

[21 & 22 GEO. 5.] *Ipswich Corporation* [Ch. lxxxvi.]
(*Trolley Vehicles*) *Order Confirmation Act, 1931.*



CHAPTER lxxxvi.

An Act to confirm a Provisional Order made by the Minister of Transport under the Ipswich Corporation Act 1925 relating to the Ipswich Corporation Trolley Vehicles. [31st July 1931.] A.D. 1931. —

WHEREAS under the authority of section sixteen of the Ipswich Corporation Act 1925 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed : 15 & 16 Geo. 5. c. ciii.

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

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Ipswich Corporation (*Trolley Vehicles*) Order Confirmation Act 1931. Short title.

[*Price 4d. Net.*]

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Confirma-
tion of
Order in
schedule.

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

SCHEDULE.

A.D. 1931.

IPSWICH CORPORATION (TROLLEY VEHICLES).

Provisional Order authorising the mayor aldermen and burgesses of the borough of Ipswich to provide maintain and use trolley vehicles upon certain routes in that borough and in the parish of Sproughton.

Ipswich Corporation.

1.—(1) This Order may be cited as the Ipswich Corporation (*Trolley Vehicles*) Order 1931.

Short and collective titles.

(2) The Ipswich Corporation Act 1925 and this Order may be cited together as the Ipswich Corporation (*Trolley Vehicles*) Act and Order 1925 and 1931.

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

Interpretation.

“The Corporation” means the mayor aldermen and burgesses of the borough of Ipswich;

“The borough” means the borough of Ipswich;

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

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

“The Act of 1925” means the Ipswich Corporation Act 1925;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

3.—(1) The Corporation may use trolley vehicles upon the following routes in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say):—

Power to use trolley vehicles upon certain routes.

Route No. 1 (3 furlongs 5·1 chains or thereabouts in length to be situate in the borough) commencing by a junction with Route No. 1 authorised by the Act of 1925 in Saint Matthew's Street at its junction with Saint George's Street passing along Crown Street Saint Margaret's Plain

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and Saint Margaret's Street to and terminating by a junction with Route No. 1A authorised by the Act of 1925 in Woodbridge Road at its junction with Saint Margaret's Street;

Route No. 2 (7 furlongs 4·7 chains or thereabouts in length to be situate in the borough) commencing by a junction with Route No. 1A authorised by the Act of 1925 in Woodbridge Road at its junction with Rushmere Road passing along Rushmere Road to and terminating at the borough boundary;

Route No. 3 (4 furlongs 2·7 chains or thereabouts in length to be situate in the borough) commencing by a junction with Route No. 6 authorised by the Act of 1925 in Bishop's Hill at its junction with Nacton Road passing along Nacton Road to and terminating by a further junction with the said Route No. 6 in that road at its junction with Hatfield Road;

Route No. 4 (4 furlongs 7·5 chains or thereabouts in length to be situate in the borough) commencing by a junction with Route No. 6 authorised by the Act of 1925 in Nacton Road at its junction with Landseer Road and Rands Way passing along Landseer Road Reynolds Road Cotman Road and Clapgate Lane and terminating in that lane at its junction with Landseer Road;

Route No. 5 (4 furlongs 9·2 chains or thereabouts in length to be situate in the borough and in the parish of Sproughton in the rural district of Samford) commencing by a junction with Route No. 3 authorised by the Act of 1925 at its termination in London Road passing along London Road and Crane Hill and terminating in London Road at the south lodge of "The Chantry";

Route No. 6 (5 furlongs 9·3 chains or thereabouts in length to be situate in the borough and in the parish of Sproughton in the rural district of Samford) commencing by a junction with Route No. 3 authorised by the Act of 1925 in London Road at its junction with Hadleigh Road passing along Hadleigh Road and terminating in that road at the north lodge of "The Chantry";

Route No. 6A (1 furlong 9·5 chains or thereabouts in length to be situate in the borough) commencing by a junction with Route No. 6 hereinbefore described in Hadleigh Road at its junction with Dickens Road passing along Dickens Road to and terminating by a junction with Route No. 3 authorised by the Act of 1925 in London Road at its junction with Dickens Road:

Provided that—

- (i) the Corporation shall not use trolley vehicles on any part of the said Route No. 1 of which the width

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of the carriageway is less than twenty feet unless or until such carriageway has been widened to that width;

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- (ii) the Corporation shall run trolley vehicles in one direction only over the Hadleigh Road railway bridges on the said Route No. 6 unless or until the carriageway has been widened to a minimum width of twenty feet.

(2) The application of the provisions of the Act of 1925 to this Order in accordance with subsection (1) of section 16 of that Act shall have effect with any necessary modification and so far only as the same are applicable for the purpose and have not been modified by the Road Traffic Act 1930 and for the purpose of such application the expression "trolley vehicle route" where used in the Act of 1925 shall be deemed to include the routes authorised by this Order :

Provided that in the application to this Order of section 7 (For protection of Postmaster-General) of the Act of 1925 subsection (2) (d) of that section shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

4.—(1) (a) Before the Corporation commence to use trolley vehicles under the powers of this Order over any road or part of a road outside the borough it shall be determined by agreement between the Corporation and the East Suffolk County Council (hereinafter called "the road authority") or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Order of a trolley vehicle service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road and if so what sum of money per mile of road so to be adapted altered or reconstructed shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration or reconstruction. Adaptation of roads.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to use trolley vehicles over the road or part of a road in question.

(c) If the Corporation give notice in writing to the road authority that they intend to use trolley vehicles over the road or part of a road in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge

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of the work of adaptation alteration or reconstruction of such road or part of a road pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation or reconstruction of any such road or part of road which is not executed within three years from the date on which the Corporation shall commence to use trolley vehicles over the road or part of a road to be adapted altered or reconstructed.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed.

(2) If any such adaptation alteration or reconstruction as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(3) The road authority shall not under section 54 of the Road Traffic Act 1930 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the trolley vehicles of the Corporation.

Byelaws as
to intending
passengers
outside
borough.

5.—(1) The Corporation may require the authority by whom byelaws may be made and other powers may be exercised under section 75 of the Public Health Act 1925 to make such byelaws and exercise such other powers in respect of any of the trolley vehicle routes of this Order or any part of any such route situate in the district of the said authority.

(2) If the said authority refuse or neglect to make such byelaws or exercise such other powers in accordance with the said requisition the Corporation may without prejudice to any other remedy available to them apply to the Minister of Transport for and the Minister of Transport after consultation with the Minister of Health may make an order transferring to the Corporation the powers of the said authority under the said section in respect of the said routes or parts of routes.

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(3) On the making of such order the said authority shall during the continuance of the order cease to exercise the powers transferred to the Corporation by the order.

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(4) Any byelaws made by the Corporation under the powers transferred by the said order shall be subject and according to the provisions of section 46 and section 47 of the Tramways Act 1870.

(5) In relation to any byelaws made under section 75 of the Public Health Act 1925 and affecting any such route or part of a route as aforesaid the Corporation shall be deemed to be a person aggrieved within the meaning of section 253 of the Public Health Act 1875.

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

Power to borrow.

| 1 | 2 | 3 |
|--|-------------------|---|
| Purpose. | Amount. | Period for repayment. |
| (a) The provision of trolley vehicle equipment and the construction of other works necessary for working trolley vehicles along the routes authorised by this Order. | £ 19,690 | Twenty years from the date or dates of borrowing. |
| (b) The payment of the costs charges and expenses of this Order. | The sum requisite | Five years from the passing of this Order. |

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

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Transport and that period shall be the prescribed period for the purposes of this Order and the enactments incorporated therein or applied thereby.

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

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Costs of order.

7. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of money to be borrowed under the powers of this Order for that purpose.

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