



CHAPTER xxviii.

An Act to authorise the Nottinghamshire and Derbyshire Tramways Company to construct additional tramways and for other purposes. A.D. 1922.

[29th June 1922.]

WHEREAS the Nottinghamshire and Derbyshire Tramways Company (in this Act called "the Company") were incorporated by the Nottinghamshire and Derbyshire Tramways Act 1903 and under the powers contained in that Act and in the Nottinghamshire and Derbyshire Tramways Acts 1906 1908 and 1911 have constructed and work a system of tramways in the counties of Nottingham and Derby :

And whereas by the Nottinghamshire and Derbyshire Tramways Act 1917 the tramways and undertaking of the mayor aldermen and burgesses of the borough of Ilkeston under the Ilkeston Corporation Tramways Order 1899 were transferred to and vested in the Company :

And whereas it is expedient that the Company should be authorised to construct the new tramways hereinafter described in order to connect the system of tramways authorised by the said Acts of 1903 1906 1908 and 1911 with the tramways authorised by the said Order of 1899 and that the Company should be empowered to alter the gauge of such last-mentioned tramways as herein-after provided :

And whereas to meet the increase in the cost of maintaining and working the tramways of the Company it is expedient that the fares rates and charges autho-

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A.D. 1922. rised by the said Acts and Order to be taken in respect thereof should be increased as provided by this Act :

And whereas the Company are empowered to raise share capital to the amount of three hundred and fifty thousand pounds and to borrow on mortgage any sum not exceeding one-third part of the amount of such capital :

And whereas the Company have created and issued twenty-five thousand three hundred and fifty-three shares of ten pounds each and such shares are fully paid-up and the Company have not exercised any part of their borrowing powers :

And whereas it is expedient that the Company should be empowered to raise the whole or part of their unissued capital by the creation and issue of preference shares and that the borrowing powers of the Company should be increased as provided by this Act :

And whereas it is expedient that the further powers in this Act contained should be conferred upon the Company :

And whereas plans and sections showing the lines and levels of the new tramways authorised by this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Derby and such plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

1. This Act may be cited as the Nottinghamshire and Derbyshire Tramways Act 1922 and the Nottinghamshire and Derbyshire Tramways Acts 1903 to 1917

Short and collective titles.

the Order of 1899 and this Act may be cited together as the Nottinghamshire and Derbyshire Tramways Acts 1903 to 1922. A.D. 1922. —

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) so far as the same relates to new preference shares of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

Sections 6 8 to 16 18 to 24 30 to 44 77 to 92 and 96 to 106 so far as the same are not repealed of the Railways Clauses Consolidation Act 1845; and

Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870:

Provided that:—

- (1) The provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated shall apply only to Tramway No. 2 and to such portions of Tramways Nos. 1 and 3 as may under the provisions of this Act be constructed through private lands and such tramway and portions of tramways shall be deemed to be railways and for the purposes thereof the Company shall be deemed to be a railway company;
- (2) The provisions of Part II. and Part III. (excepting sections 34 to 40 44 45 49 to 56 63 64 and so much of sections 46 and 47 as relates to byelaws to be made by the promoters of a tramway) of the Tramways Act 1870 herewith incorporated shall not apply to Tramway No. 2 or to such portions of Tramways Nos. 1 and 3 as may under the provisions of this Act be constructed through private lands;
- (3) The provisions of section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 shall not apply to any

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of the new tramways authorised by this Act or any part thereof.

Interpretation.

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

“The Company” means the Nottinghamshire and Derbyshire Tramways Company;

“The directors” means the directors of the Company;

“The Acts of 1903 to 1917” means the Nottinghamshire and Derbyshire Tramways Acts 1903 1906 1908 1911 and 1917 and each of such Acts is in this Act referred to as the Act of the year in which the same was passed;

“The Order of 1899” means the Ilkeston Corporation Tramways Order 1899 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1899);

“The new tramways” means the new tramways by this Act authorised;

“The existing tramways” means the tramways belonging to the Company constructed under the powers of the Acts of 1903 to 1917 and the Order of 1899;

“The tramways” means the new tramways and the existing tramways;

“The undertaking” means the tramways and undertaking of the Company under the Nottinghamshire and Derbyshire Tramways Acts 1903 to 1922;

“The tribunal” means the arbitrator or other tribunal to whom any question of disputed purchase money or compensation is referred in pursuance of the Lands Clauses Acts;

And in this Act and for the purposes of this Act in the Tramways Act 1870 and the incorporated Acts the expression “local authority” shall mean in reference to a rural district the district council of that district.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the new tramways hereinafter described in the lines and within the limits of deviation and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for that purpose.

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Power to
make new
tramways.

The new tramways herein-before referred to and authorised by this Act will be situate in the county of Derby and are :—

Tramway No. 1 Partly tramway and partly tramroad 6 furlongs 1·82 chains or thereabouts in length (double line) wholly in the parish and urban district of Heanor commencing in Market Street by a junction with the existing tramways at a point 1·2 chains or thereabouts west of the intersection of the centre line of that street with Wilmot Street and terminating at a point on the boundary between the urban district of Heanor and the rural district of Basford 1 furlong 8 chains or thereabouts north-east of the centre of the Ilkeston Road where that road is intersected by the said boundary Tramway No. 1 will for a distance of 8·68 chains or thereabouts be laid along or upon the carriageway of streets or roads and for the remainder of its length (5 furlongs 3·14 chains or thereabouts) on private lands;

Tramway No. 2 A tramroad 1 mile 6·56 chains or thereabouts in length (double line) wholly in the parish of Shipley in the rural district of Basford commencing by a junction with Tramway No. 1 at its termination and terminating at a point on the boundary between the rural district of Basford and the borough of Ilkeston 3·4 chains or thereabouts north-east of the northern corner of Cotmanhay Wood Tramway No. 2 will be wholly laid on private lands;

Tramway No. 3 Partly tramway and partly tramroad 6 furlongs 7·35 chains or thereabouts in length (double line) wholly in the parish and borough

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of Ilkeston commencing by a junction with Tramway No. 2 at its termination and terminating in Cotmanhay Road by a junction with the existing tramways at a point 0·50 chain or thereabouts south of the intersection of the centre lines of that road with Church Street and Bridge Street Tramway No. 3 will for a distance of 2 chains or thereabouts be laid along or upon the carriageway of streets or roads and for the remainder of its length (6 furlongs 5·35 chains or thereabouts) on private lands :

Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Correction
of errors in
deposited
plans and
book of
reference.

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Derby for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Derby and a duplicate thereof shall be deposited with the town clerk of the borough or with the clerk of the council of the urban district or parish (as the case may be) in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace town clerk or clerk of the council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

6. And whereas in the construction of the new tramways or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

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Owners may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by the tribunal determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

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- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion so determined to be severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not the tribunal shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal

shall having regard to the circumstances of the case and their final determination think fit. A.D. 1922.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

8.—(1) All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. As to private rights of way over lands taken compulsorily.

(2) Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

9. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the eighteenth day of November one thousand nine hundred and twenty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently acquired interest.

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Purchase
of lands by
agreement.

10. In addition to the other lands which the Company have acquired or may acquire under or for the purposes of the Acts of 1903 to 1917 the Order of 1899 and this Act they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding five acres and they may on such lands and on any other lands acquired by them under this Act erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with the undertaking.

Nuisance.

11. Nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the provisions of this Act for the purposes of the undertaking.

Application
of certain
provisions
of Acts of
1903 1906
and 1911.

12. The provisions of the following sections of the Act of 1903 the Act of 1906 and the Act of 1911 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the new tramways and the purposes of this Act as if the said sections with all necessary modifications were re-enacted in this Act (that is to say) :—

The Act of 1903—

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|------------|---|
| Section 18 | (Power to grant easements &c.); |
| Section 20 | (Inspection by Board of Trade); |
| Section 22 | (Gauge of tramways); |
| Section 23 | (Tramways to be kept on level of surface of road); |
| Section 24 | (Plans of proposed mode of construction of tramways); |
| Section 25 | (Tramrails); |
| Section 26 | (Penalty for not maintaining rails and roads); |
| Section 27 | (Sanitary authorities to have access to sewers); |
| Section 29 | (Passing places to be constructed in certain places); |
| Section 30 | (Company may reduce width of footway for widening roadway); |
| Section 31 | (Temporary tramways may be made where necessary); |

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Section 32	(Application of road materials excavated in construction of works);	A.D. 1922.
Section 33	(Shelters or waiting rooms);	—
Section 34	(Stopping of roads during execution of works);	
Section 35	(Repair of metalled portion of road where tramways are laid);	
Section 37	(As to subsidence of road);	
Section 38	(As to removal of snow);	
Section 39	(Local authorities and road authorities may use tramways for certain purposes);	
Section 40	(Provision as to gas and water companies &c.);	
Section 41	(For protection of sewers &c.);	
Section 42	(As to manholes);	
Section 48	(Passengers' luggage);	
Section 51	(As to fares on Sundays and holidays);	
Section 53	(Byelaws by Board of Trade);	
Section 54	(Amendment of Tramways Act 1870 as to byelaws by local authority);	
Section 55	(Penalty for malicious damage);	
Section 56	(Consents of local or road authority);	
Section 57	(Recovery of penalties);	
Section 58	(Orders and regulations);	
Section 59	(Provisions as to motive power);	
Section 61	(Power to attach brackets wires and apparatus to buildings);	
Section 62	(Special provisions as to use of electrical power);	
Section 63	(Road authority to have right to use standards and brackets for lighting);	
Section 64	(Posts &c. to be removed if user discontinued);	
Section 65	(Apparatus used for mechanical power to be deemed part of tramway);	
Section 66	(For protection of Postmaster-General);	
Section 72	(Company not to create debenture stock);	
Section 73	(Rights of mortgagees on sale of tramway);	

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- Section 77 (Money borrowed on mortgage to have priority);
- Section 106 (For protection of Basford Rural District Council) except subsection (4) thereof;
- Section 108 (Agreements with road authority);
- Section 109 (Company and local authorities may contract to lease tramways and light railways in neighbouring districts);
- Section 110 (Junctions with tramways which can be worked in connection with Company's tramways);
- Section 111 (Agreements as to supply of electrical energy);
- Section 112 (Limitation of supply of electrical energy):

The Act of 1906—

- Section 7 (Agreements with adjoining owners &c.):

The Act of 1911—

- Section 16 (Use of tramway posts by Postmaster-General).

Power to deviate.

13. The Company in constructing Tramway No. 2 and so much of Tramways Nos. 1 and 3 as may be constructed through private lands may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway is laid across any public street or road to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845.

Power to cross certain roads on level.

14. The Company may in the construction of so much of Tramway No. 1 as may be constructed through private lands carry the same with a double line across and on the level of the public roads numbered upon the deposited plans 28 and 50 in the parish and urban district of Heanor.

As to electrical works &c.

15.—(1) The Company may in under or over the surface of the streets or roads in which the new tramways will be situate construct lay down erect maintain renew

and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working such tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided as follows:—

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(A) All posts and apparatus erected by the Company under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve;

(B) No post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

16. The Company shall lay before the Minister of Transport a plan showing the proposed mode of constructing and laying down the new tramways and a statement of the material intended to be used therein and the Company shall not commence the construction or laying down of the new tramways or any part thereof until such plan and statement have been approved by the Minister and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Plan of proposed mode of construction of tramways.

17. The new tramways shall for all purposes be deemed to be part of the undertaking.

New tramways to form part of undertaking.

18. The new tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of new tramways.

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Provided that the Minister of Transport may if he sees fit allow an extension of time for completion of the new tramways or any portion thereof subject to such conditions (if any) as the Minister may see fit to attach thereto.

Penalty imposed unless new tramways opened within limited time.

19. If the Company fail within the period limited by this Act to complete the new tramways and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the new tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramway or tramways and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided. But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Minister of Transport that the Company were prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

20. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new tramways or any portion thereof in respect of the non-completion of which the same was recovered or who may have been subjected to injury or loss in consequence of the compulsory powers

of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any such tramways or any portion thereof or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of any such tramways or portion thereof and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit. And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

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21. The Company may alter the gauge of the tramways authorised by the Order of 1899 from three feet six inches to four feet eight and a half inches and for that purpose may take up and remove all or some of the existing rails plates and apparatus and other works of or connected with the said tramways and may relay the same or others in lieu thereof and may execute all such works and exercise all such powers as may be necessary or expedient for carrying out such alteration :

Power to alter gauge of tramways authorised by Order of 1899.

Provided that the rails of the said tramways shall not under the powers of this section be relaid in a new position except with the approval of the Minister of Transport :

Provided further that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space

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than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of the houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Minister of Transport) be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Power to make additional crossovers and to double tramway lines.

22.—(1) The Company may subject to the provisions of this Act and the Acts of 1903 to 1917 and the Order of 1899 with the consent of the Minister of Transport make maintain alter and remove such crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act the Act of 1903 and the Order of 1899 as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations sub-stations depôts warehouses stables carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans or on the plans deposited with respect to the Act of 1903 and the Order of 1899 the Company may subject as aforesaid with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less

space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto. A.D. 1922.

23. Notwithstanding anything contained in the Acts of 1903 to 1917 or the Order of 1899 the Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny half-penny per mile and in computing the said fare any fraction of a mile shall be deemed a mile: Passengers' fares.

Provided that the Company shall in no case be bound to charge a less sum than two pence for passengers travelling upon the new tramways or the tramways authorised by the Order of 1899 unless otherwise specified in an order of the Minister of Transport made under the provisions of the section of this Act whereof the marginal note is "Periodical revision of fares and charges."

24. Notwithstanding anything contained in the Acts of 1903 to 1917 or the Order of 1899 the Company may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance (except a reasonable sum for loading and unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates and charges not exceeding by more than fifty per centum the corresponding rates and charges respectively specified in section 49 (Animals and goods) of the Act of 1903. Animals and goods.

25. The fares and charges authorised to be taken by the Company shall be paid to such persons and in such manner as the Company may by notice annexed to the list of fares and charges appoint. Payment of fares and charges.

26.—(1) If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order Periodical revision of fares and charges.

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made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Minister of Transport by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Minister of Transport may (if he thinks fit) direct an inquiry by a referee to be appointed by him in accordance with the provisions of the Ministry of Transport Act 1919 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

(2) Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either by the Company or by any of the parties on whose representations the inquiry is held or partly by the Company and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Service for
labouring
classes.

27.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of cars for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one penny for every mile or fraction of that distance On Saturdays the Company in lieu of running such cars after five o'clock

in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. A.D. 1922.

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

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

28. The Company may run through cars along any of the routes of the tramways or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Company and they may demand and take for every passenger by such cars a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such cars. Provided that during the running of such through cars the Company shall maintain a reasonably sufficient ordinary service of cars. Through cars.

29.—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Company may on any occasion run and reserve cars on any of the tramways for any special purpose which the Company may consider necessary or desirable. Provided that such special cars shall be distinguished from other cars in such manner as may be directed by the Company and that during the running of such special cars the Company shall maintain a reasonably sufficient ordinary service of cars. Power to reserve cars for special purposes.

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

(3) The restrictions contained in this or any other Act or Order of the Company as to fares or charges for passengers shall not extend to any special cars run upon the tramways and in respect thereof the Company may demand and take such fares or charges as they shall think fit.

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Power to require intending passengers to wait in lines or queues.

30. For the better regulation of persons desiring to travel in the cars on the tramways the Company may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Company may make byelaws requiring persons waiting to enter cars at any stopping place or terminus upon any of the tramways to wait in lines or queues and to enter such cars in the order in which they stood in such line or queue :

Provided always that the Company shall not erect or maintain any barriers or posts or require persons waiting to enter cars to wait in any line or queue so as to interfere with or render less convenient the access to or exit from any station or depôt of the Great Northern Railway Company or of the Midland Railway Company.

Stopping and starting places.

31. The Company may appoint the stations and places from which the cars on the tramways shall start or at which they may stop for the purposes of taking up or setting down passengers and may make regulations for fixing the time during which such cars shall be allowed to remain at any such place :

Provided that no starting or stopping place shall be appointed in any street or road so as to interfere with or render less convenient the access to or exit from any station or depôt of the Great Northern Railway Company or of the Midland Railway Company.

Lopping of trees overhanging highways &c.

32.—(1) Where any tree hedge or shrub overhangs any street or footpath or the route of any of the tramways so as to obstruct or interfere with the working of the tramways or the erection maintenance and user of any equipment in connection therewith or with the clear and safe passage of the cars and the passengers thereon the Company may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Company may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Company under this section may appeal to a court

of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the Company and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Company under this section.

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33. If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Company may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstructions and the Company shall in removing such obstruction conform to the reasonable requirements of the police.

Removal of obstructions.

34. For the protection of the Derbyshire County Council and the Heanor Urban District Council (in this section referred to as "the county council" and "the urban council" respectively) and notwithstanding anything in this Act or shown upon the deposited plans the following provisions shall unless otherwise agreed between the Company on the one hand and the county council and the urban council on the other hand apply and have effect in relation to the new tramways (that is to say) :—

For protection of Derbyshire County Council and Heanor Urban District Council.

(1) The Company shall in constructing Tramway No. 1 in Church Street and Market Place Heanor—

(A) widen and round off the corner of Church Street and Ilkeston Road to such extent as may be necessary to provide a minimum width of road including footpath of twenty-five feet between the outside rail of the tramway and the wall of the Heanor Conservative Club as proposed to be set back in all respects in accordance with the plan marked "B" signed in duplicate by William Clarke Bryden on behalf of the

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Company and Norton Joseph Hughes-Hallett on behalf of the county council;

(B) widen Market Place by setting back the footpath on the south side of the road from the commencement of Tramway No. 1 to the junction of Market Place with Wilmot Street to such extent as may be necessary to make the carriageway ten feet in width between the outer rail of the tramway and the edge of the said footpath as set back Provided that the urban council shall provide any land required for the purpose of such last-mentioned widening free of cost to the Company :

- (2) The Company shall before commencing the construction of Tramway No. 1 or within five years from the completion of the widening whichever shall be the earlier repay to the urban council the cost which the urban council may incur in widening Church Street on its north side for a distance of approximately sixty feet measured from the south-west corner of the main entrance to the church and of setting back the footpath on the south side of that street so as to provide ten feet of roadway on the northern side of the outer rail of the said tramway and ten feet of roadway on the southern side thereof between the outer rail of the said tramway and the edge of the footpath in all respects in accordance with the plan marked " A " signed in duplicate by William Clarke Bryden on behalf of the Company and Frederic Cattle on behalf of the urban council any additional land required for widening the said footpath to be provided by the urban council free of cost to the Company :
- (3) Where any portion of Tramway No. 1 is intended to be constructed in any part of a street or road to be widened under subsections (1) and (2) of this section such portion of tramway shall not be constructed along such part of the street or road until such part has been widened in accordance with the provisions of this section Provided that nothing in this

section shall in any way restrict the Company from working and using the existing tramway in such street or road or in any part thereof :

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- (4) The widened portions of such streets or roads shall on the completion thereof in accordance with the provisions of this section vest in and be maintained as public highways by and at the expense of the county council subject to the provisions of section 35 of the Act of 1903 :
- (5) All works carried out by the Company under subsection (1) of this section shall be constructed and completed under the superintendence and to the reasonable satisfaction of the county council and the reasonable costs of such superintendence shall be borne by the Company and the completion of the same shall include the provision of a kerb and channel to the road the making up of the footpath and the proper completion of the road surface with materials reasonably approved by the county council :
- (6) Any difference which may arise between the Company and the county council or the urban council with regard to any of the matters referred to in this section shall be referred to and determined by arbitration under this Act.

35. For the protection of the Derbyshire County Council (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the Company and the county council apply and have effect (that is to say) :—

For further protection of Derbyshire County Council.

- (1) The Company shall not without the previous consent of the county council at any time break up any main road on which the new tramways are authorised to be constructed unless a clear and unobstructed width of at least eight feet is left for public traffic on one side of such road :
- (2) The Company shall on demand pay to the county council the reasonable costs which may be incurred in the repair and reinstatement of so much of any main road as may be injured or damaged by reason of the traffic being con-

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centrated thereon during the construction alteration or repair of the new tramways :

- (3) Any regulations made by the Company under the section of this Act the marginal note of which is "Stopping and starting places" for fixing the time during which cars on the tramways shall be allowed to remain at any starting or stopping place shall so far as regards starting and stopping places upon main roads in the county of Derby be subject to the previous approval of the county council which approval shall not be unreasonably withheld :
- (4) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act which enure for the benefit or protection of the county council :
- (5) Any difference which may arise between the Company and the county council with regard to any of the matters referred to in this section shall be referred to and determined by arbitration under this Act.

For further protection of Heanor Urban District Council.

36. For the protection of the Heanor Urban District Council (in this section referred to as "the urban council") the following provisions shall unless otherwise agreed between the urban council and the Company apply and have effect (that is to say) :—

- (1) All cars used by the Company on Tramway No. 1 shall stop immediately before crossing the public roads numbered upon the deposited plans 28 and 50 in the parish and urban district of Heanor and the Company in working the said tramway across the said roads shall interfere as little as may be with the traffic using such roads :
- (2) The Company shall provide and maintain proper and sufficient gates across the public footpath numbered upon the deposited plans 32 in the said parish and urban district on each side of the said tramway where it crosses the said footpath :
- (3) Any difference which may arise between the urban council and the Company with regard to any of the matters referred to in this section

shall be referred to and determined by arbitration under this Act.

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37. For the protection of the rural district council of Basford (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the council and the Company apply and have effect (that is to say):—

For protection of Basford Rural District Council.

- (1) The Company shall in constructing Tramway No. 2 across the road known as Long Lane numbered upon the deposited plans 19 in the parish of Shipley interfere as little as may be with the traffic using such road and shall lay and maintain their rails so that the uppermost surface thereof shall be on a level with the surface of the road :
- (2) All cars used by the Company on the said tramway shall stop immediately before crossing such road :
- (3) The Company shall provide and maintain such pipes or culverts as may be necessary to admit of the passage of storm water under Tramway No. 2 where it crosses the said road :
- (4) The Company shall erect in such position in the said road as may be approved by the surveyor of the council an electric lamp to be served from the trolley wire to light the said crossing and shall maintain the said lamp in good order and condition and keep the same lighted and burning at all times after sunset at which the tramcars are running :
- (5) Any difference which may arise between the council and the Company with regard to any of the matters referred to in this section shall be referred to and determined by arbitration under this Act.

38. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Ilkeston (hereinafter called "the corporation" and "the borough" respectively) shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):—

For protection of Ilkeston Corporation.

- (1) All cars used by the Company on Tramway No. 3 shall stop immediately before crossing

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the public lane numbered upon the deposited plans 7 in the parish and borough of Ilkeston and the Company in working the said tramway across the said lane shall interfere as little as may be with the traffic using such lane :

- (2) The Company in exercising the powers of the section of this Act of which the marginal note is "Power to alter gauge of tramways authorised by Order of 1899" shall comply with the reasonable requirements of the corporation with regard to the level at which the tramways authorised by the Order of 1899 shall be relaid and shall at the expense of the Company raise or lower the parts of the road on each side of any such tramway in such manner as the corporation may reasonably require in order to secure that the whole width of the road shall be of the same level throughout after such tramways have been relaid :
- (3) After the Company shall have altered the gauge of the tramways authorised by the Order of 1899 under the powers conferred on them by this Act the agreement between the corporation and the Company set forth in the schedule to the Act of 1917 shall be read and construed as if the said tramways as altered under the powers of this Act were the tramways referred to in the said agreement :
- (4) The powers conferred upon the Company by the sections of this Act whereof the marginal notes are respectively "Power to require intending passengers to wait in lines or queues" and "Stopping and starting places" shall in their exercise within the borough be subject to the powers of the corporation and the police in the borough under section 61 of the Tramways Act 1870 :
- (5) The powers conferred upon the Company by the section of this Act whereof the marginal note is "Lopping of trees overhanging highways &c." shall not be exercised within the borough except with the previous consent in writing of the Corporation which consent shall not be unreasonably withheld :

(6) Any difference which may arise between the corporation and the Company with regard to any of the matters referred to in this section shall be referred to and determined by arbitration under this Act. A.D. 1922.

39. In the event of any of the widenings or alterations of streets or roads mentioned in this Act involving 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 said Act shall apply to such alterations as if the Company or the road authority (as the case may be) were "undertakers" within the meaning of that Act. For further protection of Postmaster-General.

40. The Company shall not convey or permit to be conveyed on the new tramways any goods (except passengers' luggage and parcels) animals merchandise minerals or parcels in competition with the traffic of the Great Northern Railway Company or the Midland Railway Company. Goods &c. not to be carried in competition with Great Northern or Midland Railway Companies.

Any question arising under this provision between the Company and the Great Northern Railway Company or the Midland Railway Company as to what is competitive traffic shall be referred to the Railway and Canal Commission.

41. The ordinary meetings of the Company shall be held in the month of February or March in every year or at such other time or times as shall be appointed for that purpose by the directors. Ordinary meetings.

42. If and so long as the ordinary meetings of the Company shall be held once only in each year:— Interim dividends and annual accounts.

(A) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting;

(B) The balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

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Closing of
transfer
books.

43.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper published in London.

(2) Any transfer of shares or mortgages made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Power to
issue por-
tion of
authorised
capital
as prefer-
ence shares.

44.—(1) Notwithstanding anything contained in the Acts of 1903 to 1917 the Company may issue any portion of the capital of three hundred and fifty thousand pounds which they are by those Acts authorised to raise and have not issued at or before the passing of this Act as preference shares with such rights liabilities privileges and preferences as they think fit.

(2) The Company may notwithstanding anything in section 13 of the Companies Clauses Act 1863 provide that such preference shares shall be entitled to a cumulative preference dividend not exceeding such rate as the directors at the time of issue may determine 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.

(3) 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 to 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.

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(4) Subject to the provisions of this section the provisions of sections 13 and 15 of the Companies Clauses Act 1863 shall be applicable to the issue of such preference shares and to the Company in the same way as they apply to the issue of new preference shares.

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

Restriction as to votes in respect of preferential shares.

46. Notwithstanding anything contained in the Acts of 1903 to 1917 or in Part II. of the Companies Clauses Act 1863 the Company may in issuing any unissued portion of the capital authorised by the Acts of 1903 to 1917 dispose of all or any of the shares representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

As to disposal of shares.

47.—(1) The directors may without any further or other authority than is given by this section borrow on mortgage of the undertaking in respect of the capital already raised or created by the issue of shares under the Acts of 1903 to 1917 any sum or sums not exceeding in the whole the sum of one hundred and twenty-six thousand seven hundred and sixty-five pounds.

Power to borrow in respect of authorised capital.

(2) The Company may also borrow on mortgage of the undertaking in respect of the capital authorised by the Acts of 1903 to 1917 and not already raised by the issue of shares any sum or sums not exceeding in the whole one-half part of the amount of such capital for the time being raised after the passing of this Act under the powers of those Acts or either of them. Provided that no such sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares at the time issued have been fully paid up.

48. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal

Appointment of receiver.

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A.D. 1922. and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of moneys.

49. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act 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 Act any moneys which they have already raised or are authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Repeal.

50. The following section of the Act of 1903 the Act of 1908 the Act of 1911 and the Order of 1899 are hereby repealed (that is to say):—

The Act of 1903—

- Section 28 (Power to make additional crossings);
- Section 47 (Fares for passengers);
- Section 50 (Cheap fares for labouring classes);
- Section 52 (Periodical revision of rates and charges);
- Section 74 (As to borrowing power of Company);
- Section 75 (For appointment of a receiver):

The Act of 1908—

- Section 29 (As to borrowing power of Company):

The Act of 1911—

- Section 23 (As to borrowing power of Company):

The Order of 1899—

- Section 12 (Alteration of tramways);
- Section 14 (Additional crossings &c. may be made where necessary);
- Section 27 (Rates for passengers);
- Section 30 (Cheap fares for labouring classes);
- Section 31 (Rates for animals goods &c.);
- Section 32 (Payment of rates);
- Section 33 (Periodical revision of rates).

Interest not to be paid out of capital.

51. No interest shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him

but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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52. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

53. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Minister of Transport.

References to arbitration.

54. All byelaws and regulations made by the Company under the sections of this Act whereof the marginal notes are respectively "Power to reserve cars for special purposes" and "Power to require intending passengers to wait in lines or queues" shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws and those provisions shall apply accordingly.

Confirmation of byelaws &c.

55. The Company shall in each year after the passing of this Act furnish to the Minister of Transport a copy of their annual accounts.

Accounts to be furnished to Minister of Transport.

56. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect namely:—

Form and delivery of notices.

- (1) Every notice given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:
- (2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post addressed to

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their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company (as the case may be) may from time to time by notice to the other request that such notices may be sent or delivered.

Provision as to general Tramway Acts.

57. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Parish and urban district of Heanor	7a 8 9 13 16 17 18 19 20 21 22 23 24 25 26 27 29 31 36 37 38 39 40 41 42 43 44 45 46 47 48 and 49.

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