 of the Tramways Act 1870 including the provisions of that section with regard to the transfer to vesting in and exercise by the local authority of the rights powers and authorities of the promoters in respect of the undertaking sold the payment of the purchase money and all expenses incurred in the purchase and the borrowing of money for the purposes thereof shall apply to the purchase of the undertaking by the Dundee Corporation under this section as if the said section 43 with any necessary modifications were re-enacted in this Order and as if the Dundee Corporation were the local authority within the meaning of that section :
- (5) When any such sale shall have been made all the rights powers and authorities of the Company in respect to the undertaking shall be transferred to vested in and may be exercised by the Dundee Corporation and as if in the case of

A.D. 1929.

the tramways such tramways were constructed by the Dundee Corporation under powers conferred upon them by a Provisional Order under the Tramways Act 1870 together with power to place and run carriages upon and to work the tramways and to demand and take tolls rates and charges in respect of the same or in respect of the use of such carriages and in reference to such tramways the Dundee Corporation shall be deemed to be the promoters :

(6) The Dundee Corporation shall not under the powers of this section run any omnibuses except upon the route referred to in subsection (1) of the section of this Order the marginal note whereof is " Power to run omnibuses " :

(7) If the Dundee Corporation should acquire the undertaking in virtue of the powers contained in this section the undertaking so acquired shall be deemed to form part of the tramway and omnibus undertakings of the Dundee Corporation.

Winding
up of
Company
on sale of
under-
taking.

44. In the event of a sale of the undertaking the Company shall be wound up in the same manner and with the same incidents as if the Company were a Company registered under the Companies (Consolidation) Act 1908 and had on the day of the sale taking effect duly passed a special resolution requiring the Company to be wound up voluntarily and the Company shall be deemed to have passed an effective resolution for such winding up and for the purposes of such winding-up the Company shall be deemed to be registered in Scotland under the Companies (Consolidation) Act 1908 and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding-up resolutions of meetings of the Company convened and held in pursuance of and in accordance with the provisions contained in the Order of 1904 and this Order and the Acts incorporated therewith may and shall take effect as resolutions of a Company so duly registered and in the event of such winding up the Company shall within fourteen days after the appointment of the liquidator in such winding up pay to the said liquidator all moneys then in their hands or under their control and in the meantime shall hold

such moneys in trust for the said liquidator and all such moneys shall be applied by the said liquidator as part of the assets of the Company. A.D. 1929.
 —

45. Any byelaws and regulations made by the Company under this Order 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.

46. In respect of the exercise of any powers or duties conferred on the Minister or the giving by him of any consents under the Order of 1904 or this Order 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.

47. 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.

48. The following sections of the Order of 1904 are hereby repealed (that is to say):— Repeal.

Section 70 (Power to borrow);

Section 72 (Appointment of judicial factor);

Section 76 (First and subsequent ordinary meetings);

Section 93 (As to purchase of undertaking).

49. The Company shall deliver to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within three months from the commencement of this Order the 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 a like penalty. Every penalty under this section shall be recoverable summarily. Copy of Act to be registered.

[Ch. xvii.] *Dundee Broughty Ferry* [20 GEO. 5.]
and District Traction Order Confirmation Act, 1929.

A.D. 1929.
—

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.

Costs of
Order.

50. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Company.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.