



CHAPTER cxi.

An Act to empower the mayor aldermen and burgesses of the county borough of Rotherham to construct street improvements and to acquire and utilise lands at Herringthorpe in and adjoining the borough to confer further powers upon them with regard to their tramway trolley vehicle omnibus electricity gas and water undertakings to make further provision with regard to the health local government and improvement of the borough and for other purposes.

A.D. 1928.

[3rd August 1928.]

WHEREAS it is expedient to empower the mayor aldermen and burgesses of the county borough of Rotherham (in this Act called "the Corporation") to construct street improvements and to acquire lands for the purposes mentioned in this Act:

And whereas it is expedient to empower the Corporation to acquire lands at Herringthorpe mainly in the borough but partly in the adjoining parishes of Dalton and Whiston and to use the same for the purposes mentioned in this Act:

And whereas it is expedient to confer further powers upon the Corporation with respect to their tramway undertaking the running of trolley vehicles and the working of omnibuses and to consolidate with amendments and additions the provisions relating to their tramways and trolley vehicles:

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And whereas it is expedient to make further provision with reference to the electricity gas and water undertakings of the Corporation and to confer further powers upon them in relation to the health local government and improvement of the borough :

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

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

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(a) The purchase of lands under the powers of this Act - - -	115,200
(b) The construction of the street improvements authorised by this Act -	9,850
(c) The construction of the tramways authorised by this Act - - -	9,020
(d) The provision of electrical equipment and the construction of other works necessary for working the tramways authorised by this Act -	1,980
(e) The reinstatement of roads upon removal of tramways for trolley vehicles - - - - -	11,000
(f) The provision of trolley vehicles -	43,000
(g) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles - - - - -	36,000
(h) The provision of omnibuses - -	45,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also

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books of reference 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 deposited with the clerk of the peace for the west riding of Yorkshire in the month of November nineteen hundred and twenty-seven and in the month of March nineteen hundred and twenty-eight which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference :

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 (that is to say) :—

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Rotherham Corporation Act 1928.

Short and
collective
titles.

(2) The Rotherham Corporation Acts 1801 to 1924 and this Act may be cited as the Rotherham Corporation Acts 1801 to 1928.

2. This Act is divided into Parts as follows (that is to say) :—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Street improvements and lands.

Part III.—Tramways trolley vehicles and omnibuses.

Part IV.—Electricity.

Part V.—Streets buildings and sanitary matters.

Part VI.—Common lodging-houses.

Part VII.—Police.

Part VIII.—Sale of coke.

Part IX.—Finance.

Part X.—Miscellaneous.

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Incorporation
of Acts.

3. The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following exception and modification:—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870:

Provided that the following words in the said section 19 shall not apply to the Corporation (namely) “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages.”

Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

- (i) “The borough” means the county borough of Rotherham;
- (ii) “The Corporation” means the mayor aldermen and burgesses of the county borough of Rotherham;
- (iii) “The town clerk” “the treasurer” and “the medical officer” mean respectively the town clerk the treasurer and the medical officer of

health of the borough and include any persons duly authorised to discharge temporarily the duties of those offices; A.D. 1928.
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- (iv) "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough or (until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough) the borough fund and the consolidated rate of the borough;
- (v) "The new tramways" means the tramways which are described in Part II of the First Schedule and the construction of which is authorised by this Act;
- (vi) "The tramways" means the existing tramways of the Corporation (a short description of which is contained in Part I of the First Schedule) the new tramways and any tramways for the time being belonging to or authorised to be constructed by the Corporation and whether within or without the borough;
- (vii) "The tramway undertaking" includes the tramway trolley vehicle and omnibus undertakings of the Corporation as from time to time authorised;
- (viii) "Mechanical power" means electrical or any other motive power not being animal power;
- (ix) "Engine" includes motor;
- (x) "Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- (xi) "Local authority" means in the case of a borough or urban or rural district the council thereof;
- (xii) "Road authority" means with reference to any road or part of a road over which any proposed trolley vehicle or omnibus will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

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- (xiii) "Railway companies" means the London and North Eastern Railway Company the London Midland and Scottish Railway Company the South Yorkshire Joint Line Committee the Great Central and Midland Joint Committee and the Great Central Hull and Barnsley and Midland Committee;
- (xiv) "Railway company" means any such company or committee;
- (xv) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (xvi) "Coke" includes any solid fuel of which coal or coke is a constituent;
- (xvii) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;
- (xviii) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (xix) "The Lands Clauses Acts" means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919;
- (xx) "The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;
- (xxi) "The local Acts" means the Rotherham Corporation Acts 1801 to 1928 and "the Act of 1896" "the Act of 1900" "the Act of 1904" "the Act of 1911" "the Act of 1915" "the Act of 1918" "the Act of 1921" and "the Act of 1924" mean respectively the Rotherham Corporation Act 1896 the Rotherham Corporation Act 1900 the Rotherham Corporation Act 1904 the Rotherham Corporation Act 1911 the Rotherham Corporation Act 1915 the Rotherham Corporation Act 1918 the Rotherham Corporation Act 1921 and the Rotherham Corporation Act 1924;
- (xxii) "The First Schedule" "the Second Schedule" "the Third Schedule" and "the Fourth Schedule" mean respectively the First Second Third and Fourth Schedules to this Act.

PART II.

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STREET IMPROVEMENTS AND LANDS.

5.—(1) Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as they may require for the construction of such works or for the improvement and development of frontages or of the lands abutting on or adjacent to any street or for other purposes of this Part of this Act (that is to say):—

Power to
construct
street im-
provements.

Work No. 1 A widening and improvement of Ship Hill on its south-westerly side from the Ship Hotel to Talbot Lane;

Work No. 3 A widening and improvement of College Street on its south-westerly side from High Street to No. 26 College Street;

Work No. 4 A widening and improvement of Effingham Street on its easterly side from College Street to the West Riding Court House;

Work No. 5 A widening and improvement of Wellgate on its north-easterly side from No. 41 Wellgate to No. 115 Wellgate;

Work No. 6 A widening and improvement of Wellgate on its south-westerly side from No. 40 Wellgate to the Central Motor Works;

Work No. 7 A widening and improvement of Wellgate on its south-westerly side and of Hollowgate on its westerly side from the Central Motor Works to No. 10 Hollowgate;

Work No. 8 A widening and improvement of Wellgate on its north-easterly side between Pinfold Lane and Aldred Street;

Work No. 9 A widening and improvement of Wellgate on its south-westerly side from No. 174 Wellgate to Gerard Road.

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(2) Upon the completion of Work No. 4 authorised by this Act the Corporation may if they think fit permit the erection of buildings upon that part of the land numbered 44 on the deposited plans which they do not require for the purposes of the said work and upon such permission being given that part of the said land shall cease to form part of the highway.

Limits of
deviation.

6. In the construction of the street improvements authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Acquisition
of lands for
improve-
ment of
Moorgate
Street &c.

7. Subject to the provisions of this Act the Corporation may enter upon and take the lands in the borough delineated on the deposited plans and described in the deposited books of reference and therein numbered 7 8 9 10 11 12 13 14 331 332 333 and 334 and may remove the buildings thereon and may use the same for the improvement and opening out of Moorgate Street Talbot Lane and Ship Hill.

Acquisition
of land for
technical
school.

8. Subject to the provisions of this Act the Corporation may enter upon and take the land in the borough delineated on the deposited plans and described in the deposited books of reference and therein numbered 46b and may use the same for the purposes of a technical school and for such other purposes of the Education Act 1921 as the Corporation may determine. In the event of the said land being acquired the Corporation shall not sell lease or otherwise dispose of such land or appropriate it for any purpose other than those of the Education Act 1921 except with the consent of the Board of Education.

Acquisition
of lands at
Herring-
thorpe.

9.—(1) Subject to the provisions of this Act the Corporation may enter upon and take the lands in the borough the parish of Dalton and the parish of Whiston numbered 189 to 323 (both inclusive) on the deposited plans and in the deposited books of reference.

(2) Upon the acquisition of the lands referred to in this section the Corporation may construct streets and provide playing fields upon such lands and may exercise

in regard to so much thereof as is not used for those purposes the powers of the section of this Act whereof the marginal note is "Power to develop lands" and may use the same for the purposes of or connected with any of their undertakings powers or duties.

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(3) Any lands set apart under this section for the purposes of playing fields shall be deemed to be pleasure grounds or recreation grounds for the purposes of the local Acts and of the Public Health Acts.

(4) Provided that the Corporation shall not create or permit any nuisance upon such lands situate in the rural district of Rotherham and shall not on such lands so situate sink any well for the public supply of water or construct any cemetery burial ground destructor station for generating electricity sewage farm or hospital for infectious disease unless after local inquiry and consideration of any objections made by persons affected the Minister of Health subject to such conditions as he thinks fit authorises the work or construction.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease as regards lands to be acquired under sections 5 and 7 of this Act after the expiration of five years from the thirty-first day of October nineteen hundred and twenty-eight and as regards any other lands after three years from that day.

Period for
compulsory
purchase of
lands.

11. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of the local Acts.

Purchase of
lands for
exchange.

12. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of the local Acts or which may be in the neighbourhood of any of the street improvements authorised by such Acts with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to
reinstale
owners of
property.

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Stopping up
of footpath.

13.—(1) When the Corporation are the owners of the lands on each side of the footpath in the borough known as the “Herringthorpe Footpath” leading from Badsley Street to Herringthorpe Village they may stop up such footpath and thereupon all rights of way over and along the same shall be extinguished.

(2) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Extinction
of private
rights of
way.

14.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Power to
develop
lands.

15.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes of the street improvements authorised by this Act and (with the consent of the Minister of Health) any other lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and

may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down. A.D. 1928.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(5) The provisions of this section shall not apply to any lands acquired or appropriated by the Corporation for the purposes of education.

PART III.

TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

Tramways.

16. The tramway undertaking as it exists at the passing of this Act shall continue vested in the Corporation and be held used and enjoyed by them. Tramway undertaking to continue vested in Corporation.

17.—(1) The Corporation may make form construct lay down work use repair maintain and renew the tramways or any of them together with all proper and convenient rails plates sleepers junctions turntables turnouts crossings passing-places posts poles brackets wires channels tubes cables carriage-houses generating transformer and other stations engine-houses sheds buildings works appliances and conveniences in over or under ground connected therewith or for the purpose thereof and may equip the same with the necessary plant and rolling stock and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which it may Power to make maintain and use tramways.

A.D. 1928. — be necessary to take up remove or alter for the purpose of laying down the new tramways.

(2) Subject to the provisions of this Act the new tramways shall be constructed in the lines and according to the levels shown on the deposited plans and sections.

(3) Nothing in this Part of this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the said Act of 1882 apply except in accordance with and subject to the provisions of that section.

Period for completion of new tramways.

18. The new tramways shall be completed by the thirty-first day of December nineteen hundred and thirty-three or by such later date as may be approved by the Minister of Transport (in this Part of this Act referred to as "the Minister") and on such date the powers by this Act granted to the Corporation for executing the said tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tramways to be subject to byelaws.

19. The byelaws and regulations applicable to the existing tramways of the Corporation shall so far as such byelaws and regulations are applicable extend and apply to the tramways.

Gauge of tramways.

20.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Minister.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six and a half inches in width or such other width as may from time to time be prescribed by the Minister.

(3) No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Rails of tramways.

21. The rails of the tramways shall be such as the Minister may approve.

22. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before commencing the construction laying down and renewal of any of the tramways or of any part thereof lay before the Minister a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively 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.

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Plan of proposed mode of construction.

23.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Penalty for not maintaining rails and roads.

(2) In case it is represented in writing to the Minister by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the borough or of such district that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Minister may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

24. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall alter

Tramways to be kept on level of surface of road.

A.D. 1928. or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Power to make additional cross-overs and to double tramway lines.

25.—(1) Notwithstanding anything contained in this Act the Corporation with the consent of the Minister may—

(a) make maintain alter and remove such cross-overs passing-places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation or to any lands or premises adjoining or near to the street in which any of the tramways is laid;

(b) 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 either when constructing the tramways or at any time thereafter; and

(c) construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) 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 such rail and the outside of the footpath on either side of the road the Corporation 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 be so laid (except with the consent of the Minister) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after

receiving the notice from the Corporation express their objection thereto. A.D. 1928.

26. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Minister construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs to be constructed in certain cases.

27.—(1) When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Corporation may with the consent of the road authority and subject to such conditions as the road authority may impose construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways.

(2) If any difference arises between the Corporation and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by an arbitrator to be appointed by the Minister.

28. The Corporation may increase the roadway of any street or road in the borough in which any of the tramways is authorised to be laid by reducing the width of the footpath on each or either side of such street or road :

Corporation may reduce footpath for constructing tramways.

Provided that no footpath be so reduced as to be less than five feet in width.

29.—(1) Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

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(2) Any paving metalling or material lawfully excavated by the Corporation from any road under the jurisdiction of any road authority may be applied by the Corporation in or towards the reinstating of such road and the maintenance for six months after completion of the tramways within the district of such road authority of so much of the road as the Corporation are required to maintain and the Corporation shall at their own expense if so required deliver the surplus paving metalling or material not used for the purposes aforesaid at such place within the district not being more than one mile from the place of excavation as the surveyor of the road authority shall appoint :

Provided that if within seven days after notice in writing to the road authority that any such surplus is ready for delivery the surveyor shall not appoint a place for the delivery thereof such surplus shall vest in and belong to the Corporation.

Inspection
by Minister.

30. The new tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by an officer appointed by the Minister.

Power to
Corporation
to work
tramways.

31.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the tramways.

(2) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

32. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

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Motive
power on
tramways.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister:

(2) The Minister shall make regulations (in this Act referred to as "the mechanical power regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds:

(4) The Minister if he is of opinion—

(a) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the mechanical power regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister may impose and the Corporation or such company or person shall comply with every such order. In every such case the Minister shall make a special report to Parliament notifying the making of such order.

33.—(1) Subject to the provisions of this Act the Minister may make byelaws with regard to any of the

Byelaws by
Minister.

A.D. 1928. tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

- (a) For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages;
- (b) For regulating the emission of smoke or steam from engines used on the tramways;
- (c) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Minister may deem proper for securing safety;
- (d) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;
- (e) For providing for the due publicity of all byelaws and mechanical power regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) Any person offending against or committing a breach of any of the byelaws made by the Minister under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to electrical works &c.

34.—(1) The Corporation may in under or over the surface of the streets or roads in which the tramways are situate or in which it may be necessary so to do in order to facilitate the working of the tramways or to connect the same with any generating station 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 the 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 and may supply electrical energy for the purpose of the tramways.

(2) Provided as follows :—

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(a) All posts and apparatus erected by the Corporation 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 but no post or other apparatus shall be erected on the carriageway except with the consent of the Minister;

(b) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramways with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(3) In this section the expression “generating station” has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

35. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of the tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramways.

Apparatus used for mechanical power to be deemed part of tramways.

36.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of the tramways by mechanical power Provided that—

Attachment of brackets to buildings.

(a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the structure and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

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- (b) any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after that owner ceases to be in possession of the building wall or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (a);
- (c) the owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building wall or bridge.

(2) For the purpose of this section any occupier of a building wall or bridge whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Special provisions as to use of electrical power.

37. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the carriages :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

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- (3) The electrical power shall be used only in accordance with the mechanical power regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Corporation shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the mechanical power regulations and in prescribing such means the Minister shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Minister or at his option by an arbitrator to be appointed by him and the costs of such determination shall be

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in the discretion of the Minister or of the arbitrator as the case may be :

- (7) The expression " the Corporation " in this section shall include lessees licensees and any person owning working or running carriages over any of the tramways.

For protec-
tion of Post-
master-
General.

38.—(a) Notwithstanding anything in this Act contained if any of the works in connection with the tramways involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply instead of the provisions of section 30 of the Tramways Act 1870 to any such alteration.

(b) In the event of the tramways being worked by electricity the following provisions shall have effect :—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramway undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a

telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

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- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated or used by or supplied to the Corporation enter into any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the mechanical power regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction

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- thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a penalty under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid : A.D. 1928.
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(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on the tramways.

39.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :— Use of tram-
way posts
by Post-
master-
General.

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways ;

(b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided ;

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration

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rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister arising through the exercise by the Postmaster-General of the powers conferred by this section;

- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the

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respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;

- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same :

Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise :

Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-

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(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Use of tramways.

40. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Corporation shall not be bound unless they think fit to carry any animals goods minerals articles or things other than mails and personal luggage as hereinafter provided.

Passengers' fares.

41. The Corporation 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.

As to fares on Sundays and holidays.

42. The Corporation shall not take or demand on Sundays or on any public holiday any higher fares or charges than those levied by them on ordinary week days.

Cheap fares for labouring classes.

43. The Corporation 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 carriages each way on each of the tramways every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning nor earlier than five in the evening respectively as the Corporation think most convenient for artisans mechanics and daily labourers at fares not exceeding one penny per mile and in computing the said fare any fraction of a mile shall be deemed to be a mile:

Provided that in case of any complaint made to the Minister of the hours appointed by the Corporation for

the running of such carriages the Minister shall have power to fix and regulate the same. A.D. 1928.

44. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage is carried by hand and at the responsibility of the passenger and does not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

45. The Corporation may demand and take in respect of animals goods and parcels conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding those specified in the Third Schedule subject to the regulations in that behalf therein contained. Charges for goods.

46. If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Minister 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 rate-payers of that district or by the Corporation that in 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 may (if he thinks fit) direct an inquiry and if the person holding the inquiry 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 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 made in pursuance of this section. Periodical revision of fares and charges.

47. 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 Removal of obstructions.

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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 Corporation 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 obstruction.

Agreements
between
Corporation
and road
authorities
and com-
panies.

48. The Corporation and any local or road authority or railway or canal company may subject to the provisions of this Act enter into any agreements with respect to the mode of construction and to the maintaining working removing renewing repairing and using of the tramways along or across any street road or bridge situate within the district of such local or road authority or belonging to any such company and the rails and works connected therewith and the facilitating of traffic over and along the same.

Agreements
with ad-
joining
owners.

49. The Corporation may enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the tramway routes with reference to the construction and maintenance by the Corporation or by those owners lessees or occupiers of sidings junctions works and conveniences for the accommodation and benefit of those owners lessees or occupiers either on the lands owned by leased to or occupied by them or on the lands of the Corporation :

Provided that the Corporation shall not create or permit a nuisance on any such lands.

Running
powers to
Corporation
and Sheffield
Corporation.

50.—(1) The Corporation (in this section and in the Fourth Schedule referred to as “the Rotherham Corporation”) and the lord mayor aldermen and citizens of the city of Sheffield (in this section and the said schedule referred to as “the Sheffield Corporation”) may for the purpose of carrying passengers only or passengers with their personal luggage (not exceeding twenty-eight pounds in weight for each such passenger) run over and use with their electric tramcars propelled on the overhead trolley system and with their officers and servants all or any part of the tramways of the other forming part of the following through route of tramways (including all

sidings works and conveniences and electrical or other motive power connected therewith) and may demand and take tolls and charges from such passengers:—

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The through route of tramways in this subsection referred to are the tramways commencing at Fitzalan Square Sheffield (or such other point in the city of Sheffield as the Sheffield Corporation may from time to time determine not being nearer to the borough than Bridge Street Sheffield) passing thence along Haymarket Waingate Wicker Savile Street Attercliffe Road Attercliffe Common Sheffield Road and the Doncaster and Tinsley road (or such streets as may be necessary to reach such other point) in the city of Sheffield and thence in the borough to a point fourteen yards or thereabouts south of the junction of Effingham Street with Howard Street Rotherham (or such other point in the borough as the Rotherham Corporation may from time to time determine not being nearer to the city of Sheffield than the top of Main Street Rotherham) along Sheffield Road Westgate High Street College Street and Effingham Street (or such streets as may be necessary to reach such other point).

(2) The powers of this section shall unless otherwise agreed between the Rotherham Corporation and the Sheffield Corporation be exercised subject to the terms conditions and regulations set forth in the Fourth Schedule until such time as the Minister shall determine on the application of either Corporation and on any such application the Minister may terminate the exercise of the said powers or alter or vary the terms conditions and regulations subject to which the said powers shall be exercised including the fares to be taken upon cars run in the exercise of such powers.

(3) The tramways of the Rotherham Corporation and of the Sheffield Corporation referred to in this section shall (so long as the running powers continue to be exercised) for the purpose of calculating the maximum fares rates and charges to be taken in respect of traffic conveyed thereon be deemed to be one tramway.

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Byelaws by
local autho-
rity.

51. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the regulations of the Minister.

Use of tram-
ways for
carriage of
road ma-
terials &c.

52. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the tramways) use the tramways for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls rates and charges in respect of such use and the Corporation may provide all vehicles and apparatus necessary for so doing.

Use of lands
for tramway
purposes.

53.—(1) The Corporation may on any lands held by them for the purposes of the tramway undertaking erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with the tramway undertaking and may sell lease exchange and otherwise dispose of any lands held by them for the purposes of that undertaking and not required for those purposes.

(2) The Corporation shall not (unless the Minister of Health otherwise directs) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the said Minister is necessary or has been obtained.

For protec-
tion of west
riding
county
council in
respect of
tramway.

54. For the protection of the county council of the west riding of Yorkshire (in this section called "the county council") the following provisions shall notwithstanding any other provisions of this Act and unless otherwise agreed in writing apply and have effect with respect to the powers conferred by this Act relating to so much of Tramway No. 1 referred to in Part I of the First Schedule as is situate in the administrative county

of the west riding of Yorkshire (in this section called "the tramway") :— A.D. 1928.

- (1) The Corporation shall at their own expense at all times during the continuance of the tramway maintain the culvert constructed for carrying the waters of Dalton Brook where the same flow under the Doncaster and Tinsley main road of such dimensions and in accordance with such specifications as have been or may be approved by the surveyor to the county council :
- (2) No part of the tramway shall be constructed in a main road in such position as to leave a less space than four feet six inches between any building wall or fence and the nearest rail nor a less space than two feet six inches between the kerb of any footpath and such rail :
- (3) The Corporation shall not make any alteration in the level of a main road without the consent of the county council but if by reason of the alteration of the tramway any alteration is rendered necessary in the level of such road the expense of making such alteration shall be borne and paid by the Corporation :
- (4) The Corporation shall not in the repairing or renewing of the tramway in a main road without the permission in writing of the county council or of their surveyor for the time being break up any portion of such road for a greater length than one hundred yards consecutively nor for more than one such length at any time unless there be a clear distance of one hundred yards between the portions of road broken up :
- (5) Nothing in this Act contained shall affect the rights of the county council to have free access to and communication with drains and sewers under any main road on which the tramway is laid and they shall have power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be

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applicable in the case of any sewer or private drain of or under the control of the county council as if the same were a pipe for the supply of gas or water:

- (6) The materials with which the Corporation shall maintain and keep in good condition and repair the portion of road referred to in section 28 of the Tramways Act 1870 shall be granite or other setts or paving approved by the county council:
- (7) (a) The position of all posts standards boxes and their several attachments erected by the Corporation in a main road shall be such as the county council may reasonably approve. Provided that if before the erection of any such posts standards boxes and attachments the Corporation deliver to the county council a plan showing the proposed position thereof and the county council do not within fourteen days give notice to the Corporation of any objection the county council shall be deemed to have agreed to the position of such posts standards boxes and attachments as shown by the said plan;
- (b) If any post standard box or other mechanical power work interferes with the construction of any new road or footpath or the improvement of any road or footpath or the reconstruction or alteration of any county or main road bridge or in the opinion of the county council becomes an obstruction the Corporation shall alter the position thereof in such manner as the county council may reasonably direct but if any question arises as to the reasonableness of any such directions such question may be determined by arbitration as hereinafter provided:
- (8) If the county council shall hereafter pave any margin less than eight feet in width of the carriageway of a road between the edge of the tramway track and the footpath kerb or (where there is no footpath) the fence or boundary of the road at either side of such track the cost of such paving shall be borne in equal shares by the Corporation and the county council

Provided that the said portions of road so paved shall thereafter be maintained by the authority liable for the maintenance of main roads in the district :

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The expression "tramway track" where used in this subsection means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double lines are laid) the portion of the road between each tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway :

- (9) The Corporation shall at all times during the repair or renewal of the tramway or any part thereof make all necessary and suitable provisions for the proper regulation of the ordinary traffic of the road and shall keep unobstructed so much of the road as the county council or their surveyor shall reasonably deem adequate for the free and safe passage thereon of vehicles and foot passengers and shall during such construction repair and renewal and until completion of the part of the tramway under repair or renewal maintain that portion of the road so required to be kept unobstructed in substantial repair to the reasonable satisfaction of the county council :
- (10) If any difference arises between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

55. For the protection of the mayor aldermen and burgesses of the county borough of Doncaster (in this section referred to as "the Doncaster Corporation") the following provision shall have effect (that is to say):—

For protection of Doncaster Corporation.

No part of so much of Tramway No. 1 referred to in Part I of the First Schedule as is situate in the Doncaster Road between its junctions with

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Fitzwilliam Road and Old Gate Lane respectively shall be laid upon or over any water mains pipes apparatus or property of the Doncaster Corporation except where the same is unavoidable and the Corporation shall pay to the Doncaster Corporation any additional expense caused to the Doncaster Corporation by reason of extra repairs to the said water mains pipes apparatus or property of the Doncaster Corporation being required where such tramway overlays the same or any part thereof.

For protection of Sheffield and South Yorkshire Navigation Company.

56. Except so far as may be otherwise agreed in writing between the Sheffield and South Yorkshire Navigation Company (in this section called "the company") and the Corporation under their common seals the following provisions for the protection of the company shall have effect (that is to say):—

(1) In this section—

"The canal" means the Sheffield and Tinsley Canal and the River Don Navigation and the towing-paths and banks thereof respectively;

"The Rawmarsh Bridge" means the bridge carrying the road leading from Rotherham to Rawmarsh over the canal situate partly in the parish of Greasbrough and partly in the borough:

(2) The Corporation shall at all times maintain the Rawmarsh Bridge and the roadways and footpaths hereon and the approaches to the same and other works for crossing the canal in good and substantial repair and condition to the reasonable satisfaction of the company and so as not to cause any obstruction to the canal and in default thereof the company may as well on the lands of the Corporation as on their own land do all such works and things as they may think reasonably requisite in that behalf and the reasonable costs thereof shall on demand be paid by the Corporation to the Company and in default of such payment may be recovered by the company from the Corporation

with full costs in any court of competent jurisdiction : A.D. 1928.

- (3) The Rawmarsh Bridge and any works in connection therewith affecting the canal shall be maintained so that the traffic on the canal shall not be in any way obstructed impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the company but in all things at the expense of the Corporation :
- (4) If by reason of the maintenance of the Rawmarsh Bridge or any proceedings of the Corporation or any act or omission of the Corporation or their contractors or of any officer servant or workman or other person employed by the Corporation or such contractors in connection with the maintenance of the Rawmarsh Bridge the canal or any of the works thereof be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own cost and in default thereof the company may make good the same and recover the reasonable cost thereof with full costs from the Corporation in any court of competent jurisdiction :
- (5) The Corporation shall indemnify the company for any loss or damage they may suffer and for any compensation they may be required to pay for any such obstruction interruption or interference with the traffic of the canal or any accident which shall have been occasioned by any such act or default as in this section is mentioned :
- (6) Nothing in this section shall extend to prevent the company or any owner of vessels boats keels or barges using the canal from recovering from the Corporation any special damage that shall be sustained by them or him for or in consequence of any such act or default as in this section is specified :
- (7) No stays posts wires or other appliances or apparatus to be used in connection with electric traction on the tramways shall be attached or fastened to any bridge crossing the canal or to

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any other works or property of the company without the previous consent in writing of the company :

- (8) If any difference arise between the Corporation and the company as to anything to be done or not to be done under this section or any money to be paid thereunder such difference shall be referred to and determined by an engineer to be appointed (unless otherwise agreed on) on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (9) The Corporation and the company may agree for any variation or alteration of the works in this section provided for or of the manner in which the same shall be executed.

Agreements with Rawmarsh and Greasbrough Councils as to Rawmarsh Bridge.

57. The Corporation and the urban district councils of Rawmarsh and Greasbrough respectively may enter into and carry into effect such agreements as they may think fit with regard to the maintenance of the Rawmarsh Bridge the roadway over the same and the approaches thereto and as regards those councils the purposes of this section shall be deemed to be purposes of the Public Health Act 1875.

For protection of London and North Eastern Railway Company and Great Central and Midland Joint Committee.

58. Except so far as may be otherwise agreed in writing between either the company or the committee hereinafter mentioned and the Corporation the following provisions shall have effect—

- (a) for the protection of the London and North Eastern Railway Company in relation to Tramway No. 1 and Tramway No. 2 described in Part I of the First Schedule; and
- (b) for the protection of the Great Central and Midland Joint Committee in relation to the said Tramway No. 1;

(that is to say):—

- (1) In this section "the company" means (as the case may be) the London and North Eastern Railway Company or the Great Central and Midland Joint Committee and "the tramway" means as regards the said railway company the said Tramway No. 1 and Tramway No. 2 and as

regards the said committee the said Tramway No. 1: A.D. 1928.

- (2) All works which may be necessary in maintaining the tramway over any bridge or works of the company shall be maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Minister on the application of the company or the Corporation:
- (3) The Corporation shall not in any way vary alter or interfere with the structure of any bridge carrying any road over or under any railway of the company or of the approaches thereto and they shall so maintain and use the tramway on over or under such bridge and the approaches thereto as not injuriously to affect the same:
- (4) In the event of any injury being caused to any such bridge or approaches or other work by the maintenance repairing user or removal of the tramway the company may at the expense of the Corporation restore such bridge or approaches or other work or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870:
- (5) Whenever the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or the approaches thereto or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof the Corporation shall afford the company all reasonable and proper facilities for those purposes or any of them and if the company find it necessary for effecting any such purposes that the working and user of the tramways over any such bridge or approaches should be wholly or partly stopped or delayed

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or that such tramway should be temporarily diverted or wholly or in part taken up or removed after seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal shall have been given (except in cases of emergency) by the company to the Corporation the working and user of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence if they shall give such superintendence but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose and the tramways shall be restored with all possible dispatch and the Company shall not be liable for any compensation claims damages or expenses in respect of such stoppage or delay or in any way relating thereto :

- (6) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on the tramway being or being intended to be moved by electrical steam or any mechanical power such strengthening shall be effected in all things at the expense of the Corporation who shall also pay to the company all additional expenses which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alteration repair lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith :
- (7) No stays posts wires or other apparatus for working the tramway by electricity shall without the previous consent in writing of the company be attached to any bridge or other work of the company :
- (8) If any difference shall arise between the Corporation and the company under this section the matter in difference shall unless otherwise agreed be determined save where by this section otherwise provided by the Minister whose decision shall be final.

59.—(1) The London Midland and Scottish Railway Company (in this section referred to as “the company”) shall retain the full rights of frontage to Tenter Street as widened by the Corporation under the powers of the Act of 1904.

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—
As to
London
Midland and
Scottish
Railway
Company.

(2) Notwithstanding the repeal of section 6 (Agreement as to tramways over Midland Railway bridge) of the Act of 1900 the agreement entered into between the Midland Railway Company and the Corporation thereunder shall continue in force with the substitution of the company for the Midland Railway Company and the company and the Corporation may enter into and carry into effect further agreements relative to the tramway constructed on the bridge and the approaches thereto connecting Masborough Street and Kimberworth Road.

Trolley Vehicles.

60.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the routes authorised by the local Acts which are shortly described in Part I of the Second Schedule and also upon the routes described in Part II of that schedule:

Power to
use trolley
vehicles.

Provided that—

- (a) The Corporation shall not work trolley vehicles on Route No. 9 referred to in Part I of the Second Schedule in College Street Bridgegate Church Street and Upper Millgate between Effingham Street and Corporation Street until the carriageway has been widened to a width of at least twenty feet;
- (b) If upon the application of the mayor aldermen and burgesses of the county borough of Doncaster made in the session of nineteen hundred and twenty-nine the said mayor aldermen and burgesses are empowered to provide equip and use trolley vehicles along that part of Route No. 7 referred to in Part II of the Second Schedule which is situate between Hill Top and Clifton Hill the powers conferred upon the Corporation by this Act to provide equip and use trolley vehicles on that part of the said route shall cease to have effect.

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(2) The Corporation may also with the consent of the Minister and subject to such conditions as he may impose work trolley vehicles along any other street or road in the borough along which they are at the passing of this Act authorised to construct tramways.

(3) The Corporation may also with the consent of the Minister use trolley vehicles on any other street or road in the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depôt garage building or work of the Corporation.

(4) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval.

Exclusive
right of
using ap-
paratus for
working
trolley
vehicles.

61. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Approval of
vehicles by
Minister.

62.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister has approved or may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister.

(2) Before applying to the Minister for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to the railway company notice of the weight of the trolley vehicles proposed to be used by them upon such road and the Minister shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him within twenty-eight days after the giving of such notice on the ground that the strength of the bridge is insufficient to carry trolley vehicles of such weight:

Provided that a copy of the objections shall be sent by the railway company to the Corporation at the same time as they are sent to the Minister. A.D. 1928.

63.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to those exceptions neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles. Vehicles not to be deemed light locomotives or motor cars.

(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

64.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :— Application of Tramways Act 1870 to trolley vehicles.

Part II (relating to the construction of tramways) except sections 25 28 and 29 ; -

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

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- Section 50 (Penalties for wilful injury or obstruction to tramways &c.);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to widen &c. roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

Application
of provi-
sions of this
Act to
trolley
vehicles.

65.—(1) The sections of this Act the marginal notes of which are in this section set forth shall so far as applicable apply with reference to the trolley vehicles authorised by or in pursuance of this Act and the apparatus and equipment for working the same and for the purpose of such application those sections shall be read and have effect as if the works constructed or to be constructed in the streets or roads for moving trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways :—

- Inspection by Minister;
- Power to Corporation to work tramways;
- Motive power on tramways;
- Byelaws by Minister;
- As to electrical works &c.;
- Apparatus used for mechanical power to be deemed part of tramways;
- Attachment of brackets to buildings;
- Special provisions as to use of electrical power;
- For protection of Postmaster-General;
- Use of tramway posts by Postmaster-General;

Use of tramways;
 Passengers' fares;
 As to fares on Sundays and holidays;
 Cheap fares for labouring classes;
 Passengers' luggage;
 Charges for goods;
 Periodical revision of fares and charges;
 Agreements with adjoining owners;
 Byelaws by local authority;
 Use of lands for tramway purposes.

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(2) Provided that the trolley vehicles shall only be used for the purpose of conveying—

- (a) passengers and their luggage;
- (b) dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger;
- (c) parcels not exceeding fifty-six pounds in weight;
- (d) mails as hereinafter provided; and
- (e) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;

and save as aforesaid shall not be used for the carriage of animals minerals or goods.

66. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Licence
duties on
trolley
vehicles.

67.—(1) Before the Corporation in the exercise of the powers of this Act commence to run trolley vehicles (in this section called "vehicles") over any road or part of a road outside the borough and not used by them before the passing of this Act it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister whether it is necessary (in order to provide for the running under the powers of this Act of a service of vehicles over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or

Provisions
as to adapt-
ation of
roads &c.

A.D. 1928. — reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(2) Within six months after the date upon which all questions to be agreed or determined in pursuance of subsection (1) of this section have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run vehicles over the road or part of a road or bridge in question.

(3) If the Corporation give notice in writing to the road authority that they intend to run vehicles over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of subsection (1) of this section the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work :

Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(4) Notwithstanding anything in this section the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run vehicles over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(5) Except as provided by subsection (3) of this section not more than one payment or (in the case of a

payment by instalments) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened. A.D. 1928.

(6) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the said section 11.

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

Provided that any expenditure incurred by the road authority in connection with any such alteration shall be deemed part of the cost of adaptation alteration or reconstruction of the road.

(8) If any adaptation alteration or reconstruction in pursuance of this section shall involve any alteration in the position of any electric lines or works of any undertakers within the meaning of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 the provisions of that section shall apply to such alteration and shall extend to and include any electric lines or works of such undertakers constructed or placed upon or above the level of the ground.

(9) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway over which any vehicle is run under the powers of this Act.

(10) No such agreement as is referred to in this section shall as respects any main road maintained by a local authority at the expense of any county council be made except with the concurrence of that county council.

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(11) For the purposes of this section the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge or culvert maintainable by a district council and in respect of such bridge a district council shall be deemed to be the road authority.

Rails of
tramway to
be removed
in certain
cases.

68.—(1) If at any time it is proved to the satisfaction of the Minister that the Corporation have for a period of twelve months ceased to run carriages on any tramway laid down on any road upon which trolley vehicles are run under the powers of this Act the Minister may if he thinks it expedient in the circumstances of the case by order direct the Corporation within such time and subject to such conditions as he may specify to remove the rails of such tramway from the surface of the road and leave the portion of the road upon which such rails were laid in good repair and condition.

Before making any such order notice of the intended order shall be given by the Minister to the road authority.

(2) If the Corporation act in contravention of or fail to comply with any of the provisions of such order the Corporation shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Trolley
vehicles to
be removed
in certain
cases.

69.—(1) If at any time after the opening of any trolley vehicle route in any district for traffic the Corporation discontinue the working of such route or any part thereof for the space of three months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) and such discontinuance is proved to the satisfaction of the Minister he if he thinks fit may by order declare that the powers of the Corporation in respect of such trolley vehicle route or the part thereof so discontinued shall from the date of such order be at an end and thereupon the said powers shall cease and determine.

(2) Where any such order has been made the road authority of the district may at any time after the expiration of two months from the date of such order under the authority of a certificate to that effect by the

Minister remove the works constructed in such route or the part thereof so discontinued for moving trolley vehicles by electrical power and the Corporation shall pay to the road authority the cost of such removal and of the making good of the road by the road authority occasioned by such removal.

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70.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads along which they are authorised to use trolley vehicles under the foregoing provisions of this Act) they may make application to the Minister and the Minister is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

Minister
may autho-
rise new
routes.

(2) No application under this section shall be entertained by the Minister unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October and November or one of them in some newspaper or newspapers circulating in the borough or district to which the application relates notice of their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette;

(b) have posted for fourteen consecutive days in the months of October and November or one of them in conspicuous positions in each of the several streets or roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister any objections to the grant of such application.

(3) The Minister may prescribe the procedure with respect to any application for a Provisional Order under this section.

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(4) The Minister shall consider any such application and may (if he thinks fit) direct an inquiry in relation thereto to be held or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the Order applied for be made either with or without addition or modification or subject or not to any restriction or condition.

(5) No order authorising the use of trolley vehicles on any road in a borough or district outside the borough shall be made without the consent of the local authority of such borough or district and the road authority having jurisdiction over such road but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(6) In any case where it shall appear to the Minister expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the Schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this section shall not have any operation.

(7) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(8) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(9) The making of a Provisional Order under this section shall be prima facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(10) Any expenses incurred by the Minister in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister in connection with any inquiry under this section shall be paid by the Corporation.

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71. All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

Tramway regulations to apply to trolley vehicles.

72. The Corporation and the Mexborough and Swinton Tramways Company may enter into and carry into effect agreements with respect to the working running over using maintaining and managing by each of the contracting parties of the whole or any part of the trolley vehicle system of the other and with respect to the supply of electricity for the working and lighting of trolley vehicles on the routes of the said company authorised before the passing of this Act :

Agreements with Mexborough and Swinton Tramways Company.

Provided that an agreement for the supply of electricity by the Corporation entered into under this section shall not extend beyond the date on which the agreement dated the fifteenth day of November nineteen hundred and seventeen made between the said company and the Corporation and set forth in the Second Schedule to the Rotherham Corporation Act 1918 ceases to have effect and may extend and apply the provisions of that agreement relating to trolley vehicles to the whole or any part of the trolley vehicle routes of the company authorised before the passing of this Act for the purpose of such working and lighting as aforesaid.

73. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Conveyance of mails.

74. For the protection of the county council of the west riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council have effect with respect to the powers conferred by this Act relating to trolley

For protection of West Riding County Council in respect of trolley vehicles.

A.D. 1928. — vehicles upon any main road in the administrative county of the west riding of Yorkshire (that is to say) :—

- (1) The county council may require that the commencement or termination of the trolley vehicle routes on any main road shall be paved with granite or other sett paving for the full width of the carriageway and for such length (not exceeding thirty feet) as the surveyor of the county council may reasonably require and in such case the Corporation shall carry out such paving :
- (2) If any post standard box or other mechanical power work interferes with the construction of any new road or footpath or the improvement of any road or footpath or the reconstruction or alteration of any county or main road bridge or in the opinion of the county council becomes an obstruction the Corporation shall alter the position thereof in such manner as the county council may reasonably direct but if any question arises as to the reasonableness of any such directions such question may be determined by arbitration as hereinafter provided :
- (3) The Corporation shall so use the trolley vehicles over any county or main road bridge as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the user of the trolley vehicles the Corporation shall at their own expense restore such bridge to the satisfaction of the county council :
- (4) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting

such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:

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- (5) The Corporation shall not without the consent in writing of the county council place erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached:
- (6) If the Corporation in the execution of any works in or affecting any main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence:
- (7) If any difference arises between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

75. The following provisions for the protection of the London and North Eastern Railway Company the London Midland and Scottish Railway Company the Great Central Hull and Barnsley and Midland Committee the Great Central and Midland Joint Committee and the South Yorkshire Joint Line Committee (each of whom

For protection of railway companies in respect of trolley vehicles.

A.D. 1928. is in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company in writing apply in relation to the exercise of the powers of this Act with respect to trolley vehicles (that is to say):—

- (1) In this section the word "apparatus" means and includes electric lines wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles of the Corporation and includes also any brackets wires and apparatus for the purposes of such apparatus:
- (2) All apparatus where the same is or will be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided:

Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the company:

- (3) The Corporation shall so maintain and use the apparatus as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the execution maintenance or user of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of the apparatus obstruct or interfere with the free uninterrupted and safe user of any railway siding or other work belonging to the company or any traffic thereon : A.D. 1928.
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the apparatus is laid or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such apparatus be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be

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restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstruction altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the apparatus :
- (8) If and when the company shall require to paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) If having regard to the proposed position of any works of the Corporation by this Part of this Act authorised when considered in relation to the position of the works of the company at any point where the apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation :
- (10) No stays posts wires or other apparatus shall without the previous consent in writing of the

company be attached to any bridge house building property or other work belonging to or maintainable by the company nor shall the Corporation erect or maintain any shelter or waiting-room so as to interfere with or render less convenient the access to or exit from any station or depot of the company : A.D. 1928.

- (11) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Omnibuses.

76. In addition to their existing powers the Corporation may run omnibuses along the following routes :— Further powers for running omnibuses.

- (1) In the Rotherham Rural District and the borough along the proposed Herringthorpe Valley Road from the Doncaster Road opposite to Aldwarke Lane in a southerly direction to the Rotherham and Barnby Moor main road near to its junction with Stag Lane :
- (2) In the said rural district along Vale Road from its junction with Holling's Lane in north-easterly and north-westerly directions and along Park Lane in a northerly direction to its junction with Doncaster Road at Thrybergh.

77.—(1) The following sections of the Act of 1911 of the Act of 1921 and of the Act of 1924 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :— Application of provisions of Acts of 1911 1921 and 1924.

The Act of 1911—

Subsections (2) to (8) of section 23 (Power to provide and run motor omnibuses).

The Act of 1921—

Section 26 (Provisions as to adaptation of roads &c.);

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Section 28 (As to cesser of powers);

Section 29 (Provision in event of certain powers not being exercised within prescribed limits);

Section 31 (Application of sections 51 and 56 of Tramways Act 1870).

The Act of 1924—

Section 23 (Omnibus fares and charges):

Provided that in the application of the said sections of the Act of 1921 they shall be read as if this Act were referred to therein instead of the Act of 1921.

(2) Omnibuses provided or used under the powers of this Act shall be deemed to be cars within the meaning of the Act of 1921.

General.

78.—(1) The Corporation on the one hand and any other local authority company body or person having powers to own or work any tramways or trolley vehicles which may now or hereafter be connected with the tramways or the trolley vehicle systems of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

(a) The formation of junctions between the tramways and trolley vehicle systems of the contracting parties;

(b) The leasing working running over using maintaining and managing by any or all of the contracting parties or by a joint committee of the contracting parties of the tramways or trolley vehicles of any or all of the contracting parties and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;

(c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways or trolley vehicles of the contracting parties of rolling stock and vehicles necessary for the purposes of such agreement and the employment of officers and servants;

Working agreements for tramways and trolley vehicles.

- (d) The supply of motive power by the party owning the tramways or trolley vehicle route the subject of the agreement; A.D. 1928.
—
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways and trolley vehicle systems of the contracting parties :

Provided that electrical energy shall not be supplied under an agreement made in pursuance of the powers conferred by this section except—

- (i) a supply by the Corporation to the other party to the agreement for the purpose of traction or propulsion or lighting of tramcars or trolley vehicles of such other party upon tramway or trolley vehicle routes owned and substantially worked by the Corporation; or
- (ii) a supply to the Corporation by the other party to the agreement for the purpose of traction or propulsion or lighting of tramcars or trolley vehicles of the Corporation upon tramways or trolley vehicle routes owned and substantially worked by such other party.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways and trolley vehicle systems of the other the tramways and trolley vehicle systems of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways and trolley vehicle systems of the one party and partly over those of the other be considered as one tramway and trolley vehicle system and the maximum charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(3) In this section the word "tramways" includes light railways.

A.D. 1928.

Working
and other
agreements.

79.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses subject to the provisions of the respective Acts under which such omnibus services are authorised.

(3) Any agreement made under subsection (1) or (2) of this section may provide for all or any of the following purposes (that is to say):—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

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(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate. Provided that on complaint being made to the Minister that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

(5) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to the working user management or maintenance of any omnibus service at a greater distance than fifteen miles measured in a direct line from the parish church of All Saints in the borough.

80.—(1) The Corporation on the one hand and any of the following companies (namely) the East Midland Motor Services Limited the Barnsley and District Traction Company Limited and the West Riding Automobile Company Limited on the other hand may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties provide or (in the case of the Corporation) are empowered to provide subject (in the case of services authorised by statute) to the provisions of such statute.

Working
agreements
with certain
companies.

(2) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service is situate and (where any main road is comprised in any omnibus route to which any proposed agreement relates) of the county council of the administrative county in which the road is situate:

Provided that on complaint being made to the Minister that any such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

(3) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to the working user management or maintenance of any omnibus service at a greater distance than

A.D. 1928. — fifteen miles measured in a direct line from the parish church of All Saints in the borough.

Payment of fares rates and charges.

81. The fares rates and charges authorised by this Part of this Act shall be paid to such persons and at such places and in such manner and under such regulations as the Corporation or the persons entitled to demand and take such fares rates and charges may appoint.

Property found in cars.

82. Any property found in any tramcar trolley vehicle or omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof shall be treated as part of the revenue of the tramway undertaking.

Application of Tramways Act to byelaws.

83. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly.

Consents of local or road authorities.

84. Subject to the provisions of this Act where the consent or approval of any local or road authority is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be determined by the Minister.

Penalty for malicious damage.

85. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramways the trolley vehicles or the omnibuses of the Corporation anything which is calculated to obstruct or interfere with the working of such tramways trolley vehicles or omnibuses or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways or the trolley vehicles of the Corporation shall be liable to a penalty not exceeding twenty pounds.

86. For the protection of the Rotherham Rural District Council (in this section called "the rural council") the following provisions shall notwithstanding any other provision of this Act and unless otherwise agreed in writing between the rural council and the Corporation under their respective common seals apply and have effect with respect to the powers conferred by this Act relating to so much of Tramway No. 1 referred to in Part I of the First Schedule as has been constructed in the Doncaster main road in the rural district of Rotherham between the junction of that road with Fitzwilliam Road and its junction with Old Gate Lane (that is to say):—

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—
For protec-
tion of
Rotherham
Rural Dis-
trict Council.

- (1) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the mains pipes tubes wires and apparatus of the rural council as if the rural council were a company within the meaning of those provisions :
- (2) Nothing in this Act contained shall affect the rights of the rural council to have free access to and communication with drains and sewers under the road on which the tramway is laid and they shall have power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the rural council as if the same were a pipe for the supply of gas or water :
- (3) The following provisions shall apply with respect to the trolley vehicles in the said rural district :—
 - (a) The rural council may require that the commencement or termination of the trolley vehicle routes on any road vested in or repairable by the rural council shall be paved with granite or other sett paving for the full width of the carriageway and for such length (not exceeding thirty feet) as the surveyor of the rural council may reasonably require and in such case the Corporation shall carry out such paving ;
 - (b) If any post standard box or other mechanical power work interfere with the

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construction of any new road or footpath or the improvement of any road or footpath or the reconstruction or alteration of any road or bridge vested in or repairable by the rural council or in the opinion of that council become an obstruction the Corporation shall alter the position thereof in such manner as the rural council may reasonably direct but if any question arises as to the reasonableness of any such directions such question may be determined by arbitration;

(c) If the Corporation in the execution of any works in or affecting any road vested in or repairable by the rural council shall cause any damage injury or disturbance to such road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the rural council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the rural council all costs charges and expenses which the rural council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence;

(d) Notwithstanding anything in the Tramways Act 1870 the rural council and no other authority or council shall with respect to the application of sections 46 and 47 of that Act to the use of trolley vehicles within the said rural district be and be deemed to be the local authority:

- (4) If any difference arises between the Corporation and the rural council with regard to any of the matters aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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87. Nothing contained in this Part of this Act shall impose on or enlarge any obligation upon any railway or canal company to maintain strengthen adapt alter or reconstruct any bridge or road maintainable by them.

As to
bridges of
railway
companies.

88. For the purpose of using mechanical power the Corporation may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

Power to
acquire
patent
rights.

89. Subject to the provisions of this Act the omnibus and trolley vehicle undertakings authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation :

Omnibuses
and trolley
vehicles to
form part of
tramway

Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses and trolley vehicles respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and each other.

under-
taking.

90. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of the annual accounts of the tramway undertaking.

Accounts to
be furnished
to Minister.

91.—(1) The following enactments (in this section referred to as “the repealed enactments”) are hereby repealed :—

Repeal of
enactments.

The Act of 1900—

Part II (Tramways) except section 33 (As to generating stations);

Section 70 (Application of revenue of tramway undertaking);

Second Schedule.

The Act of 1904—

Part VI (Tramways).

The Act of 1911—

Part III (Tramways) except section 23 (Power to provide and run motor omnibuses);

Part IV (Trolley vehicles).

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The Rotherham Corporation Tramways Order 1914—

The whole Order.

The Act of 1915—

Part III (Tramways) except section 17 (Further powers to run motor omnibuses) and section 18 (As to road maintenance).

The Act of 1921—

Section 18 (Power to make tramways);

Section 19 (Time for completion of tramways);

Section 20 (Incorporation of certain provisions of former Acts);

Section 21 (Extension of time for construction of tramway under Act of 1915);

Section 22 (Fares);

Section 23 (Cheap fares for labouring classes);

Section 24 (Weight of trolley vehicles);

Section 40 (Lost property).

The Act of 1924—

Section 15 (Power to use trolley vehicles);

Section 16 (Provisions as to adaptation of roads &c.);

Section 17 (Application of Tramways Act 1870 to trolley vehicles);

Section 18 (Application of existing provisions to trolley vehicles);

Section 19 (Minister of Transport may authorise trolley vehicle routes);

Section 20 (Rails of tramway to be removed in certain cases);

Section 21 (Trolley vehicles to be removed in certain cases);

Section 25 (For protection of railway companies);

Section 26 (Accounts to be furnished to Minister of Transport).

The Rotherham Corporation Trolley Vehicles Order 1927—

The whole Order.

(2) Notwithstanding the repeal of the repealed enactments— A.D. 1928.

- (a) All property vested in the Corporation at the passing of this Act as part of or in connection with the tramway undertaking shall continue vested in the Corporation and all acts works matters and things before the passing of this Act done or commenced under the powers of the repealed enactments or any of them and which were at the passing of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies relating to the tramway undertaking shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed;
- (b) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing accruing or done before the passing of this Act under or in execution of or in relation to the provisions of the repealed enactments or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed;
- (c) All existing byelaws rules regulations orders and licences relating to the tramway undertaking shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;
- (d) All rates rents tolls charges and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;
- (e) All books and documents which under any of the repealed enactments or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;

A.D. 1928.

(f) Any agreement or document relating to the provisions of any of the repealed enactments which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

PART IV.

ELECTRICITY.

Provisions
as to supply
of electricity
by agree-
ment.

92.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement:

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of the Act of 1921 of any right to which he would be entitled but for the said provisions.

A.D. 1928.

(3) Section 91 (Provisions as to supply of electricity by agreement) of the Act of 1921 is hereby repealed.

93.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

Use for
lighting
purposes of
electricity
supplied for
power.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

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As to
method of
charge in
certain
cases for
fittings.

94.—(1) In any case in which the Corporation have fixed or set up or shall hereafter fix or set up in any dwelling-house or part of a dwelling-house any lamps meters electric lines fittings motors apparatus and things for lighting or motive power or for any other purposes for which energy can or may be used (all of which are in this section referred to as and included in the expression “fittings”) the Corporation may make and recover from the owner or occupier for the time being of such dwelling-house or part of a dwelling-house such charges as they may determine by way of consideration for the provision and laying fixing or setting up and maintenance of such fittings and of the whole or part of so much of the service cable as is laid upon the property of the owner or in the possession of the occupier of such dwelling-house or part of a dwelling-house and for the purposes of the Electricity (Supply) Acts 1882 to 1926 the said fittings and portion of service cable shall subject as hereinafter provided be the property of the Corporation :

Provided that—

(a) the basis on which such charges are to be determined shall be such as shall be approved by the Electricity Commissioners;

(b) the owner or occupier for the time being of any such dwelling-house or part of a dwelling-house as aforesaid shall be entitled at any time to require—

(i) that the charge made by the Corporation as aforesaid shall be commuted by the payment of a sum in gross equal to the balance for the time being outstanding in the books of the Corporation in respect of the capital expenditure incurred by them in the provision laying fixing or setting up of the fittings in such dwelling-house or part of a dwelling-house and upon such payment the said fittings shall become the property of such owner or occupier; or

(ii) that in lieu of making such charges as aforesaid after the date of such requirement the Corporation shall as from that date enter into an agreement with him under which the fittings provided and laid fixed or set up by the Corporation in such

dwelling-house or part of a dwelling-house will become vested in him at the expiration of such period not exceeding five years as such owner or occupier may require in consideration of the payment by him to the Corporation during that period of annual or other periodical instalments of such amount as may be agreed between him and the Corporation; A.F. 1928.

and as from the date of any such payment as is referred to in the foregoing paragraph (i) or the expiration of any such period as is referred to in the foregoing paragraph (ii) the Corporation shall cease to be liable for the maintenance of such fittings as aforesaid ;

- (c) the owner or occupier for the time being of such dwelling-house or part of a dwelling-house (not being the owner or occupier on whose application the fittings were laid fixed or set up) shall be entitled at any time to require the Corporation to remove and the Corporation shall on being so required remove the said fittings.

(2) The Corporation may require that the whole or any part of any sum payable pursuant to this section shall be paid quarterly in advance.

(3) The Corporation shall have the like remedies in the event of non-payment of any sum payable pursuant to this section and the like rights of recovery of any such sum as they have under the provisions of the Electricity (Supply) Acts 1882 to 1926 and the Electric Lighting (Clauses) Act 1899 with respect to charges for electricity.

(4) Nothing in this section shall alter or affect any agreement for the time being subsisting between the Corporation and the owner or occupier of any such dwelling-house or part of a dwelling-house as aforesaid.

(5) Notice of the provisions of this section shall be given to the owner of any dwelling-house or part of a dwelling-house when the Corporation fix or set up therein any fittings and also to the occupier of such dwelling-house or part of a dwelling-house when such occupier makes application to the Corporation for a supply of electricity thereto.

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—
Charges for
special
readings of
electricity
meters.

95. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house at the request or for the convenience of consumers at times other than those of the periodical readings :

Provided that such charges shall not exceed the sum of one shilling for each reading.

Power to
recover cost
of cutting
off supplies.

96. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Further
powers as to
entry upon
premises.

97.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the Corporation's electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said

section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company or railway committee for the purposes of their railway and forming part of their station or goods depôt.

(5) Section 30 of the Act of 1924 is hereby repealed.

98. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

As to use
of trans-
formers.

99. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Power to
cut off sup-
plies where
charges &c.
not wholly
paid.

PART V.

STREETS BUILDINGS AND SANITARY MATTERS.

100.—(1) In cases where in the opinion of the Corporation it is necessary in order to secure a sufficiently regular boundary line of any street the line of frontage to be prescribed by the Corporation under section 51 of the Act of 1924 may be so placed as to include part of the street in the area upon which the owner of the adjoining land may build and thereafter such part of the street shall cease to be part of the highway.

Further pro-
vision as to
improve-
ment line.

A.D. 1928.

(2) Notwithstanding anything contained in this section no new building erection excavation or obstruction shall be made or placed on the land which but for the provisions of this section would have remained part of the highway except with the consent of the Corporation which consent may be given for such period and subject to such terms and conditions as they may deem expedient and any such terms and conditions and any terms and conditions imposed by the Corporation under subsection (3) of section 51 of the Act of 1924 shall be binding upon any successor in title to the owner occupier or lessee of land to which such terms and conditions relate.

(3) Any person who offends against subsection (2) of this section shall without prejudice to any other proceedings which may be available against him be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Removal of
infirm and
diseased
persons in
certain
cases.

101.—(1) If the medical officer certifies in writing that any person—

- (a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or
- (b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary poor law or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be

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determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section :

Provided that not less than three clear days before making any application under this subsection for the removal of any person the medical officer shall give to the guardians of the poor of the Rotherham Union (in this section referred to as "the guardians") notice in writing of his intention so to do.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be :

Provided that the guardians shall be entitled to appear and be heard upon the application and any matters relating thereto and may in the exercise of their powers under the Poor Law Act 1927 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed upon between the guardians and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation or to such constable as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an

A.D. 1928.

— application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any poor law institution except with the consent in writing of the guardians or shall affect or interfere with the exercise or discharge by the board of guardians of any poor law union of any of their powers or duties.

(7) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

Registration
of premises
used for
manufac-
ture &c. of
ice-cream.

102.—(1) Any premises used or proposed to be used for the manufacture or sale of ice-cream or any similar commodity shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901

to be given and shall not in any way affect the operation of that Act. A.D. 1928.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

103.—(1) In this section—

The expression “trough-closet” means closet accommodation which is used in connection with the water carriage system of sewerage the receptacle for containing the water being common to two or more closets; and

Power to
require con-
version of
trough or
slop-closets.

The expression “watercloset” means closet accommodation used or adapted or intended to be used in connection with the water carriage system of sewerage and comprising a separate receptacle and separate provision for flushing such receptacle by means of a fresh water supply laid on to a separate flushing cistern and having proper communication with a sewer.

(2) Where there are a sufficient water supply and sewer the Corporation by notice to the owner of a building may require any existing trough-closet or slop-closet provided at or in connection with the building to be altered so as to be converted into a watercloset.

(3) If the owner of the building fails to comply with any requirement of the Corporation under subsection (2) of this section the Corporation may at the expiration of a time which shall be specified in the notice and shall not be less than twenty-one days after the service of the notice do any work necessary to carry out the requirement of the notice and may (subject as hereinafter provided) recover from the owner the expenses incurred by the Corporation in so doing.

(4) Where in pursuance of this section the Corporation require the conversion of any existing trough-closet or slop-closet which prior to the service of the notice under subsection (2) of this section shall not have been certified by the medical officer to be insufficient for the needs of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health the Corporation shall bear and pay one-half of the expenses

A.D. 1928. incurred by them and the remainder of the said expenses shall be borne by the owner.

(5) A copy of any certificate of the medical officer under subsection (4) hereof shall be served on the owner together with the notice under subsection (2) hereof.

(6) (a) When any person deems himself aggrieved by any requirement of the council under subsection (2) of this section or by a certificate of the medical officer under subsection (4) of this section or objects to the reasonableness of any expenses wholly or partially recoverable from him under this section such person may within twenty-one days after the service of the notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(b) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works to which the notice relates and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

(7) The Corporation may contribute towards the expenses incurred in executing any work in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(8) Every notice in pursuance of subsection (2) of this section shall state the effect of the provisions of subsections (2) (3) (4) and (6) of this section.

Entry into premises in case of dangerous infectious disease.

104.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to

ascertaining whether he is suffering or has recently suffered from such disease : A.D. 1928.

Provided that the medical officer shall not under the powers of this section—

(a) enter any premises except between the hours of seven in the morning and ten in the evening;
or

(b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) For the purposes of this section the expression “dangerous infectious disease” has the same meaning as in section 60 of the Public Health Act 1925.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

PART VI.

COMMON LODGING-HOUSES.

105. No house or part of a house shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week. As to periods of letting as affecting common lodging-houses.

106.—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied— Power to refuse registration.

(a) that the premises are suitably equipped for use and occupation as a common lodging-house;
or

(b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

A.D. 1928.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a medical officer of health to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

Notice of provisions of Part VI of Act.

107. Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every registered common lodging-house in the borough.

PART VII.

POLICE.

Extension of section 4 of Vagrancy Act 1824 to canals &c.

108.—

(1) Every person wandering abroad and lodging in any canal boat or in the cabin of any canal boat upon any canal in the borough not having any visible means of subsistence and not giving a good account of himself; and

(2) Every person playing or betting by way of wagering or gaming on any canal or on the towing-path of any canal or in any unfenced vacant land adjoining any canal or any such towing-path or in the bed or on the banks of any river or stream or in any unfenced vacant land adjoining any river or stream in the borough; A.D. 1928.

shall be deemed a rogue and a vagabond within the meaning of the Vagrancy Act 1824 as amended by the Vagrant Act Amendment Act 1873 and on subsequent conviction shall be deemed an incorrigible rogue within the meaning of the said Acts and may be dealt with accordingly.

109.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly.

Insurance
by hackney
carriage
proprietors

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

(3) The provisions of this section shall cease to apply when provisions to the like effect contained in a general Act come into operation in the borough.

110.—(1) The provisions of paragraphs (b) and (c) of subsection (1) of section 84 of the Act of 1924 (which relate to the stands to be occupied by omnibuses and the time during which omnibuses may remain at a stand) shall extend to the whole of the borough.

Omnibus
stands.

(2) On the coming into force of regulations first made under the said paragraphs (b) and (c) of the said

A.D. 1928. — section 84 as extended by this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall become repealed.

PART VIII.

SALE OF COKE.

Application to sale of coke of Weights and Measures Act 1889.

111. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

112. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Proceedings under Part VIII of Act.

113. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Notice to be given.

114. Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

PART IX.

FINANCE.

Power to borrow.

115.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred

to as "the prescribed period") mentioned in the third column of the said table (namely):—

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1	2	3
Purpose.	Amount.	Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands under the powers of this Act.	£ 115,200	Sixty years.
(b) The construction of the street improvements authorised by this Act.	9,850	Thirty years.
(c) The construction of the tramways authorised by this Act.	9,020	Twenty years.
(d) The provision of electrical equipment and the construction of other works necessary for working the tramways authorised by this Act.	1,980	Twenty years.
(e) The reinstatement of roads upon removal of tramways for trolley vehicles.	11,000	Twenty years.
(f) The provision of trolley vehicles -	43,000	Ten years.
(g) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	36,000	Twenty years.
(h) The provision of omnibuses - -	45,000	Eight years.
(i) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

In order to secure the repayment of the money borrowed under this subsection and the payment of the interest thereon the Corporation may mortgage or charge the general rate fund and the general rate.

(2) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for the purposes of Part III (Tramways

A.D. 1928.

trolley vehicles and omnibuses) of this Act and of the tramway undertaking and may with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than for the purposes of that part or of that undertaking.

(3) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

(a) for the purpose of the electricity undertaking of the Corporation with the consent of the Electricity Commissioners;

(b) for the purpose of any undertaking of the Corporation other than their tramway and electricity undertakings with the consent of the Minister of Health.

(4) In order to secure the repayment of any money borrowed under this Act with the consent of the Minister of Transport and the payment of interest thereon the Corporation may mortgage or charge the general rate fund and the general rate and in order to secure the repayment of money borrowed under this Act with the consent of the Minister of Health or the Electricity Commissioners and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or Commissioners with whose consent the money is borrowed.

(5) Any money borrowed under this Act with the consent of the Minister of Health the Minister of Transport or the Electricity Commissioners shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

(6) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904.

Incorporation of financial provisions.

116. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications

to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :— A.D. 1928.

Act of 1896—

Section 30 (Mode of repayment of moneys borrowed);

Section 32 (Protection of lender from inquiry);

Section 34 (Corporation not to regard trusts);

Section 35 (Power to borrow under Local Loans Act 1875);

Section 37 (Application of moneys borrowed).

Act of 1911—

Section 84 (Certain provisions of Public Health Act as to borrowing not to apply);

Section 85 (Provisions of Public Health Act as to mortgages to apply);

Section 88 (Appointment of receiver);

Section 91 (Expenses of execution of Act).

Act of 1915—

Section 39 (Receipt in case of persons not sui juris).

117. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

Period for repayment of loans under Municipal Corporations Act 1882.

118. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund loans fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Acts shall be deducted from the outstanding loans contracted by the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

119. Where more persons than one are registered as joint holders of any security of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on mortgages held jointly.

A.D. 1928.

Application
of section 79
of Public
Health Act
1925.

120. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

Payments
into sinking
fund.

121.—(1) When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund redemption fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation the appropriate sums of principal required to be from time to time set apart for or paid into such sinking fund redemption fund or loans fund may be paid and provided out of the general rate fund and general rate.

(2) If under the provisions of this section any sum is paid out of the general rate fund or general rate which if this section had not been enacted would have been paid out of some other revenue an amount equal to such sum shall be transferred from such revenue to the general rate fund.

Revenue
and ex-
penses of
water tram-
way and
markets
under-
takings.

122.—(1) All money received by the Corporation on account of the revenue of their water undertaking their tramway undertaking or their markets undertaking shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in this section in the construction renewal extension and improvement of works and conveniences for the purposes of such undertaking.

(3) Sections 76 and 80 of the Rotherham and Kimberworth Local Board of Health Act 1863 are hereby repealed.

123.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of their water undertaking their tramway undertaking and their markets undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of the water undertaking a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking.

A.D. 1928.

—
Reserve funds of water tramway and markets undertakings.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The income of any reserve fund shall be treated as part of the revenue of the undertaking to which the same relates.

124.—(1) The Corporation shall keep their accounts in respect of their water undertaking their tramway undertaking or their markets undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each undertaking on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments

Accounts of water tramway and markets undertakings.

A.D. 1928.

and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to each of the said undertakings all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(4) Whenever the separate heading or division of the accounts in relation to the water undertaking shall show in any year that the revenue exceeds the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Corporation for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess:

Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue of the said next succeeding year the amount of such excess or any part thereof will be required in order that the

revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess :

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Provided also that the provisions of this subsection shall not apply until the aggregate amount of the said excess revenue which shall have arisen after the passing of this Act shall have equalled the amount under section 80 of the Rotherham and Kimberworth Local Board of Health Act 1863 repayable in respect of moneys advanced out of the general district rate and not repaid before the passing of this Act.

125.—(1) Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the Corporation may assess their water rates and the charges payable to them for the supply of water for domestic purposes for an entire year in advance to commence on the first day of April in each year and in that case such rates and charges shall be paid by three equal instalments on the last days in June September and December respectively but if the amount of the first two instalments shall not have been paid by the thirtieth day of September the whole amount of the rate or charge then outstanding shall thereupon be payable and may be recovered by the Corporation.

Water rates
to be
assessed
yearly in
advance.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the year for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to a return thereof by the Corporation.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the year for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

(4) Section 38 (Dates for payment of water rates) of the Act of 1924 is hereby repealed.

A.D. 1928.

PART X.

MISCELLANEOUS.

Super-
annuation
for officers
of assess-
ment com-
mittee.

126.—(1) On and after the first day of the month succeeding that in which the Royal Assent is given to this Act the officers and servants in the employment of the Rotherham Assessment Committee shall be deemed to be officers and servants in the service of the Corporation within the meaning and for the purposes of Part VIII (Superannuation) of the Act of 1921 as amended by any subsequent Act and those enactments shall apply accordingly.

(2) The Corporation and the Rotherham Assessment Committee may enter into and fulfil agreements for the purposes of this section and any payments by that committee under any such agreement shall be made out of the same fund or rate as that out of which the salaries or wages of the officers or servants of the committee are paid.

Corporation
may refuse
to supply
gas or elec-
tricity in
certain
cases.

127. The Corporation may refuse to supply gas or electricity to any person whose payments for the supply of either gas or electricity or for meter rent in respect of the supply of gas or electricity are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

As to
appeal.

128. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets buildings and sanitary matters) and Part VI (Common lodging-houses) of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

129. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

A.D. 1928.

—
Incorporation of sections from existing Acts.

The Act of 1900—

Section 51 (Correction of errors &c. in deposited plans and book of reference);

Section 54 (Persons under disability may grant easements &c.);

Section 57 (Power to retain sell &c. lands);

Section 58 (Proceeds of sale of surplus lands);
and

Section 59 (Agreements with landowners).

The Act of 1904—

Section 49 (Power to appropriate lands);

Section 181 (Persons acting in execution of Act not to be personally liable);

Section 183 (Inquiries by Local Government Board);

Section 184 (Authentication and service of notices &c.);

Section 186 (Compensation how to be determined);

Section 188 (Recovery of penalties &c.);

Section 190 (Damages and charges to be settled by court);

Section 193 (Consent of Corporation to be in writing);

Section 194 (Saving for indictments &c.); and

Section 196 (Powers of Act cumulative).

The Act of 1911—

Section 61 (Temporary stoppage of streets); and

Section 98 (Recovery of demands in county courts).

The Act of 1915—

Section 21 (Owners may be required to sell parts only of certain lands and buildings); and

Section 23 (Compensation in case of recently altered buildings).

A.D. 1928.

The Act of 1924—

- Section 111 (Power to enter premises);
- Section 119 (Informations by whom to be laid);
- Section 120 (Confirmation of byelaws);
- Section 122 (Judges not disqualified); and
- Section 124 (Inquiries by Minister of Transport):

Provided that—

- (1) In the exercise of the powers of section 57 of the Act of 1900 as applied to this Act the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :
- (2) Subsection (2) of section 183 of the Act of 1904 in its application to this Act shall be read and have effect as if the words " five guineas " were therein substituted for the words " three guineas " :
- (3) Section 61 of the Act of 1911 shall only apply to the works authorised by Part II (Street improvements and lands) and Part III (Tramways trolley vehicles and omnibuses) of this Act :
- (4) In the application of section 21 of the Act of 1915 that section shall have effect with the substitution of the Fifth Schedule to this Act for the Second Schedule to that Act :
- (5) Section 23 of the Act of 1915 shall be read and have effect as if the nineteenth day of November nineteen hundred and twenty-seven were therein mentioned instead of the thirtieth day of November nineteen hundred and fourteen :
- (6) Nothing in this section shall authorise the Corporation to apply the proceeds of any sale lease or other disposition of lands held by

them for the purpose of the Education Act 1921 otherwise than subject to the provisions of section 115 of that Act : A.D. 1928.
—

- (7) Section 111 of the Act of 1924 shall apply as if “ Part V (Streets buildings and sanitary matters)” had been substituted for “ Part VIII (Streets and buildings) Part IX (Infectious disease and sanitary matters) Part X (Maternity homes) and this Part of this Act.”

130. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. Crown rights.

131. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1928.

The SCHEDULES referred to in the
foregoing Act.FIRST SCHEDULE.

PART I.—EXISTING TRAMWAYS.

1	2	3	4
No.	Situation.	Short description of Route.	Approximate Length.
1	The borough and the parish of Dalton in the rural district of Rotherham.	Commencing at the junction of Temple Street with Sheffield Road proceeding along Sheffield Road Westgate High Street College Street Effingham Street Frederick Street Fitzwilliam Road and Doncaster Road and terminating therein at a point about 77 yards north of the junction therewith of School Lane Thrybergh.	M. F. C. 6 1 8·98
2	The borough	Commencing in Kimberworth Road at a point 0·7 chain south-east of the junction of South Street with Kimberworth Road proceeding along Kimberworth Road over Coronation Bridge along Masbrough Street and Main Street and terminating by a junction with Tramway No. 1 in Westgate.	1 3 5·50
3	Parish of Whiston and the borough.	Commencing in Canklow Road at a point 0·12 chain north of the junction of the Sheffield and Bawtry Road with Canklow Road proceeding along Canklow Road and Westgate forming a junction therein with Tramway No. 1.	1 1 6

1	2	3	4	A.D. 1928.
No.	Situation.	Short description of Route.	Approximate Length.	
4	The borough	Commencing in Westgate by a junction with Tramway No. 1 at a point 0·2 chain south of the junction of Market Place with Westgate proceeding along Market Place and terminating at the junction of Market Place and Market Street.	M. F. C. 0 0 4	
5	The borough	Commencing at the junction of Market Street with Corporation Street proceeding along Corporation Street Frederick Street Effingham Street Rawmarsh Road and terminating therein at the borough boundary.	0 6 4·5	
6	The borough	In Frederick Street commencing and terminating at points respectively 0·6 chain west and 0·8 chain east of the junction of Frederick Street with Effingham Street.	0 0 1·4	
7	The borough	In Effingham Street commencing and terminating at points respectively 0·7 chain south and 0·7 chain north of the junction of Frederick Street and Effingham Street.	0 0 1·4	
8	The borough	Commencing in College Street by a junction with Tramway No. 1 at a point 1 chain north of the junction of High Street with College Street proceeding along Wellgate Broom Road and Wickersley Road and terminating therein at the borough boundary.	1 5 0·68	
9	The borough	Commencing at the junction of Tramway No. 1 in Effingham Street near its junction with Howard Street proceeding along Howard Street and terminating in Frederick Street near the junction of Howard Street and Frederick Street.	0 0 5·48	

A.D. 1928.

PART II.—THE NEW TRAMWAYS.

1 Tram- way No.	2 Description of Tramways.	3 4 5 Length.		
		Double Track.	Single Track.	Total.
		F. C.	F. C.	F. C.
1	Commencing by a junction with the tramway in Westgate at a point about 14 yards south of Domine Lane proceeding along Market Place Corporation Street Upper Millgate Church Street College Street and Effingham Street and terminating in Effingham Street by a junction with the tramway at a point about 17 yards north of College Street.	1 5	—	1 5
2	Commencing by a junction with the tramway in Corporation Street at a point about 16 yards north of Upper Millgate and terminating in Upper Millgate by a junction with Tramway No. 1 authorised by this Act at a point about 14 yards east of Corporation Street.		0 1.06	0 1.06
3	In College Street commencing by a junction with the tramway at a point about 10 yards south-east of Effingham Street and terminating by a junction with Tramway No. 1 authorised by this Act at a point about 16 yards west of Effingham Street.	—	0 1.24	0 1.24

SECOND SCHEDULE.

A.D. 1928.

PART I.—DESCRIPTION OF TROLLEY VEHICLE
ROUTES AUTHORISED BY THE LOCAL ACTS.

1 No.	2 Situation.	3 Description of Route.
1	The borough	Kimberworth Road Rotherham from the termination of the existing tramway along Church Street New Kimberworth Road Wortley Road and Brook Hill to its junction with Hesley Lane.
2	The borough and Rotherham Rural District and Maltby Urban District.	Commencing at the junction of Herringthorpe Lane with the Rotherham and Barnby Moor main road proceeding along the Rotherham and Barnby Moor main road and the Bawtry and Tinsley main road to its junction with Upper New Riding and Lower New Riding.
3	Rotherham Rural District and Maltby Urban District.	Commencing in Maltby at the junction of the Bawtry and Tinsley main road with the Rotherham and Barnby Moor main road proceeding along the last named road across Wood Lea Common to a point about 150 yards south-east of the junction of the Rotherham and Barnby Moor main road with Gypsy Lane.
4	Rotherham Rural District and Maltby Urban District.	Commencing in Maltby at the junction of Muglet Lane with the Bawtry and Tinsley main road proceeding along Muglet Lane to its junction with the Rotherham and Barnby Moor main road.
5	Rotherham Rural District.	Commencing at the junction of Nether Moor Lane with the Bawtry and Tinsley main road in Wickersley proceeding along Nether Moor Lane Stoney Gate Field Lane Morthen Lane Woodhouse Green and Green Harbour Road to its junction with Toad Lane.
6	The borough	From the commencement of Route No. 2 in the Rotherham and Barnby Moor main road proceeding along that road Wickersley Road Broom Road Wellgate College Street and Effingham Street to its junction with Howard Street.

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1	2	3
No.	Situation.	Description of Route.
7	The borough	Commencing at the junction of Effingham Street and College Street proceeding along Effingham Street over the Don Bridge and along Rawmarsh Road terminating in the last-mentioned road at the borough boundary.
8	The borough	Commencing at the junction of Howard Street and Effingham Street proceeding along Howard Street and Frederick Street to the junction of the latter street with Effingham Street.
9	The borough	Commencing at the point of commencement of Route No. 7 proceeding along College Street Bridgegate Church Street Upper Millgate Corporation Street and Frederick Street and terminating at the junction of Frederick Street and Howard Street.

PART II.—NEW TROLLEY VEHICLE ROUTES.

1	2	3
Trolley Vehicle Route No.	Situation.	Description of Route.
1	The borough	From the junction of College Street with Church Street proceeding along Bridgegate to its junction with Frederick Street.
2	The borough	From the junction of Wellgate with Badsley Moor Lane proceeding along Badsley Moor Lane Far Lane and Doncaster Road to its junction with Fitzwilliam Road.
3	The borough	From the junction of Badsley Moor Lane with Far Lane for about 220 yards proceeding in an easterly direction along a proposed road in continuation of Badsley Moor Lane.
4	The Rotherham Rural District and the borough.	From the Doncaster Road opposite to Aldwarke Lane proceeding in a southerly direction along the proposed Herringthorpe Valley Road to the Rotherham and Barnby Moor Main Road near to its junction with Stag Lane.

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1	2	3
Trolley Vehicle Route No.	Situation.	Description of Route.
5	The Rotherham Rural District.	From the junction of Doncaster Road with Old Gates Lane proceeding along Old Gates Lane and along Holling's Lane to its junction with Moor Lane at Ravenfield Common.
6	The Rotherham Rural District.	From the junction of Holling's Lane with Vale Road along Vale Road in north-easterly and north-westerly directions and along Park Lane in a northerly direction to its junction with Doncaster Road at Thrybergh.
7	The borough - The Rotherham Rural District. The Conisbrough Urban District.	From Effingham Square at the junction of Effingham Street and Frederick Street proceeding along Frederick Street Fitzwilliam Road Doncaster Road to the junction of Doncaster Road with Clifton Hill Conisbrough.

THIRD SCHEDULE.

TRAMWAY RATES AND CHARGES.

ANIMALS.

	Per mile.
	<i>s. d.</i>
For every horse mule or other beast of draught or burden - - - - -	per head 0 4
For every ox cow bull or head of cattle - - - - -	" " 0 3
For every calf pig sheep or other small animal - - - - -	" " 0 1½

GOODS AND MINERALS.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton 0 2
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A.D. 1928.

Per mile.
s. d.

For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings (including railway chairs) - - - - -	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings -	„ „	0	3
For cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things - - - - -	„ „	0	4
For every carriage of whatever description -		1	0

SMALL PARCELS.

For any parcel not exceeding seven pounds in weight -	0	2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - -	0	6
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - -	0	9
For any parcel exceeding fifty-six pounds in weight such sum as the person conveying the same may think fit :		

Provided always that articles sent in large aggregate quantities although made up in several parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding	per ton	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.			

REGULATIONS AS TO RATES.

A.D. 1928.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to imperial avoirdupois weight.

With respect to stone and timber 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash and 50 cubic feet of any other timber shall be deemed one ton in weight and so in proportion for any smaller quantity.

FOURTH SCHEDULE.

RUNNING POWERS.

TERMS CONDITIONS AND REGULATIONS.

1. Before the Rotherham Corporation or the Sheffield Corporation run any cars on the tramways of the other such cars shall be subject to the reasonable approval in every respect of the general manager of the tramways to be run over.

2. The Corporation owning the tramways shall supply to the other free of cost the electric energy necessary for the running of the cars of such other Corporation over such tramways and each Corporation shall respectively at their own cost make and maintain all necessary arrangements at the junction between their tramway systems to feed through electric energy if necessary in the event of the electric energy of either Corporation being from any cause cut off from the wires of either Corporation and in the event of either Corporation taking electric energy from the other the same shall be paid for by the Corporation so taking the same at the rate of $1\frac{1}{4}d.$ per car mile run.

3. Each Corporation shall keep a strict and accurate account of the mileage run by their cars on the tramways of the other and shall furnish to the other a weekly detailed return with regard thereto and so far as possible the mileage run by the cars of each Corporation on the tramways of the other shall be equal Provided however that if either Corporation run any excess mileage over the tramways of the other the Corporation upon whose lines such excess mileage is run shall pay to the other the sum of $5\frac{1}{2}d.$ for every mile of such excess mileage.

A.D. 1928.

4. The cars of each Corporation shall be run over the tramways of the other in accordance with time tables which shall be submitted to and subject to the reasonable approval of the general manager of the tramways run over. Provided that no such time table after having been in operation shall be altered until (after fourteen days' previous notice in writing of a desire to alter such time table has been given by the Corporation desiring such alteration to the other) a new time table has been agreed upon by both the said general managers or failing agreement settled by arbitration as hereinafter provided.

5. The tickets to be used by each Corporation during the time their cars are running over the tramways of the other shall be supplied by such other Corporation at the fares stated on such tickets but before any tickets are supplied as aforesaid each Corporation shall give to the other not less than twenty-one days' notice stating the number and kind of tickets required.

6. Each Corporation shall each week deliver to the other a statement showing the number of passengers carried during the preceding week by their cars over the tramways of the other and each Corporation shall pay over to the other at the expiration of each calendar month all moneys received in respect of such passengers as aforesaid which money shall be set against the tickets issued under the last preceding paragraph.

7. For the convenience of passengers desiring to travel by the cars of either Corporation as through passengers to and from the termini of the running powers referred to in the section of this Act whereof the marginal note is "Running powers to Corporation and Sheffield Corporation" through tickets shall be provided and issued to such passengers by each Corporation at a fare for adult passengers of 3*d.* per ticket and at a fare for children under ten years of age of 1½*d.* per ticket and the fares thus taken by each Corporation shall be divided between them according to the fares charged on their respective tramways and each Corporation shall pay over to the other at the expiration of each calendar month the proportion of fares collected from such through passengers and properly due to such other Corporation. Provided that all through tickets for passengers travelling on the cars of one Corporation shall be supplied to that Corporation by the other but before any through tickets are supplied as aforesaid each Corporation shall give to the other not less than twenty-one days' notice stating the number and kind of tickets required and each Corporation shall include in the statement provided for in the last preceding paragraph details as to the number of through tickets issued to all such through passengers as aforesaid together with the total amount received for such through tickets during each week. Provided also that the through fares of 3*d.* and 1½*d.* from terminus to terminus provided for in the first part of this paragraph shall not be altered

without each Corporation agreeing thereto in writing but in the event of either Corporation refusing to agree to the alteration of such through fares from terminus to terminus as aforesaid upon the request in writing of the other either Corporation shall be at liberty to put an end to the issuing of such through tickets of 3*d.* and 1½*d.* upon giving to the other one calendar month's previous notice in writing of such intention. Provided further that in case either Corporation desires to alter any of the ordinary fares charged to passengers on any part of their tramways run over by the other they shall have full right and liberty to do so without obtaining the consent of the other Corporation but before altering such last-mentioned fares each Corporation shall give to the other one month's previous notice in writing of such their intention.

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8. During the running of the cars belonging to either Corporation over the tramways of the other such cars and the employees in charge of such cars shall be subject to all byelaws rules regulations and arrangements as to traffic from time to time in force on and under the control and supervision of the general manager of the tramways on which the car on which they are employed is for the time being running and if in the opinion of either of the said general managers the work of any conductor driver or other workman or servant employed by either Corporation in the interchange of traffic under this Act is not satisfactory then either Corporation shall upon being requested so to do by the general manager of the other cease to employ such conductor driver or other workman or servant on the tramways of the Corporation making such request as aforesaid and shall not thereafter employ him on such tramways.

9. Each Corporation shall furnish to the other a sufficient number of copies of byelaws rules and regulations which it is necessary to exhibit in a conspicuous place in each of the cars of either Corporation whilst being run on the tramways of the other and each Corporation shall also furnish to the other all Board of Trade regulations and other instructions now or hereafter in force relating to their respective tramways and all cars drivers and conductors working under these terms conditions and regulations shall be duly licensed and no charges shall be made in respect thereof by either Corporation to the other in respect of such licences.

10. Immediately a car belonging to one Corporation commences to run over the tramways of the other the way-bill of such car for the journey shall be marked with the starting number of each class of ticket to be issued during the remainder of such journey over the tramways of such other Corporation and during the remainder of such journey the car and the employees in charge of such car shall be subject to the control and supervision of the officials appointed by such other Corporation and each

A.D. 1928. Corporation shall give to the other all necessary facilities (a) for checking the way-bills and tickets on the car (b) for the inspection of the stock of the tickets (c) for the examination of punches and (d) for the examination of records. The way-bills to be used by the Rotherham Corporation on their tramcars whilst engaged in the through running provided for by this Act shall be similar to those in use on the tramcars of the Sheffield Corporation.

11. In the event of it being found necessary to effect temporary repairs to any car of one Corporation whilst being run on the tramways of the other so as to enable defective cars to be taken to their respective depôts such repairs shall be done by and at the cost of the Corporation owning such car and each Corporation shall render to the other all necessary assistance upon the happening of such events so as to enable defective cars to be returned to the depôt of the Corporation owning the same with all possible speed.

12. In the event of any damage arising from any cause whatsoever to the overhead equipment of the tramways of either Corporation the same shall be repaired and made good by the Corporation owning the same at their own cost.

13. Each Corporation shall be answerable for all accidents damages and injuries happening on the tramways of either Corporation through their own act or default or through the act or default of any person in their employment or by reason or in consequence of any defect in any of their own works or tramcars and shall indemnify and save harmless each other from all damages and costs in respect of such accidents damages and injuries.

14. All reports and complaints received by either Corporation respecting the tramways tramcars or the employees of the other shall be at once forwarded to the general manager of the tramways of such other Corporation. On receipt of any such report or complaint the general manager receiving the same shall investigate the subject-matter of such report or complaint and on completion of such investigation shall forward to the other a statement showing the result of such investigation.

15. All notices and written communications from one Corporation to the other shall be deemed to have been duly served or delivered if sent by prepaid post addressed to the general manager of the tramways of the Corporation for whom such notice or written communication is intended at his office.

16. In the event of any dispute occurring between the Corporations as to the intent and meaning of this Schedule or with regard to any matter or matters arising out of the same such dispute or disputes shall in the first instance be referred to a joint committee consisting of an equal number of members of the Tramways Committee of each Corporation and in case such joint committee shall fail to agree upon the matter or matters

in dispute then the same shall be referred to the President of the Municipal Tramways Association as single arbitrator and failing him to a person to be nominated by him to act as single arbitrator whose decision shall be final and binding on both Corporations and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1928.

FIFTH SCHEDULE.

LIST OF PROPERTIES OF WHICH PARTS ONLY MAY BE ACQUIRED.

Area.	Nos. on Deposited Plans.
The borough - -	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 20A 24 25 28 30 31 34 36 37 38 39 40 41 42 43 45 46 46B 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 103 104 105 106 107 108 109 133 134 135 136 137 138 139 139A 64 65 66 67 68 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 140 141 142 143 144 145 146 147 178 179 180 181 182 183 184 185 186 187 188 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177.
Parish of Dalton -	310 and 319.

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