

Llanelly District Traction Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. xliv

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CHAPTER xlv

An Act to authorise the South Wales Transport Company Limited to discontinue the services of trolley vehicles authorised by the Llanelly District Traction Acts 1907 to 1936 to amend those Acts and for other purposes.

[1st August 1952.]

WHEREAS under and by virtue of the Electricity Act 1947 and the Electricity (Allocation of Undertakings to Area Boards) Order 1948 certain property rights liabilities and obligations of the Llanelly and District Electric Supply Company Limited became on the first day of April nineteen hundred and forty-eight vested in the South Wales Electricity Board (hereinafter referred to as "the board"):

And whereas the property rights liabilities and obligations so vested in the board included property rights liabilities and obligations in and in respect of the trolley vehicle and omnibus undertakings authorised by the Llanelly District Traction Acts 1907 to 1936:

And whereas pursuant to powers in that behalf conferred upon them by their memorandum and articles of association and by virtue of road service licences granted by the licensing authority for public service vehicles the South Wales Transport Company Limited (hereinafter referred to as "the Company") are operating an extensive system of services of public service vehicles in the borough of Llanelly the rural district of Llanelly and other areas in the counties of Carmarthen Glamorgan and Brecknock:

And whereas the said undertakings have with the consent of the Minister of Transport recently been sold and transferred to and are now vested in the Company:

And whereas it is expedient to empower the Company to discontinue their services of trolley vehicles:

And whereas it is expedient to amend the Llanelly District Traction Acts 1907 to 1936 in manner provided by this Act:

And whereas it is expedient that the other provisions of this Act be enacted:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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.—(1) This Act may be cited as the Llanelly District Traction Act 1952.

(2) The Llanelly District Traction Acts 1907 to 1936 and this Act may be cited together as the Llanelly District Traction Acts 1907 to 1952.

Short and
collective
titles.

Interpretation.

2. In this Act unless the context otherwise requires—
- “the Act of 1930” means the Llanelly District Traction Act 1930;
 - “the Act of 1936” means the Llanelly District Traction Act 1936;
 - “apparatus” includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting trolley vehicles;
 - “the Company” means the South Wales Transport Company Limited;
 - “local authority” and “statutory undertakers” have the same respective meanings as in the Local Government Act 1933;
 - “the Order of 1907” means the Llanelly and District Light Railways Order 1907;
 - “public service vehicle” has the meaning given to that expression by the Road Traffic Acts 1930 to 1947;
 - “route” means any route upon which the Company are by the Llanelly District Traction Acts 1907 to 1936 authorised to work and run trolley vehicles and includes any turning point provided in connection with any such route.

Discontinuance
of trolley
vehicles.

3.—(1) The Company may discontinue the running of trolley vehicles along any route or along any part of a route and upon any such discontinuance all the powers liabilities duties and

obligations of the Company with reference to the running of trolley vehicles along that route or part of a route shall cease and determine.

(2) Notwithstanding the provisions of subsection (1) of this section the Company shall not discontinue the running of trolley vehicles along any route or along any part of a route unless and until they shall have satisfied the licensing authority for public service vehicles that on and after the date of discontinuance such passenger road transport services as are reasonably required in the public interest in substitution for the services of trolley vehicles on that route or part of a route will be provided on that route or an alternative route by services of public service vehicles run by the Company or by the Company and any other company body or person jointly.

(3) The Company may and within twelve months after the discontinuance of the running of trolley vehicles along any route or part of a route under the provisions of this section shall take up and remove all or any of the apparatus provided in connection with such route or part of a route and may use or dispose of all materials so taken up and removed.

(4) (a) On the taking up and removal of any apparatus the Company shall with all reasonable speed and to the reasonable satisfaction of the highway authority fill in the ground restore the portion of road in on or under which such apparatus was laid or placed make good the surface and clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night.

(b) Any dispute which may arise between the Company and the highway authority under this subsection shall be referred to and determined by an arbitrator to be appointed in default of agreement 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 1950 shall apply to such arbitration.

(5) For the purposes of this section the expression "highway authority" has the meaning given to that expression by the Road Traffic Act 1930.

4.—(1) Notwithstanding anything in the last preceding section the Company and any local authority or statutory undertakers within whose district or limits of supply (as the case may be) any redundant apparatus is situated may enter into and carry

As to sale of apparatus to local authorities and statutory undertakers.

into effect agreements for the sale by the Company to and the purchase by the local authority or the statutory undertakers of the redundant apparatus in situ on such terms and conditions as may be agreed between the parties to the agreement:

...Provided that no statutory undertakers shall be entitled to purchase any redundant apparatus which the Company are willing to sell to them under this subsection except for use by those undertakers for the purposes of their undertaking.

(2) Any redundant apparatus which the Company have agreed to sell in situ shall as from the date on which the sale of that apparatus becomes effective be deemed to have been placed or erected by the local authority or statutory undertakers to whom it has been sold in the exercise of their functions or of their statutory powers (as the case may be) and as from that date all liabilities duties and obligations of the Company with reference to that apparatus shall cease and determine.

(3) Nothing in this Act shall prejudice or affect the option granted to the Postmaster-General by paragraph (k) of subsection (1) of section 8 (As to use of posts by Postmaster-General) of the Llanelly and District Light Railways (Revival and Extension of Time) Order 1910 as applied by section 24 (Application to trolley vehicles of certain provisions of existing Orders) of the Act of 1930 and section 8 (Incorporation and amendment of provisions of existing Acts) of the Act of 1936 to retain and pay for any redundant apparatus subject to the terms and conditions laid down in the said paragraph.

(4) (a) In this section "redundant apparatus" means in relation to any route or part of a route along which the running of trolley vehicles has been discontinued under the provisions of the last foregoing section of this Act any apparatus provided in connection with that route or part of a route (not being apparatus required in connection with any other route or part of a route upon which a service of trolley vehicles is still in operation).

(b) For the purposes of this section the provision of street lighting by statutory undertakers carrying on an electricity undertaking shall notwithstanding any enactment relating to those undertakers be deemed to be a purpose for which they are authorised to carry on their undertaking.

Amendment
and repeal of
existing
enactments.

5.—(1) Section 75 (Effect of sale of undertaking) of the Order of 1907 as applied by section 29 (Application to trolley vehicles and omnibuses of certain provisions of Order of 1907) of the Act of 1930 and section 8 (Incorporation and amendment of provisions of existing Acts) of the Act of 1936 shall have effect as if the words "and the benefit of any provision of any Act or Order for the protection or benefit of the Company" had been inserted therein after the word "Company" where that word first occurs.

(2) (a) The following provisions of the Order of 1907 the Act of 1930 and the Act of 1936 are hereby repealed:—

The Order of 1907—

- Section 65 (Mortgage of undertaking);
- Section 66 (Endorsement of notice of future purchase by purchasing authorities);
- Section 70 (Purchasing authorities);
- Section 83 (Form and delivery of notices);

The Act of 1930—

So much of section 24 (Application to trolley vehicles of certain provisions of existing Orders) as relates to any provision of the Order of 1907 repealed by this paragraph;

Section 26 (Power to purchasing authorities to purchase undertaking);

Section 28 (Power to run omnibuses);

So much of section 29 (Application to trolley vehicles and omnibuses of certain provisions of Order of 1907) as relates to any provision of the Order of 1907 repealed by this paragraph;

Section 33 (Provision as to general Act relating to road traffic);

Section 54 (Accounts to be furnished to Minister);

The Act of 1936—

So much of subsection (1) of section 8 (Incorporation and amendment of provisions of existing Acts) as relates to any provision of the Order of 1907 or the Act of 1930 repealed by this paragraph and subsections (3) and (4) of that section;

Section 11 (Extending power to run omnibuses).

(b) The following provisions of the Act of 1930 and the Act of 1936 are hereby repealed so far as they relate to omnibuses to omnibus routes to the omnibus undertaking or to an omnibus system:—

The Act of 1930—

So much of section 29 (Application to trolley vehicles and omnibuses of certain provisions of Order of 1907) as relates to section 55 (Rates authorised) section 56 (Rates for passengers) section 57 (As to fares on Sundays and holidays) section 58 (Passengers' luggage) section 59 (Tolls for use of railway) section

60 (Cheap fares for labouring classes) and section 62 (Payment of rates and charges) of the Order of 1907 ;

- Section 30 (Parcels &c.) ;
- Section 31 (Periodical revision of fares and charges) ;
- Section 32 (List of fares &c. to be exhibited) ;
- Section 36 (Power to purchase lands) ;
- Section 37 (Conveyance of mails) ;
- Section 38 (Shelters or waiting rooms) ;
- Section 39 (Power to require intending passengers to wait in lines or queues) ;
- Section 40 (Stopping and starting places) ;
- Section 41 (Through trolley vehicles and omnibuses) ;
- Section 42 (Power to reserve trolley vehicles and omnibuses for special purposes) ;
- Section 43 (Attachment of signs indicating stopping places) ;
- Section 44 (Cloakrooms &c.) ;
- Section 45 (Lost property) ;
- Section 49 (Working and other agreements) ;

The Act of 1936—

So much of subsection (1) of section 8 (Incorporation and amendment of provisions of existing Acts) as relates to any provision of the Act of 1930 repealed by this paragraph.

(c) Notwithstanding anything in the last foregoing paragraph—

- (i) the Company may continue to hold any lands held by them immediately before the passing of this Act which were acquired by them or by their predecessors in title pursuant to the powers conferred by section 36 (Power to purchase lands) of the Act of 1930 ;
- (ii) the proviso to that section 36 shall continue in force.

(d) On the expiration of three years from the passing of this Act section 34 (Restricting running of omnibuses in competition) of the Act of 1930 shall become and be repealed.

(e) No repeal effected by the foregoing provisions of this section shall prejudice limit or affect any other power of the Company with respect to the subject-matter of any of the repealed enactments.

6. The following provisions for the protection of the commission shall unless otherwise agreed between the Company and the commission apply and have effect:—

For protection
of British
Transport
Commission.

- (1) In this section "the commission" means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive:
- (2) The Company shall give to the commission not less than fourteen days' previous notice in writing of their intention to take up and remove any apparatus and shall state in such notice the place and time at which they propose to commence the work and the commission may where necessary employ watchmen or inspectors to watch such taking up and removal and the reasonable cost thereof together with any expense which the commission may reasonably incur during the carrying out and in consequence of such taking up and removal shall be borne by the Company:
- (3) The Company shall not under the powers of section 4 (As to sale of apparatus to local authorities and statutory undertakers) of this Act sell any redundant apparatus in situ which is situated on in or under any property of the commission without the consent in writing of the commission such consent not to be unreasonably withheld:
- (4) If any difference shall arise between the Company and the commission under this section the same shall be settled by an arbitrator 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 1950 shall apply to such arbitration.

7. The following provisions shall unless otherwise agreed in writing between the mayor aldermen and burgesses of the borough of Llanelly (hereinafter respectively referred to as "the corporation" and "the borough") and the Company have effect:—

Power to
Llanelly
Corporation
to purchase
part of
Company's
undertaking.

- (1) If the corporation by resolution passed at a special meeting of the council of the borough held in the year nineteen hundred and sixty-nine shall decide to purchase on the thirty-first day of December nineteen

hundred and seventy-two (hereinafter referred to as "the date of purchase") all that part of the undertaking of the Company which is more particularly described in subsection (2) of this section and is hereinafter referred to as "the purchasable part of the undertaking" and shall in the year nineteen hundred and sixty-nine give notice in writing to the Company of their intention so to do then the following provisions shall have effect:—

(a) As from the date of purchase the Company shall sell and the corporation shall purchase as a whole the purchasable part of the undertaking;

(b) As consideration for the purchase the corporation shall pay to the Company such sum as may be agreed between the Company and the corporation or in default of agreement determined by arbitration to be the fair market value of the purchasable part of the undertaking as a going concern and in addition such compensation in respect of the severance of the purchasable part of the undertaking from the remainder of the undertaking of the Company as may be so agreed or determined in accordance with the provisions of subsection (4) of this section;

(c) On payment of the said consideration by the corporation to the Company such of the property specified in subsection (2) of this section as the Company may be entitled to transfer or deliver to the corporation shall be transferred or delivered by the Company to the corporation;

(d) On the said payment of the said consideration the corporation shall to the exclusion of the Company be subject to all liabilities and obligations whether arising by statute or otherwise howsoever to which the Company shall immediately before the date of purchase be subject in respect of the purchasable part of the undertaking:

Provided that the corporation shall not by virtue of this paragraph be subject to any liability or obligation of the Company in respect of any loan raised for the purposes of the purchasable part of the undertaking:

- (2) (a) The part of the undertaking of the Company which shall be purchasable by the corporation under subsection (1) of this section shall be such part of that undertaking as shall at the date of purchase consist in the provision of such services of stage carriages (herein-

after referred to as "the local services") as may be determined to be necessary in the public interest (in addition to any services of stage carriages provided by the Company partly over the local routes and partly over other routes or by any other person) adequately to provide for local passengers over the local routes including—

(i) such estate or interest as the Company may at the date of purchase be entitled to sell and assign in any garage or other building or land used by the Company wholly or mainly for the purposes of the local services ; and

(ii) such of the stage carriages plant equipment and stores belonging to the Company at the date of purchase as shall immediately before the date of purchase be wholly or mainly applied to or used in connection with the provision of the local services ;

(b) In this subsection—

"determined" means determined by the licensing authority for public service vehicles on an application by the corporation for the grant to them of a road service licence pursuant to section 72 of the Road Traffic Act 1930 or by the Minister of Transport on appeal under section 81 of that Act ;

"the local routes" means (a) any roads within the borough and (b) the roads outside the borough coloured green on the map signed in quadruplicate by the Right Honourable Lord Hindlip the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons one with the Company at their offices and one with the town clerk at his office ;

"local passengers" means persons desiring to travel by stage carriage for a journey wholly over any of the local routes or over any part of those routes ;

"stage carriage" has the meaning given to that expression by the Road Traffic Acts 1930 to 1947 ;

(c) Any question arising under sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) of this subsection shall in default of agreement be determined by arbitration :

(3) (a) The Company shall be entitled to all profits and other receipts and shall discharge and pay all outgoings and liabilities in respect of the purchasable part of the undertaking which shall have accrued due or become payable on or before the date of purchase and the corporation shall be entitled to all profits and other receipts and shall discharge and pay all outgoings and liabilities in respect of the purchasable part of the undertaking which shall accrue due or become payable after the date of purchase other than any liability of the Company in respect of any loan raised for the purposes of the purchasable part of the undertaking ;

(b) The Company shall pay to the corporation so much of any profits and other receipts received by the Company on or before the date of purchase as is in respect of any period subsequent to that date and so much of any outgoings and liabilities paid or discharged by the corporation after the date of purchase as is in respect of any period ending on or before that date ;

(c) All profits and other receipts accruing prior to the date of purchase but not at that date actually due or payable shall when due be recoverable by the corporation who shall pay to the Company such proportion of such profits and other receipts as shall be attributable to any period ending on or before the date of purchase and the corporation shall further pay to the Company so much of any outgoings and liabilities paid or discharged by the Company on or before the date of purchase (other than any liability of the Company in respect of any loan raised for the purposes of the purchasable part of the undertaking) as is in respect of any period after the date of purchase ;

(d) For the purposes of this subsection all profits and other receipts outgoings and liabilities in respect of the purchasable part of the undertaking shall if necessary be apportioned between the Company and the corporation as at the date of purchase and all other necessary adjustments shall be made :

(4) The compensation payable to the Company in respect of the severance of the purchasable part of the undertaking from the remainder of the undertaking of the Company shall be ascertained in manner following :—

(a) An estimate shall be made of the additional cost per car mile which would have been incurred by the Company during the last complete financial year preceding the date of purchase in operating public service vehicles on the following assumptions:—

(i) that the purchase by the corporation of the purchasable part of the undertaking had taken place immediately before the beginning of that financial year; and

(ii) that such reduction of overhead or other expenses had been effected during that year as might reasonably have been effected in view of that purchase;

(b) The compensation payable as aforesaid shall be a sum equal to the additional cost per car mile so estimated multiplied by five times the number of car miles which would have been run during that year by the public service vehicles from time to time operated by the Company if the purchase by the corporation of the purchasable part of the undertaking had taken place immediately before the beginning of that year:

(5) If the corporation shall purchase the purchasable part of the undertaking pursuant to this section the corporation shall on and after the date of purchase be deemed for the purposes of Part V of the Road Traffic Act 1930 to be a local authority who under a local Act or Order are operating a tramway light railway trolley vehicle or omnibus undertaking and that Part of that Act shall have effect accordingly:

(6) Where under this section any question or dispute is to be determined by arbitration the question or dispute shall be referred to a single arbitrator to be agreed between the parties or failing agreement 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 1950 shall apply to the reference.

8. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Llanelly District Traction Act 1930	20 & 21 Geo. 5. c. cxxx.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Llanelly District Traction Act 1936	26 Geo. 5. & 1 Edw. 8. c. lii.
Transport Act 1947	10 & 11 Geo. 6. c. 49.
Electricity Act 1947	10 & 11 Geo. 6. c. 54.
Arbitration Act 1950	14 Geo. 6. c. 27.

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