



CHAPTER xlv.

An Act to confirm a Provisional Order made by the Minister of Transport under the Derby Corporation Act 1930 relating to Derby Corporation trolley vehicles. [1st August 1946.]

WHEREAS under the authority of section thirty-three of 20 & 21 Geo. 5. c. lxvi. the Derby Corporation Act 1930 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed:

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

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section 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. The Order which as amended is 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.

2. This Act may be cited as the Derby Corporation (Trolley Short title. Vehicles) Order Confirmation Act 1946.

SCHEDULE.

DERBY CORPORATION.

Order authorising the mayor aldermen and burgesses of the borough of Derby to use trolley vehicles upon additional routes in the borough of Derby and the rural district of Belper.

Short and collective titles.

1.—(1) This Order may be cited as the Derby Corporation (Trolley Vehicles) Order 1946.

(2) The Derby Corporation (Trolley Vehicles) Act and Order 1930 and 1936 and this Order may be cited together as the Derby Corporation (Trolley Vehicles) Act and Orders 1930 to 1946.

Interpretation.

2. In this Order the following expressions have the meanings hereby assigned to them respectively (that is to say):—

“The borough” means the borough of Derby;

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

“The Act of 1930” means the Derby Corporation Act 1930;

“The Order of 1936” means the Derby Corporation (Trolley Vehicles) Order 1936;

“Trolley vehicle” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1930.

20 & 21 Geo. 5.
c. lxvi.
26 Geo. 5. &
1 Edw. 8.
c. xlvi.

Power to use trolley vehicles upon certain routes.

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):—

Route No. 1 (1 mile 1 furlong 7·6 chains or thereabouts in length to be situate in the borough) commencing at the junction of the Outer Arterial Road (at that point known as Kingsway) with Uttoxeter Road proceeding thence in a northerly direction along the said road known as Kingsway to and terminating by a junction with the existing trolley vehicle route of the Corporation at the junction of Ashbourne Road with the said road known as Kingsway;

Route No. 2 (6 furlongs 6 chains or thereabouts in length to be situate in the parishes of Darley Abbey and Allestree in the rural district of Belper and county of Derby) commencing in Duffield Road at the boundary of the borough by a junction with Route No. 11 authorised by the Act of 1930 proceeding thence in a northerly direction along Duffield Road and King's Croft to and terminating at a point in King's Croft 60 yards or thereabouts measured in a north-westerly direction from the intersection of the centre lines of Duffield Road and King's Croft:

Provided that—

(a) Before equipping any route to include a turning point or arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and in the case of a turning point outside the borough shall also submit a copy of such plans to the chief constable of Derbyshire and before approving

any such plans the Minister of Transport shall give to the chief constable an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him;

- (b) If the Corporation shall not have commenced to use trolley vehicles upon each of the routes authorised by this Order within five years from the passing of the Act confirming this Order or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Order with reference to the use of trolley vehicles upon the route or routes upon which the Corporation shall not have commenced to use trolley vehicles shall cease to be exercisable.

(2) The application of the provisions of the Act of 1930 as amended by the Road Traffic Act 1930 to this Order in accordance with subsection (1) of section 33 of the Act of 1930 shall have effect with any necessary modification and so far only as the same are applicable for the purpose and for the purpose of such application the expression "trolley vehicle route" where used in the Act of 1930 shall be deemed to include the routes authorised by this Order :

Provided that—

- (a) section 34 (Restricting running of omnibuses in competition) of the Derby Corporation Act 1929 shall not apply to Route No. 2 authorised by this Order ;
- (b) in its application to Route No. 1 authorised by this Order the said section 34 (as amended by subsection (2) (a) of section 32 of the Act of 1930) shall have effect as if that route were a protected route within the meaning thereof and as if the fifteenth day of November nineteen hundred and forty-five were mentioned in subsection (5) thereof instead of the fifteenth day of November nineteen hundred and twenty-eight.

4.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for or in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The provision of trolley vehicles ...	£30,000	Ten years.
(b) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles	£16,936	Twenty years.
(c) The payment of the costs charges and expenses of this Order	The sum requisite	Five years from the passing of this Order.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the said provisions of the Local Government Act 1933 to the borrowing of any further money for the purposes of this Order the Minister of Transport shall be the sanctioning authority.

Restriction on
borrowing.
2 & 3 Geo. 6.
c. 62.
9 Geo. 6. c. 10.

5.—(1) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful otherwise than by the use of the Corporation's internal funds to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of this Order as hereinafter defined) without such consent.

9 & 10 Geo. 6.
c. 58.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

8 & 9 Geo. 6.
c. 18.

Application of
certain
provisions of
Order of 1936.

6. The following provisions of the Order of 1936 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were set out in this Order (that is to say):—

- Section 5 (Application of byelaws);
- Section 6 (Procedure for making byelaws);
- Section 7 (Inquiries by Minister of Transport).

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.

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