



CHAPTER cxxii.

An Act to authorise the abandonment of certain tramways in and near Rochdale and the substitution of omnibus services therefor to make further provision with respect to the tramway and electricity undertakings of the Corporation of Rochdale and for other purposes. A.D. 1930.

[10th July 1930.]

WHEREAS the mayor aldermen and burgesses of the borough of Rochdale (hereinafter referred to as "the Corporation" and "the borough" respectively) are the owners of and work tramways in the borough and in the urban districts of Norden and Wardle and work certain tramways and light railways outside the borough including tramways in the urban district of Littleborough and the borough of Heywood belonging to the urban district council of Littleborough and the mayor aldermen and burgesses of the borough of Heywood respectively and the Corporation also provide services of omnibuses both within and beyond the borough :

And whereas it is expedient that provision should be made as in this Act contained for the abandonment of the said tramways owned by the Corporation and the tramways worked by them in the said urban district and borough of Heywood and that omnibus services should be provided by the Corporation along the routes of such tramways in substitution therefor :

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— And whereas it is expedient to enlarge the powers of the Corporation with reference to the running of omnibuses beyond the borough and to confer other powers upon them in connection with their tramway undertaking :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to the purchase and development of lands and with respect to their electricity undertaking :

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

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

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 :

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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Rochdale Corporation (General Powers) Act 1930.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Tramways and omnibuses.

Part III.—Lands.

Part IV.—Electricity.

Part V.—Finance &c.

Interpretation.

3. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall

in this Act have in relation to the relative subject-matter the same respective meanings And in this Act— A.D. 1930.

“The borough” means the borough of Rochdale;

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

“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;

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

“The tramways undertaking” means and includes the tramway and omnibus undertakings of the Corporation as from time to time authorised;

“Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“The Minister” means the Minister of Transport;

“The Littleborough Council” means the urban district council of Littleborough;

“The Littleborough tramway” means the tramways of the Littleborough Council authorised by the Littleborough Urban District Council Tramways Order 1901 and extending from the boundary of the urban district of Wardle and Littleborough at Smithy Bridge Road along New Road Dearnley Featherstall Road Church Street and Station Road Littleborough and along Church Street and Todmorden Road to Summit near the boundary between the urban district of Littleborough and the borough of Todmorden;

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

“The Heywood tramway” means the tramway of the Heywood Corporation authorised by

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the Heywood Corporation Tramways Order 1902 and extending from the boundary of the borough and the borough of Heywood at Marland along Rochdale Road East and York Street to the Market Place at Heywood;

“Road authority” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with the maintenance of such road or part of a road;

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

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

PART II.

TRAMWAYS AND OMNIBUSES.

Amendment of section 4 of Act of 1925.

4. Section 4 (Power to run omnibuses) of the Act of 1925 shall be read and have effect as if the words “five miles from the boundary of the borough” were inserted therein in lieu of the words “five miles from the town hall Rochdale”:

Provided that the Corporation shall not run any omnibus in the west riding of the county of York within the area lying beyond a radius of five miles from the town hall Rochdale but within a radius of five miles from the boundary of the borough without the consent of the west riding county council which consent shall not be unreasonably withheld.

As to abandonment of certain tramways on omnibus routes of Corporation.

5.—(1) The Corporation may with the consent of the Minister abandon or discontinue the whole or any part of any tramway in the borough or in the urban districts of Norden and Wardle which is owned by the Corporation. Provided that no such tramway shall be abandoned or discontinued in pursuance of this section until the Corporation shall have provided an adequate service of omnibuses on the route of such tramway or

portion thereof proposed to be abandoned or discontinued and in the case of any such tramway or part thereof which is situate outside the borough shall have given to the road authority one month's previous notice in writing of their intention to abandon or discontinue such tramway or part thereof : A.D. 1930.
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Provided also that the Corporation shall not without the consent of the Heywood Corporation abandon or discontinue any part of the tramways of the Corporation which the Heywood Corporation are at liberty to run over and use with their engines and carriages in pursuance of section 16 (Running powers exercisable by Heywood Bury and Rochdale Corporations) of the Heywood Corporation Act 1909.

(2) The Littleborough Council may with the consent of the Minister abandon or discontinue the Littleborough tramway and the Heywood Corporation may with the consent of the Minister abandon or discontinue the Heywood tramway. Provided that no such tramway shall be abandoned or discontinued in pursuance of this section until the Corporation shall have provided an adequate service of omnibuses on the route of such tramway nor unless the Littleborough Council or the Heywood Corporation as the case may require shall have given to the road authority one month's previous notice in writing of their intention to abandon or discontinue such tramway.

(3) Whenever the Corporation the Littleborough Council or the Heywood Corporation have in pursuance of the foregoing provisions of this section abandoned or discontinued the whole or any part of any tramway they may and if required by the road authority shall forthwith take up and remove the rails and paving setts of the tramway or part thereof so abandoned or discontinued and the apparatus and equipment provided or used for the purposes thereof or in connection therewith (hereinafter in this section referred to as "the tramway apparatus").

(4) On the taking up and removal of any such rails paving setts or tramway apparatus the Corporation the Littleborough Council or the Heywood Corporation as the case may be (hereinafter in this section referred to as "the local authority") shall (except where the rails paving setts or apparatus are not situate in a road

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A.D. 1930. — dedicated to public use) with all convenient speed and in all cases within six weeks (unless the road authority otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the road authority restore the portion of road upon which such rails paving setts and tramway apparatus were laid or placed to as good a condition as that in which it was before the rails paving setts and tramway apparatus were laid or placed thereon and shall clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night until such filling in making good restoration and clearing away as aforesaid has been completed or (in cases where the works necessary for the restoration are done by the road authority under the provisions of the proviso to this subsection) until the removal of such rails paving setts and tramway apparatus has been completed :

Provided that the road authority (if they think fit) may within one month after the service upon them of the notice referred to in subsection (1) or subsection (2) of this section give notice to the local authority that they desire to reconstruct the road and the local authority shall in lieu of carrying out the works necessary for the reconstruction of the road pay to the road authority in respect of the tramway or part thereof to be abandoned by the local authority such sum as would have represented the cost to which the local authority would have been put in restoring the portion of the road on which the rails paving setts and tramway apparatus were laid or placed to as good a condition as that in which it was before the rails paving setts and tramway apparatus were laid or placed thereon. Provided also that the local authority shall not be required to bear any part of any additional cost which the road authority may incur in putting the road into a condition better than it was at the time when the rails paving setts and tramway apparatus were laid or placed thereon. Provided further that the Heywood Corporation and the authorities exercising running powers over the tramways of the Heywood Corporation may enter into and fulfil agreements relative to the payment of the cost incurred in pursuance of this subsection.

(5) If any difference arises under this section between the local authority and the road authority the same shall

be settled by an engineer to be appointed at the request of either party 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. A.D. 1930.

(6) As from the date on which the local authority abandon and discontinue the whole or any part of any tramway in pursuance of the foregoing provisions of this section they shall cease to be under any obligation to use the same or to run carriages thereon or (except in so far as they are the highway authority in respect thereof) to maintain or repair any part of the roadway.

(7) Nothing in this section shall prejudice or affect the rights of the Littleborough Council to abandon or discontinue the working of the Littleborough tramway or of the Heywood Corporation to abandon or discontinue the working of the Heywood tramway in accordance with the provisions of the Tramways Act 1870.

6.—(1) From and after the date when the Littleborough tramway shall have been abandoned or discontinued under the provisions of this Act the Corporation shall in each year until the whole of the tramway capital has been repaid pay to the Littleborough Council a sum equal to the amount of the instalment of principal and interest (less the tax thereon) which the Littleborough Council are liable to pay in that year in respect of the tramway capital. Provisions as to Littleborough tramway.

(2) In this section the expression "tramway capital" means such part of the outstanding capital debt of the Littleborough Council as was incurred for and in connection with the purchase and reconstruction of the Littleborough tramway.

(3) As soon as the surface of the road upon which the Littleborough tramway was laid has been restored or reconstructed as provided by the section of this Act of which the marginal note is "As to abandonment of certain tramways on omnibus routes of Corporation" the Corporation shall pay to the Littleborough Council a sum equal to the amount expended by the Littleborough Council in such restoration or the amount paid by the Littleborough Council to the road authority as a contribution towards such reconstruction.

(4) Any sums payable by the Corporation to the Littleborough Council under the provisions of this section

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(5) As from the date mentioned in subsection (1) of this section the agreements made between the Corporation and the Littleborough Council and dated respectively the twenty-first day of May one thousand nine hundred and the fourth day of March one thousand nine hundred and five shall cease to have effect.

(6) If any difference arises under this section between the Corporation and the Littleborough Council the same shall be settled by an arbitrator to be appointed at the request of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Provisions
as to
Heywood
tramway.

7.—(1) From and after the date when the Heywood tramway shall have been abandoned or discontinued under the provisions of this Act the Corporation shall in each year until the whole of the tramway capital has been repaid pay to the Heywood Corporation a sum equal to the amount of the interest or dividends (less the tax thereon) and the amount of any instalment of principal or sinking fund contribution which the Heywood Corporation are liable to pay or provide in that year in respect of the tramway capital.

(2) In this section the expression "tramway capital" means such part of the outstanding capital debt of the Heywood Corporation as was incurred for and in connection with the construction of the Heywood tramway.

(3) Any sums payable by the Corporation to the Heywood Corporation under the provisions of this section shall be paid out of the general rate fund and general rate as part of the expenditure in regard to the omnibuses of the Corporation.

(4) As from the date mentioned in subsection (1) of this section so much of section 16 (Running powers exercisable by the Heywood Bury and Rochdale Corporations) of the Heywood Corporation Act 1909 and of the agreement set out in the First Schedule to that Act as relates to the Heywood tramway shall cease to have effect.

(5) If any difference arises under this section between the Corporation and the Heywood Corporation the same shall be settled by an arbitrator to be appointed at the request of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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8.—(1) If and so long as the Corporation provide a service of tramcars or omnibuses or a service of tramcars and omnibuses along the route of any tramway in the borough and in the urban districts of Norden and Wardle owned by the Corporation or part thereof or along the route of the Littleborough tramway or along the route of the Heywood tramway (each such route or part of a route being in this and the next succeeding section referred to as a "protected route") and such service adequately meets the requirements of such protected route it shall not be lawful except as hereinafter in this section provided or except in pursuance of any agreement entered into by the Corporation under the provisions of section 10 (Working agreements as to omnibuses) of the Act of 1925 for any company (except a railway company in pursuance of their statutory powers) or for any other local authority body or person to run omnibuses along such protected route or along any other route in competition with such service or services of the Corporation along the protected route.

Restricting running of omnibuses in competition with Corporation omnibuses on certain routes.

(2) Any failure on the part of the Corporation to afford an adequate service along any protected route which is due to strikes unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person to run omnibuses along such protected route or along any other route in competition therewith or deprive the Corporation of any benefit conferred upon them by this section.

(3) The licensing authority of the borough or district in which any protected route is situate may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire Provided that if any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be

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A.D. 1930. — granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided. Provided further that the right of the applicant for the licence of appeal to the Minister from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister in making any order under that section shall have regard to the provisions of this section. Provided also that omnibuses belonging to the same proprietor may be transferred by him from one route to another route on which he is for the time being licensed to run omnibuses so long as he does not at one and the same time allow a greater number of his omnibuses to ply for hire on any protected route or any route in competition therewith than the number of licences which he holds for such route.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate service along any protected route or whether there is or would be any such competition as aforesaid shall be determined by the Minister on the application of any interested party and the Minister shall have power to make such order thereon as he thinks fit. Any order made by the Minister under this section shall be final and binding on the parties affected thereby and not subject to appeal to any court and shall on the application of the Minister or the Corporation or the applicant for a licence be enforceable by writ of mandamus.

(5) Nothing in this section shall be deemed—

(a) to restrict the running of any omnibus by any such company authority body or person along any protected route or any other route in competition therewith if such omnibus serves a district or districts beyond the districts in which the protected route is situate and no passenger conveyed by such omnibus is both taken up and set down on any one journey on any protected route or any route in competition therewith; or

(b) to prevent the renewal (in the name of the licensee or his personal representative) by a licensing authority of any licence to ply for hire with an omnibus along a protected

route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the twentieth day of November one thousand nine hundred and twenty-nine and was applicable to and used for a service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on any protected route (or part thereof) or any route in competition therewith or to entitle the licensing authority to refuse the renewal of a licence to ply for hire with an omnibus substituted by the licensee for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last mentioned omnibus or substituted omnibus along any protected route or part of a protected route or other route in competition therewith :

Provided that no omnibus proprietor (other than the Corporation) shall be entitled to operate along any protected route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were worked along that route or part of a route by that omnibus proprietor during the corresponding period of the year preceding the said twentieth day of November one thousand nine hundred and twenty-nine and have been regularly in operation along that route during the same period of each year; or

- (c) to prevent the grant or renewal by a licensing authority of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any protected route or any route in competition therewith.

(6) Any authority company body or person who runs any omnibus in contravention of the provisions of this section shall for each such offence be liable to a penalty not exceeding ten pounds.

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As to
omnibus
licences.

9. The licensing authority for any area in which any protected route is situate shall on the application of the Corporation (subject to any rights possessed by the licensing authority to approve or disapprove the fitness of vehicles for which a licence to ply for hire is desired) grant to the Corporation such number of licences for omnibuses to ply for hire as the Corporation may from time to time reasonably require in order to provide an adequate service of omnibuses along such protected route. If any dispute shall arise between the Corporation and any licensing authority as to what number of licences are reasonably required by the Corporation the dispute shall be referred to the Minister whose decision shall be final.

Workmen's
services.

10.—(1) The Corporation shall at all times after the abandonment or discontinuance of any tramway in pursuance of the section of this Act of which the marginal note is "As to abandonment of certain tramways on omnibus routes of Corporation" run along the route of the tramway so abandoned a proper and sufficient service of omnibuses for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank and other public holidays excepted) at such times not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at a fare for each such double journey not exceeding the fare which the Corporation for the time being charge for each such single journey. Provided that on Saturdays the Corporation instead of running such omnibuses after five o'clock in the evening shall run them at such times between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

Through
tramcars
and
omnibuses.

11. The Corporation may run through tramcars along the routes of any tramways or light railways worked by them or any specified portion thereof or

through omnibuses along any route on which the Corporation are for the time being authorised to run omnibuses and such tramcars and omnibuses shall be distinguished from other tramcars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such tramcars and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such tramcars and omnibuses Provided that during the running of such through tramcars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or omnibuses as the case may be.

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12.—(1) The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles and other vehicles at any depot or building used by them in connection with the tramways undertaking and at any suitable places on their tramway light railway or omnibus routes and the Corporation may make charges for the use of such cloakrooms and rooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein.

Cloakrooms
&c.

(2) The Corporation may use for the purposes of this section portions of the public streets or roads but only with the consent of the road authority which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister.

13.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their tramcars or omnibuses or to obstruct the view of drivers of such vehicles the Corporation may by notice in writing under the hand of the town clerk require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to proceed within twenty-one days from the date of service of the said notice to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers.

Trees over-
hanging
highways on
tramway
and
omnibus
routes.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having

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Byelaws. **14.** All byelaws made by the Corporation under the provisions of this Part of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Inquiries by Minister. **15.** In respect of the exercise of any powers or duties conferred on the Minister or the giving by him of any consents under this Act or any existing Act or Order of or applicable to the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

For protection of Todmorden Corporation. **16.** For the protection of the mayor aldermen and burgesses of the borough of Todmorden (in this section referred to as "the Todmorden Corporation") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the Todmorden Corporation apply and have effect (that is to say):—

(1) Paragraph (b) of subsection (1) of section 12 (For protection of Todmorden Corporation) of the Act of 1925 shall be read and have effect as if the following proviso were inserted at the end of that paragraph:—

"Provided that failure on the part of the Todmorden Corporation to continue to

maintain such an efficient service of omnibuses as aforesaid shall not deprive the Todmorden Corporation of the protection afforded by this subsection if such failure is due to strikes or unforeseen accidents or circumstances beyond the control of the Todmorden Corporation."

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- (2) The provisions of section 12 of the Act of 1925 amended as aforesaid shall extend and apply to the running by the Corporation of any omnibus under the powers of this Act.

17. Notwithstanding anything in the Act of 1925 or this Act the following provisions for the protection of Ribble Motor Services Limited (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect:—

For protection of Ribble Motor Services Limited.

- (1) The Corporation shall not under the powers of Part II of the Act of 1925 and Part II of this Act run a service of omnibuses or enter into any agreement with any local authority company body or person for the running of a service of omnibuses upon any part of the following routes along which the company are now running omnibus services (namely):—

(a) The route between Rochdale and Burnley via Edenfield and Rawtenstall;

(b) The route between Rochdale and Blackburn via Edenfield and Haslingden;

(c) The route between Bury and Egerton via Ainsworth;

(d) The route between Bury and Edgworth;

(e) The route between Bury and Edenfield; and

(f) The route between Bolton and Edenfield:

Provided that nothing in this subsection shall limit the powers of the Corporation to run a service of omnibuses upon any route in the borough or along the above-mentioned

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route (b) as far as the existing tramways of the Corporation at Norden :

Provided also that this subsection shall have effect as regards any particular route only so long as the company provide an efficient service of omnibuses along that route :

- (2) Any failure on the part of the company to provide an efficient service of omnibuses along any of the routes in subsection (1) of this section shall not deprive the company of the protection afforded by subsection (1) of this section if such failure is due to strikes or unforeseen accidents or circumstances beyond the control of the company :
- (3) Nothing in the section of this Act of which the marginal note is "Restricting running of omnibuses in competition with Corporation omnibuses on certain routes" shall prevent the Company increasing the frequency of the services which they were working during the year preceding the twentieth day of November one thousand nine hundred and twenty-nine along the routes (a) and (b) mentioned in subsection (1) of this section or prevent the company from operating for the purposes of their services on either of those two routes during any period of any year a greater number of omnibuses than were required to operate the services which were worked by the company on that route during the corresponding period of the said year preceding the twentieth day of November one thousand nine hundred and twenty-nine :
- (4) Any question at any time arising between the Corporation and company under this section shall be determined by the Minister on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall subject as aforesaid apply to the determination of any such question :
- (5) Section 14 (For protection of Ribble Motor Services Limited) of the Act of 1925 is hereby repealed.

18. Notwithstanding anything in the Act of 1925 or this Act the Corporation shall not without the consent in writing of the North Western Road Car Company Limited run a service of omnibuses or enter into any agreement with any local authority company body or person for the running of a service of omnibuses upon any route east or south-east of the easterly boundary or south or south-east of the southerly boundary of the borough except upon the following routes :—

- Rochdale Middleton and Manchester;
- Rochdale Royton Oldham and Ashton;
- Rochdale Littleborough and Todmorden;
- Rochdale and Shaw :

Provided that nothing in this section shall limit the powers of the Corporation to run a service of omnibuses upon any route in the urban districts of Littleborough Milnrow and Wardle or in the borough of Middleton.

19. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company have effect (that is to say) :—

- (1) (a) On the taking up or removal by the Corporation or the Littleborough Council of any equipment attached to any bridge or bridge approaches belonging to or maintainable by the company the Corporation or the Littleborough Council as the case may be shall to the reasonable satisfaction of the company restore and make good all damage to any such bridge ;
- (b) The Corporation or the Littleborough Council shall give to the company not less than seven days' notice in writing of their intention to remove the attachments referred to in paragraph (a) of this subsection and shall state in such notice the place and time at which they propose to commence the works :
- (2) Any difference which shall arise between the Corporation or the Littleborough Council as the case may be and the company under the foregoing provisions of this section shall be

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For protec-
tion of North
Western
Road Car
Company
Limited.

For protec-
tion of
London
Midland and
Scottish
Railway
Company.

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referred to and determined on the application of either party by an engineer to be appointed as arbitrator (failing agreement) by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

- (3) The Corporation shall not under the powers of the section of this Act of which the marginal note is "Cloakrooms &c." erect maintain or provide any cloakroom room or shed so as to cause interference with or render less convenient the access to or exit from any station depot or property belonging to the company nor shall any such cloakroom room or shed be erected maintained or provided on any bridge carrying any street or road over the railways of the company or on the approaches to any such bridge.

PART III.

LANDS.

Purchase of lands for exchange.

20. 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 any local Act or Order relating to the Corporation.

Power to reinstate owners of property.

21. 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 any local Act or Order relating to the Corporation or which may be in the neighbourhood of any street improvement authorised by any such Act 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 develop lands.

22.—(1) The Corporation may with the consent of the Minister of Health lay out and develop any lands at any time 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 any other buildings and lay out and construct sewer drain 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. A.D. 1930.

(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.

(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 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.

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

PART IV.

ELECTRICITY.

23. The Corporation may by agreement supply electrical energy to any house or building which or the curtilage of which is partly within and partly outside the limits within which the Corporation are from time to time authorised to supply electricity in the same manner as if such premises were wholly within such limits : Supply to premises partly outside electricity limits.

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(*General Powers*) Act, 1930.

A.D. 1930.

Provided that the Corporation shall not supply electrical energy under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

As to
method of
charge in
certain
cases for
fittings.

24.—(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 1928 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

A.D. 1930.
—

(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;

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 or with whose consent 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 belonging to them.

(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 1928 and the Electric Lighting (Clauses) Act 1899 with respect to charges for electricity.

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(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.

As to use of
trans-
formers.

25. 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.

PART V.

FINANCE &C.

Power to
borrow and
repayment
of borrowed
moneys.

26. The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest the sum requisite for paying the costs charges and expenses of this Act as hereinafter defined and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within five years from the passing of this Act.

Incorpora-
tion of
certain
financial
provisions

27. The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say) :—

The Rochdale Corporation Water Act 1898—

Section 70 (Application of money borrowed).

The Rochdale Corporation Act 1900—

Section 111 (As to repayment &c.) except sub-
section (4) thereof;

Section 112 (As to sinking fund).

The Rochdale Corporation Act 1908—

Section 39 (Mode of raising money) :

Provided that the period for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of the application of the said sections 111 and 112.

A.D. 1930.

28.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the local rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject-matter of the trust.

Acceptance and administration of gifts for public purposes.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

29. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and the general rate.

Expenses of execution of Act.

30. The provisions contained in section 46 (Recovery of penalties) and section 47 (Saving for indictment &c.) of the Rochdale Corporation Act 1908 and in section 188 (Recovery of demands) and section 192 (Inquiries by Ministry of Health) of the Act of 1925 shall so far as applicable extend and apply as if they were re-enacted in this Act.

Incorporation of certain existing provisions.

31. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other power rights or remedies

Powers of Act cumulative.

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A.D. 1930. — conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of Act. **32.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

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