

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*



## CHAPTER lxvi.

An Act to authorise the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board to provide and work trolley vehicles to confer further powers on the Board in regard to their electricity undertaking and for other purposes. A.D. 1936.  
—  
[14th July 1936.]

**W**HEREAS the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board (in this Act called "the Board") were incorporated by the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1901 and under the powers contained in that Act (in this Act referred to as "the Act of 1901") and the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Acts 1915 and 1923 the Board own and work a system of tramways in the boroughs of Stalybridge Hyde Mossley and Dukinfield and run omnibuses along the routes of the tramways and on other routes in those boroughs and in the urban districts of Saddleworth Hollingworth and Mottram-in-Longdendale and the parishes of Hattersley Matley and Tintwistle in the rural district of Tintwistle and supply electrical energy within the said boroughs urban districts and parishes and also in the urban districts of Springhead and Compstall:

1 Edw. 7.  
c. cxcv.  
5 & 6 Geo. 5.  
c. lxi.  
13 & 14  
Geo. 5.  
c. xxii.

And whereas in the year one thousand nine hundred and thirty-five the Board abandoned and discontinued

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. the use of certain of their tramways and on the application of the Board the Minister of Transport ordered and declared that the powers of the Board in respect of the tramways so abandoned and discontinued should be at an end :

And whereas it is expedient that the Board should be authorised to provide and run trolley vehicles along the routes of certain of their tramways and along other routes and that the provisions contained in this Act with respect to trolley vehicles be enacted :

And whereas it is expedient to confer further powers on the Board in regard to their electricity undertaking :

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 for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connection with the provision of trolley vehicles ...	£21,000
For and in connection with the provision and adaptation of electrical equipment and the construction of other works necessary for working trolley vehicles ... ..	£22,000
For and in connection with the reinstatement of roads ...	£25,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of section 164 (Powers to apply to Parliament) of the Act of 1901 have been observed :

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

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) :—

A.D. 1936.

## PART I.

### PRELIMINARY.

1.—(1) This Act may be cited as the *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act 1936.* Short and collective titles.

(2) The *Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Acts 1901 to 1923* and this Act may be cited as the *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Acts 1901 to 1936.*

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

Division  
of Act  
into Parts.

Part I.—Preliminary.

Part II.—Transport.

Part III.—Electricity.

Part IV.—Financial.

3. In this Act unless the subject or context otherwise requires— Interpretation.

“ The Board ” means the *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board* ;

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

“ The boroughs ” means the boroughs of *Stalybridge Hyde Mossley and Dukinfield* ;

“ Road authority ” means with reference to any street or road or part of a street or road over which any proposed trolley vehicles will pass the authority company or person exercising the functions of maintenance and repair of

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.

such street or road or part of a street or road and any authority liable to contribute towards the cost of such maintenance and repair;

“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;

“The trolley vehicles” means the trolley vehicles by this Act authorised to be provided maintained and used by the Board;

“Trolley vehicle routes” means the routes upon which the Board are or may be authorised by or under the provisions of this Act to work and use trolley vehicles;

“The trolley vehicle undertaking” means the trolley vehicle undertaking of the Board;

“The tramways” means the tramways of the Board constructed or acquired under the Acts of 1901 and 1915;

“The electricity undertaking” means the electricity undertaking of the Board;

“The electricity limits” means the limits within which the Board are for the time being authorised to supply electricity;

“The undertakings of the Board” means the transport and electricity undertakings of the Board;

“The Act of 1901” “the Act of 1915” and “the Act of 1923” mean respectively the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1901 the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1915 and the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1923;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and  
Electricity Board Act, 1936.*

Act of Parliament passed or to be passed A.D. 1936.  
of any county council or municipal corporation  
or other local authority as defined by section 34  
of the Local Loans Act 1875 but does not  
include annuities rentcharges or securities 38 & 39 Vict.  
transferable by delivery or any securities of the c. 83.  
Board;

“ Authorised security ” means any mortgage stock  
bond or other security which the Board are  
for the time being authorised to grant create  
or issue or upon or by means of which the  
Board are for the time being authorised to  
raise money;

“ Statutory borrowing power ” means any power  
whether or not coupled with a duty of  
borrowing or continuing on loan or re-borrowing  
money or of redeeming or paying off or creating  
or continuing payment of or in respect of  
any annuity rentcharge rent or other security  
representing or granted in lieu of consideration  
money for the time being existing under any  
Act of Parliament public or local passed or  
to be passed or under any Provisional Order  
confirmed by Act of Parliament passed or to  
be passed or under any order or sanction of  
any Government department made or given  
or to be made or given by authority of any  
Act of Parliament passed or to be passed;

“ The revenues of the Board ” means the revenues  
received by the Board from or in relation  
to their transport and electricity undertakings  
and the moneys receivable by the Board from  
the councils of the boroughs and all rates and  
moneys which they are authorised to levy  
and collect under the powers of the *Stalybridge  
Hyde Mossley and Dukinfield Tramways and  
Electricity Board Acts 1901 to 1923 and this  
Act.*

4. The name of the Board shall as from the passing  
of this Act be “ the *Stalybridge Hyde Mossley and  
Dukinfield Transport and Electricity Board* ” and by  
that name the Board shall have a common seal. Change of  
name of  
Board.

A.D. 1936.

PART II.

TRANSPORT.

Power to  
use trolley  
vehicles.

5.—(1) The Board may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along the whole or any part of the following routes (that is to say):—

In the boroughs of Stalybridge and Dukinfield—

Route No. 1 (1 mile 5 furlongs 4·13 chains in length) Commencing at the railway station passing thence along Waterloo Road to the town hall thence along Market Street Rassbottom Street and Stamford Street to the boundary of the boroughs of Stalybridge and Ashton-under-Lyne thence along Clarence Street Park Road and Tame Street to High Street;

In the boroughs of Dukinfield and Hyde—

Route No. 2 (2 miles 1 furlong 3·59 chains in length) Commencing at Alma Bridge at the boundary of the borough of Dukinfield thence along King Street Victoria Road and Dukinfield Road to Newton Street;

In the boroughs of Stalybridge Dukinfield and Hyde—

Route No. 3 (3 miles 0 furlongs 7 chains in length) Commencing at the junction of King Street and Waterloo Road Stalybridge thence along King Street Water Street Caroline Street High Street Oxford Road Birch Lane Dukinfield Ashton Road Bennett Street Old Road and Newton Street to the junction of Newton Street and Manchester Road Hyde;

Route No. 3A (3 furlongs in length) Commencing at the junction of Grosvenor Street and High Street Stalybridge thence proceeding along Grosvenor Street and Melbourne Street and terminating at the junction of Melbourne Street and Market Street Stalybridge;

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

Route No. 3B (2 furlongs 2·09 chains in length) A.D. 1936.  
Commencing at the junction of Market Place  
and Market Street Hyde thence proceeding  
along Market Place Clarendon Street and  
George Street and terminating at the  
junction of George Street and Newton Street  
Hyde;

and with the consent of the Hyde Corporation—

In the borough of Hyde—

Route No. 4 (2 miles 5 furlongs 3·04 chains  
in length) Commencing at Broomstair  
Bridge at the borough boundary thence  
along Manchester Road Market Street Hyde  
Lane and Stockport Road to the borough  
boundary at Pole Bank.

(2) The Board may also use trolley vehicles—

(a) with the consent of the Minister of Transport  
along any other street or road in the  
boroughs which the Board think it necessary  
or convenient to use for the purpose of  
providing a turning point in connection  
with any of their trolley vehicle routes  
authorised by this Act; and

(b) with the consent of the Minister of Transport  
and of the local authority and of the road  
authority along any other street or road in  
the boroughs which the Board think it  
necessary or convenient to use for the  
purpose of connecting trolley vehicle routes  
or of connecting any trolley vehicle route  
with any depot garage building or work of  
the Board :

Provided that the consent of the local  
authority and of the road authority under  
this paragraph shall not be unreasonably  
withheld except in relation to a proposed  
service of trolley vehicles connecting trolley  
vehicle routes where the connecting route  
exceeds two hundred and fifty yards in  
length and that any question as to whether

[Ch. lxvi.] *Stalybridge Hyde Mossley* [26 GEO. 5. &  
*and Dukinfield Transport and* 1 EDW. 8.]  
*Electricity Board Act, 1936.*

A.D. 1936.

or not any consent of a local authority or road authority under this paragraph has been unreasonably withheld shall be determined by the Minister of Transport.

(3) Provided that before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Board shall submit plans of the turning point to the Minister of Transport for approval and shall also submit a copy of such plans to the chief officer of police of the police district in which the turning point is proposed to be situate and before approving any such plans the Minister of Transport shall give to the road authority an opportunity of making representations with reference thereto and shall consider any such representations made to him.

(4) Provided also that no provision shall be made for the turning of trolley vehicles upon any road or street belonging to or maintained by a railway company or railway committee without the consent in writing of such railway company or railway committee which consent shall not be unreasonably withheld.

Any question as to whether or not any consent under this paragraph has been unreasonably withheld shall be determined by the Minister of Transport.

As to  
electrical  
works.

33 & 34 Vict.  
c. 78.

6.—(1) The Board may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and in this Part of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires



[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
 1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

telephonic and telegraphic apparatus therein or thereunder and may generate electrical energy for the purpose of working the trolley vehicles and may use such energy for that purpose : A.D. 1936.

Provided that—

(a) all standards posts poles and apparatus and equipment erected by the Board under this section shall be of such design and shall be placed in such position as the road authority may reasonably approve but no post standard or apparatus shall be erected on the carriageway except with the consent of the Minister of Transport;

(b) nothing in this section shall relieve the Board from obtaining any necessary consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 as amended by section 13 of the Electricity (Supply) Act 1922.

9 & 10  
 Geo. 5.  
 c. 100.  
 12 & 13  
 Geo. 5. c. 46.

(2) If the Board shall discontinue the use of any standard post pole or other apparatus or equipment erected or used by the Board either in connection with their transport undertaking or their electricity undertaking in or over any street or road the Board shall if required by the authority in whom the street or road is vested (in this section referred to as "the owning authority") remove the same and shall restore and make good such street or road to the reasonable satisfaction of the owning authority and in case of default the owning authority may do all things necessary for that purpose and recover the reasonable cost thereof from the Board.

(3) If any standard post pole or other apparatus or equipment erected or used by the Board under the powers of this Act in or over any street or road becomes owing to the construction of any new road or any road widening or improvement in the reasonable opinion of the owning authority an obstruction the Board shall alter the position thereof in such manner as the owning authority may reasonably direct.

(4) Any question whether or not the approval of the road authority or the approval or direction of the

[Ch. lxvi.] *Stalybridge Hyde Mossley* [26 GEO. 5. &  
*and Dukinfield Transport and* 1 EDW. 8.]  
*Electricity Board Act, 1936.*

A.D. 1936.

owning authority under this section has been unreasonably withheld and any other question which may arise between the Board on the one hand and the road authority or the owning authority on the other hand under this section shall be determined by the Minister of Transport.

(5) The Board may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided for working tramways in streets or roads along which they are authorised to run trolley vehicles.

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

9 Edw. 7.  
c. 34.

Board to have exclusive right of using apparatus for working trolley vehicles.

7. Subject to the provisions of this Act the Board 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 Board) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Trolley vehicles not to be deemed omnibuses.  
52 & 53 Vict.  
c. 14.

8. The trolley vehicles shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence duties on trolley vehicles.

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

Approval of trolley vehicles by Minister of Transport.

10.—(1) The trolley vehicles and the electrical equipment thereof shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Board which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the said Minister for his approval of the weight of any trolley vehicle to be used upon any street or road which crosses a bridge belonging to or repairable by a railway company the Board shall give to such railway company notice of the weight of the trolley vehicle proposed to be used by

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

them upon such street or road and the said 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 on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight : A.D. 1936.

Provided that notice of such objections shall be forwarded by such railway company to the Board at the same time as they are submitted to the said Minister.

11. No trolley vehicle route shall be opened for public traffic until it has been certified to be fit for such traffic by the Minister of Transport. Certifica-  
tion by  
Minister of  
Transport.

12.—(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 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 trolley vehicles were carriages used on tramways and the Board were the promoters :— Application  
to trolley  
vehicles  
of certain  
provisions of  
Tramways  
Act 1870.

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

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations) except the last two paragraphs of that section;

Section 47 (Penalties may be imposed in bye-laws);

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

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

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.

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).

5 & 6 Will. 4. c. 50. (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 to trolley vehicles of enactments relating to tramways.

**13.**—(1) Subject to the provisions of this Act the following provisions of the enactments hereinafter mentioned shall extend and apply to the trolley vehicles as if those provisions were with all necessary modifications re-enacted in this Act:—

The Act of 1901—

Section 44 (Temporary tramways may be made where necessary);

Section 54 (Provisions as to motive power);

Section 55 (Special provisions as to use of electrical power);

Section 61 (Apparatus used for mechanical power to be deemed part of tramway);

Section 62 (Attachment of brackets to buildings);

Section 63 (Byelaws);

Section 64 (Power to Board to work tramways);

Section 68 (Rates for passengers);

Section 69 (Passengers' luggage);

Section 70 (Board not bound to carry goods);

Section 73 (As to fares on Sundays or holidays);

Section 74 (Cheap fares for labouring classes);

Section 75 (Periodical revision of rates and charges);

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and  
Electricity Board Act, 1936.*

- Section 76 (Byelaws by local authority); A.D. 1936.  
Section 77 (Penalty for malicious damage);  
Section 86 (Provision as to general Tramway  
Acts).

The Act of 1915—

- Section 10 (Temporary stoppage of streets);  
Section 14 (Working agreements);  
Section 17 (For protection of Postmaster-  
General) as amended by this Act;  
Section 18 (Use of tramway posts by Postmaster-  
General);  
Section 19 (Posts are not to be used for adver-  
tisements);  
Section 24 (As to erection of posts &c. in main  
roads in county of Chester);  
Section 26 (Power to appoint stages);  
Section 27 (Board may appoint stopping and  
starting places);  
Section 28 (Attachment of signs indicating  
stopping places);  
Section 29 (Shelters and waiting rooms);  
Section 30 (Lost property);  
Section 34 (Trees overhanging highways);  
Section 35 (Removal of obstructions);  
Section 36 (Payment of fares rates and charges);  
Section 70 (Crown rights).

The Act of 1923—

- Section 12 (Increase of tramway fares);  
Subsection (1) of section 13 (Periodical revision  
of fares and charges);  
Section 14 (Cloak rooms);  
Section 15 (Power to require intending passen-  
gers to wait in queues);  
Section 16 (Consents of authorities &c.);  
Section 18 (Stopping and starting places);

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.

Section 20 (For protection of London Midland and Scottish and London and North Eastern Railway Companies);

Section 21 (Accounts to be furnished to Minister of Transport).

(2) Provided that in the application of the provisions referred to in subsection (1) of this section the same shall be read and have effect as if the apparatus and equipment for working trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the Board's tramways or tramcars or omnibuses (as the case may be) and as if the trolley vehicle undertaking formed part of the tramway undertaking of the Board and references to the Minister of Transport shall be substituted for references to the Board of Trade.

(3) Provided also 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 the charge for each such parcel (not being passengers' luggage not exceeding twenty-eight pounds in weight) to be a sum not exceeding ninepence;
- (d) mails; and
- (e) materials required for the purposes of the Board or for or in connection with the several undertakings departments or services of the Board;

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

Power to reserve cars for special purposes.

14.—(1) Notwithstanding anything contained in any Act to the contrary the Board may on any special occasion run and reserve tramcars on any of the tramways or trolley vehicles on any trolley vehicle route for any special purpose which the Board may consider necessary or desirable and the Board may

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

make byelaws and regulations for prohibiting the use of any such tramcars or trolley vehicles by any persons other than those for whose conveyance the same are reserved. Provided that such special tramcars and trolley vehicles shall be distinguished from other tramcars and trolley vehicles in such manner as the Board may direct and that the running of such special tramcars or trolley vehicles shall in no way curtail the ordinary service of tramcars or trolley vehicles. A.D. 1936.

(2) The restrictions as to fares rates or charges for passengers shall not extend to any special tramcars or trolley vehicles run upon the tramways or the trolley vehicle routes and in respect thereof the Board may demand and take such fares rates or charges as they shall think fit.

15. Notwithstanding anything contained in any Act to the contrary the Board may run through tramcars along any routes of the tramways or any specified portion thereof or through trolley vehicles along any of the trolley vehicle routes or any specified portion thereof and such tramcars and trolley vehicles shall be distinguished from other tramcars and trolley vehicles in such manner as may be directed by the Board and the Board may demand and take from all passengers by such through tramcars or trolley vehicles irrespective of their destination a fare or charge not exceeding the maximum fare which the Board are empowered to charge for and in respect of the whole of such route or the whole of the portion thereof traversed by any such tramcars or trolley vehicles : Through cars.

Provided that during the running of such through vehicles the Board shall maintain a reasonably sufficient ordinary service.

16. Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Board the provisions of section 250 of the Local Government Act 1933 shall apply to all byelaws to be made by the Board (whether under this Act or otherwise) in respect of the transport undertaking as if the Board were a local authority As to bye-laws relating to transport undertaking. 23 & 24 Geo. 5. c. 51.

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — within the meaning of the Local Government Act 1933 and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

For protection of Postmaster-General.  
56 & 57 Vict. c. 38.

**17.**—(1) The Board shall perform in respect of the trolley vehicles such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(2) Subsection (B) (4) of section 17 of the Act of 1915 shall be read and have effect as if the words “generated or used by or supplied to” were inserted in that subsection in substitution for the words “generated by.”

Minister of Transport may authorise new routes.

**18.**—(1) (a) If at any time hereafter the Board desire to provide maintain equip and use trolley vehicles upon any road dedicated to the public use whether within or outside the boroughs not comprised in any trolley vehicle route for the time being authorised they may make application to the Minister of Transport and the said Minister is hereby empowered to make a Provisional Order authorising the use by the Board 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 said 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.

(b) The Minister of Transport shall not make any Provisional Order under this section except with the consent of the local authority of the district and (where the local authority is not the sole road authority) of the road authority also:

Provided that the consent of a local authority being the Corporation of one of the boroughs shall not be unreasonably withheld nor in the case of a Provisional Order relating to any road in the boroughs or to any road outside the boroughs along which the Board were authorised to construct tramways under



[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

the Act of 1915 shall the consent of a road authority (not being the local authority of the district) be unreasonably withheld so far as the proposed Provisional Order relates to any such road and any question arising as to whether such consent has been unreasonably withheld shall be determined by the Minister of Transport. A.D. 1936.

(2) No such application shall be entertained by the Minister of Transport unless the Board shall—

- (a) have published once in each of two successive weeks notice of their intention to make such application in some newspaper or newspapers circulating in the boroughs ;
- (b) have also published such notice once in the London Gazette ;
- (c) have posted for fourteen consecutive days in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application ;

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

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

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

(5) In any case where it shall appear to the Minister of Transport 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

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — 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 Act shall not have any operation.

(6) 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.

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

(8) 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.

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

For  
protection  
of Oldham  
Corporation.

**19.** For the protection of the mayor aldermen and burgesses of the county borough of Oldham (hereinafter in this section referred to as "the Oldham Corporation") the following provisions shall, unless otherwise agreed in writing between the Board and the Oldham Corporation apply and have effect (that is to say) :—

The Board shall not under the powers of any Provisional Order made by the Minister of Transport and confirmed by Parliament provide equip maintain or use trolley vehicles along any street or road in the urban districts of Chadderton Lees Crompton and Royton or along that portion

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

of Oldham Road in the urban district of Springhead which lies between Station Road Grotton and the boundary of the urban district of Lees except with the consent in writing of the Oldham Corporation.

A.D. 1936.  
—

20.—(1) At any time after the passing of this Act the Board may abandon and discontinue any tramway or any part of any tramway for the time being belonging to them along the route of or in lieu of which the Board have provided or adapted or are about to provide or adapt apparatus and equipment for working the trolley vehicles or have provided or are about to provide services of omnibuses or public service vehicles under their statutory powers and upon the abandonment and discontinuance of any such tramway or part of a tramway all the powers liabilities duties and obligations of the Board with reference thereto shall cease and determine but without prejudice to the rights of the Board under subsection (4) of this section.

As to  
abandonment of  
tramways.

(2) In any case in which the Minister of Transport is satisfied that it is expedient so to do he may by order require the abandonment or discontinuance of any tramway for the time being belonging to the Board along the route of which the Board have provided or adapted apparatus and equipment for working the trolley vehicles or any part of any such tramway :

Provided that before making any such order the said Minister shall consider any representations which may be made to him by the Board.

(3) Any order made by the Minister of Transport under subsection (2) of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Board relating to the tramway or part of a tramway to be abandoned or discontinued pursuant to the order.

(4) The Board may take up and remove all or any of the posts poles wires and other works and apparatus provided in connection with any tramway or part of a tramway permanently abandoned or discontinued under the provisions of this section and not used for the working of any service of trolley vehicles

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — provided by the Board or in connection with the electricity undertaking and may use or dispose of all posts poles wires and other works and apparatus so taken up and removed.

(5) (a) Not less than one month before abandoning or discontinuing any tramway or part of a tramway the Board shall give notice to the road authority of their intention to abandon and discontinue the tramway and as from the expiration of such notice the authority in whom the road is vested (in this section referred to as "the owning authority") shall maintain and repair the portion of the said road for which the Board as owners of the tramway were responsible under the Tramways Act 1870 as amended in its application to the Board by section 45 (Application of section 28 of Tramways Act 1870) of the Act of 1901 and the granite or other setts now laid by the Board in the said road shall become the property of the owning authority.

(b) The owning authority shall as and when they think fit take up and remove the said granite or other setts and the rails forming the track of the said tramway and shall reinstate and thereafter maintain the road on which the said tramway is situate and when removing the tramway track the owning authority shall place the rails at the side of the road from which they have been removed and give written notice thereof to the Board and within three days of the receipt of such notice the Board shall remove the said rails.

(c) The Board shall pay to the owning authority towards the cost of taking up and removing the tramway rails and reinstating and maintaining the roads as aforesaid at the rate of five shillings per square yard of tramway track which sum shall be payable even though the rails forming the track of the said tramway or any of them may not have been taken up or removed at the time the payment is made.

Trolley vehicle undertaking to form part of transport undertaking.

**21.** Subject to the provisions of this Act the trolley vehicle undertaking shall be deemed to form part of the transport undertaking.

Application of tramway byelaws and regulations.

**22.—(1)** The Board may by resolution declare that any byelaws or regulations for the time being in force with reference to the tramways of the Board

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and  
Electricity Board Act, 1936.*

shall with such modifications as they may deem necessary and the Minister of Transport may approve or as the said Minister may require apply to and be enforceable with respect to the trolley vehicles and the premises held in connection therewith and the persons travelling in or upon the same. A.D. 1936.

(2) Not less than one month before passing any such resolution as is referred to in this section the Board shall inform the Minister of Transport in writing of the terms in which it is proposed to pass the same and unless within one month after the submission to him of such information the said Minister shall make any requirement with reference to such modifications as aforesaid he shall be deemed to have approved of the passing of the resolution in the terms submitted to him.

**23.**—(1) As from the passing of this Act the tramway undertaking of the Board shall be known as the transport undertaking of the Board which shall include their trolley vehicle and omnibus undertakings. Definition of transport undertaking.

(2) Section 19 (Omnibuses to form part of tramway undertaking) of the Act of 1923 is hereby repealed.

**24.** The following provisions for the protection of the county council of the administrative county of the county palatine of Chester and the councils of the boroughs of Hyde and Stalybridge shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the provision and use by the Board of trolley vehicles in the said county on any county road (which expression shall include any county bridge drain culvert or other work in a county road):— For protection of Cheshire County Council and Hyde and Stalybridge Corporations.

(a) If the Board in the execution under this Act of any works in or affecting any county road shall cause any damage injury or disturbance to such county road and shall fail properly to make good all such damage injury or disturbance then it shall be lawful for the authority in whom the road is vested (in this section called "the owning authority") after reasonable notice to the Board of the alleged

A.D. 1936.

failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Board shall repay to the owning authority all costs charges and expenses which the owning authority shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence;

- (b) If it becomes necessary that the working of the trolley vehicles over any county bridge carrying a county road be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the authority in whom the bridge is vested (in this section referred to as "the bridge owner") give the Board 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 reasonably 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 bridge owner shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid;
- (c) The Board shall not without the consent in writing of the bridge owner (which consent shall not be unreasonably withheld) place or 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 any such post support or box which shall with such consent have been so placed erected or attached shall be temporarily removed at any time when required by the bridge owner in connection with the maintenance reconstruction or alteration of any such bridge;
- (d) Where in the opinion of the bridge owner the strength of any bridge is insufficient to carry trolley vehicles of the weight proposed to be

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

used by the Board or where in the opinion of the owning authority or the road authority the width of any road is insufficient to avoid undue congestion of traffic by the operation of trolley vehicles the Board may contribute such sum as they may think fit towards the cost of reconstructing or strengthening any such bridge or widening any such road;

A.D. 1936.

- (e) If any difference arises under this section between the Board on the one hand and the owning authority the bridge owner or the road authority on the other hand the same shall be settled by an engineer to be appointed at the request of either party by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

**25.** The Board shall keep the accounts in respect of the transport undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to (a) the tramways (b) the trolley vehicles and (c) the omnibuses which the Board are authorised to provide and run under any statutory powers and in such accounts capital shall be distinguished from revenue.

Accounts of  
transport  
undertaking.

**26.** The following provisions for the protection of the London Midland and Scottish Railway Company the London and North Eastern Railway Company the Cheshire Lines Committee and the Great Central and Midland Joint Committee (each of which is in this section referred to as "the company") shall unless otherwise agreed in writing between the Board and the company apply and have effect in relation to the trolley vehicles :—

For  
protection  
of railway  
companies.

- (1) In this section "trolley vehicle equipment" means and includes all standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power :

[Ch. lxvi.] *Stalybridge Hyde Mossley* [26 GEO. 5. &  
*and Dukinfield Transport and* 1 EDW. 8.]  
*Electricity Board Act, 1936.*

A.D. 1936.

- (2) All trolley vehicle equipment erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or approaches or other work and according to plans and particulars to be previously submitted to and reasonably approved by the company or in case of difference between the company and the Board by an arbitrator to be appointed as hereinafter in this section provided Provided that if the company shall not within twenty-one days after such submission signify their disapproval thereof they shall be deemed to have approved thereof All such trolley vehicle equipment shall be erected or placed under the superintendence (if such superintendence be given) and to the reasonable satisfaction of the company In the event of any injury being occasioned to such bridge or approaches or work by the erection maintenance or removal of the trolley vehicle equipment upon across under or over the same the company may make good the injury and may recover from the Board the reasonable expenses of so doing :
- (3) The Board shall not in any manner in the erection maintenance or repair of any trolley vehicle equipment obstruct or interfere with the free uninterrupted and safe user of any railway or canal belonging to the company or any traffic thereon :
- (4) The Board shall on demand pay to the company the reasonable expense (if any) incurred by the company of and in connection with the employment by the company during the erection or repair by the Board under or in pursuance of this Part of this Act of any trolley vehicle equipment affecting any railway or canal bridge or other work belonging to or maintainable by the company



[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

of such inspectors signalmen and watchmen as may be reasonably necessary for inspecting watching and protecting the said railway or canal and the traffic thereon with reference to and during the erection or repair of any trolley vehicle equipment of the Board and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors or any person in the employment of either of them or otherwise : A.D. 1936.

- (5) The Board shall 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 any works or property which they may be liable to maintain or to the traffic on their railway or canal or to any company or person using the same by or by reason of the erection or failure of any trolley vehicle equipment or by or by reason of any act default or omission of the Board in connection with the trolley vehicle equipment or of any person in their employ or of their contractors for the said equipment or any part thereof and the Board shall effectually indemnify and hold harmless the company from all claims and demands upon them or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the company shall hereafter require in pursuance of any powers exerciseable by them at the date of the passing of this Act to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works upon across under or over which the trolley vehicle equipment is laid or to widen or alter their railway or canal thereunder the Board shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such trolley vehicle equipment be altered or removed and if the company accordingly give to the Board twenty-eight

[Ch. lxvi.] *Stalybridge Hyde Mossley* [26 GEO. 5. &  
*and Dukinfield Transport and* 1 EDW. 8.]  
*Electricity Board Act, 1936.*

A.D. 1936.  
—

days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such alteration or removal then the working of such part of the trolley vehicle equipment shall be stopped or delayed or such part of the trolley vehicle equipment shall be altered or removed as may be reasonably necessary at the reasonable expense of the Board and under their superintendence (if they shall give such superintendence) but no such working 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 trolley vehicle equipment shall be 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 Any additional expense which the company may reasonably incur in effecting such operations by reason of the existence of the trolley vehicle equipment shall be paid by the Board and such additional expense may in the event of any difference of opinion be determined by an arbitrator to be appointed as hereinafter in this section provided :

- (7) If having regard to the proposed position of any trolley vehicle equipment of the Board when considered in relation to the position of the works of the company at any point where such equipment shall be erected over any railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus or electrical works of the company shall be altered the company may (unless the Board make such alteration in the position of the said apparatus or adopt such measures as may be reasonably necessary for obviating such danger) execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Board provided

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

that notice of their intention to execute such works shall be given by the company to the Board : A.D. 1936.  
—

- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Board has been placed the Board shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Board and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Board shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer Provided that the Board shall not be required to cut off the electric current at any time for a longer period than shall be absolutely necessary for effecting the purpose of the company :
- (9) On the taking up and removal by the Board under the section of this Act of which the marginal note is "As to abandonment of tramways" of any tramway apparatus and equipment as defined in the said section situate on or attached to any bridge or bridge approaches belonging to or maintainable by the company the Board shall restore so much of any such bridge or bridge approaches and of the roadway (including footpaths) thereon as may be affected by such taking up and removal to the reasonable satisfaction of the company :
- (10) No tramway apparatus and equipment not required for trolley vehicle purposes shall be left in any bridge or bridge approach belonging to or maintainable by the company except with the consent of the company :
- (11) The Board shall give to the company not less than seven days' previous notice in writing of their intention to carry out any

A.D. 1936.  
—

such work as is referred to in subsection (9) of this section and shall state in such notice the place and time at which they propose to commence the work and the company may where necessary employ watchmen or inspectors to watch any of the works and operations of the Board and the reasonable cost thereof together with any expense to which the company may reasonably be put during the carrying out and in consequence of such works and operations shall be borne by the Board :

- (12) If any difference shall arise between the Board and the company under subsections (2) to (11) hereof the same shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

### PART III.

#### ELECTRICITY.

Acquisition  
of land for  
sub-  
stations.

**27.**—(1) The Board may be authorised from time to time within the electricity limits to purchase compulsorily land for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Board and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 162 174 175 and paragraphs (a) (b) and (c) of section 179 of the Local Government Act 1933 and the Sixth Schedule to that Act shall subject to the provisions of this section apply in relation to the purchase of land under this section with the following adaptations that is to say for references to the local authority purchasing the land there shall be substituted references to the Board and for references to the Minister of Health there shall be substituted references

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

to the Minister of Transport Provided that anything which under the Local Government Act 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit. A.D. 1936.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at the date of the order forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same. 10 & 11  
Geo. 5. c. 80.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of subsection (4) of section 161 of the said Act of 1933 as applied by this section be deemed to have been made by the person upon whom notice is required to be served.

**28.** The Board may agree with the owner or occupier of any land across which any electric line has been placed or across which it is intended by the Board to place any such line in either case under the provisions of section 22 of the Electricity (Supply) Act 1919 that a term or condition upon which they may place the said line across such land shall be the payment by the Board to such owner or occupier of a sum of money in gross and the payment of such sum of money shall if so agreed between the parties secure for the Board as against such owner or occupier (as the case may be) and his executors administrators successors and assigns the right to retain and maintain such line across the said land for such period as may be agreed. Further provisions as to wayleaves.

**29.** Where the electricity limits are bounded by or abut upon any street wholly or for part of its width outside those limits the Board may for the purpose of supplying electricity to the owner or occupier of As to area of supply of electricity.

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — any premises within the electricity limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them in respect of streets within the electricity limits and subject to the like conditions :

Provided that nothing in this section shall entitle or require the Board to supply electricity to the owner or occupier of any premises outside the electricity limits.

Supply to premises partly without electricity limits.

**30.** The Board may supply electricity to any house or building which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits :

Provided that the Board shall not supply electricity under this section to any such house or building within the limits of any other authorised electricity 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.

Use for one purpose of electricity supplied for another purpose.

**31.**—(1) Where the charges made by the Board for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Board for the first-mentioned purpose shall not without the consent in writing of the Board be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Board within one year previous to the date when the proceedings were instituted at a rate of charge lower

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate. A.D. 1936.  
—

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

**32.** Notwithstanding anything in any Act or Order relating to the Board or the electricity undertaking the Board on the one hand and any authority company body or person (other than authorised distributors) to whom the Board are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Board to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Board may supply electricity accordingly Provided that the Board shall not in making any such contract or agreement show any undue preference to any such authority company body or person. Agreements for supply of electricity.

**33.** If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936. For determining stand-by supplies.

**34.** If the Board commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Board in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be As to recovery summarily of sums due for fittings.

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Service of  
electricity  
demand  
notes.  
15 & 16  
Geo. 5. c. 90.

**35.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes or accounts for any charges made in connection with the electricity undertaking.

Attachment  
of brackets  
&c. to  
buildings  
and  
bridges.  
10 & 11 Vict.  
c. 15.

**36.**—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Board may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Board any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same; or
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building or bridge owned by any highway authority railway company or by any gas water or electricity undertakers;

but if in the opinion of the Board any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by gas undertakers to the Board of Trade in the case of a building owned by water undertakers to the Minister of Health



[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

and in any other case to the Minister of Transport and the Board of Trade or Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments: A.D. 1936.

Provided that the Minister of Transport shall—

- (i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the President of the Air Council;
- (ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Board notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Board shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Board at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(6) In this section the expression "owner"—

- (a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

Power of entry for substitution of cables &c.

**37.** In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Board after giving forty-eight hours' notice in writing under the hand of their clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution:

Provided that the Board shall not exercise the powers of this section in respect of any premises which form part of the railway of any railway company or railway committee except with the consent of such railway company or railway committee.

Power to lay down connecting lines in certain cases.

**38.—(1)** For the purpose of supplying electricity to any premises to which the Board are for the time being authorised to supply electricity the Board may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Board for the purpose of affording a supply

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises. A.D. 1936.

(2) In relation to any such electric lines as aforesaid the Board shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Board shall be deemed to be the undertakers. 62 & 63 Vict. c. 19.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Board of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882. 45 & 46 Vict. c. 56.

(5) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway company.

**39.**—(1) The Board may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Board with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and such byelaws may provide for the inspection by the electrical engineer of the Board or any person authorised by him of any such wires apparatus or fittings which are being installed in any building and may require that reasonable notice shall be given to the Board of the intended installation of any such wires apparatus or fittings and the Board may refuse to supply electricity or may cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with. Byelaws as to apparatus and fittings.

(2) The provisions of this section shall have no application to any place or premises occupied as a

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. factory or workshop or to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.  
1 Edw. 7.  
c. 22.

(3) Nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to and used by a railway company for the purpose of their railway or canal undertakings.

(4) Section 99 (Byelaws with respect to electric fittings) of the Act of 1901 is hereby repealed.

Provisions  
as to  
byelaws  
under this  
Part of  
Act.

40.—(1) Byelaws made under this Part of this Act shall not have any force or effect unless and until they have been confirmed by the Electricity Commissioners and published in such manner as the Electricity Commissioners may direct.

(2) The Board may by any byelaws made under this Part of this Act impose on offenders against the same such reasonable penalties as they think fit but not exceeding the sum of five pounds for each offence and in the case of a continuing offence a further penalty not exceeding forty shillings for each day on which the offence is continued after conviction thereof and such penalties may be recovered in a summary manner.

Sale of  
electrical  
apparatus  
let on  
hire.

41. If any owner or occupier of premises who has hired from the Board any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Board may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1936 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Board.

Period of  
error in  
defective  
meters.

42.—(1) Where a meter supplied by the Board to a consumer is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date. A.D. 1936.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such consumer by the Board shall be paid by or to the Board as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(3) Nothing in this section shall affect the rights of the Board under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters). 34 & 35 Vict. c. 41.

(4) The Board shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

(5) Section 49 of the Act of 1915 is hereby repealed.

**43.** Where a separate transformer is provided at the expense of the Board for the purpose of affording a supply of electricity to any consumer the Board may (subject to the provisions of the agreement under which the transformer was provided) 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 so however that the powers conferred by this section shall not enable the Board to extend the transformer so provided beyond the limits of the original site thereof. As to use of transformers.

**44.** The Board may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading. Charges for special readings of electricity meters.

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1. EDW. 8.]

A.D. 1936.

—  
Amendment  
of section 1  
of Second  
Schedule of  
Act of 1901.

**45.**—(1) Section 1 of the Second Schedule to the Act of 1901 shall be read and have effect as though in lieu of the words “ For any amount up to twenty units “ thirteen shillings and fourpence and for each unit over “ twenty units eightpence ” the following words had been inserted therein (namely) :—

“(a) In respect of the quarters ending thirty-first March and thirty-first December—

For any amount up to fifteen units ten shillings and for each unit over fifteen units eightpence ;

(b) In respect of the quarters ending thirtieth June and thirtieth September—

For any amount up to ten units six shillings and eightpence and for each unit over ten units eightpence.”

(2) The minimum charges per quarter which are specified in the Second Schedule to the Act of 1901 as amended by this section shall be paid to the Board by the occupier of any premises connected to a distributing main of the Board in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether energy has actually been consumed on such premises or not during the currency of such quarter.

Protection  
of seals &c.  
belonging  
to Board.

**46.**—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Board in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus as they apply to persons who wilfully fraudulently or by culpable negligence injure or suffer to be injured meters belonging to the Board.

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
 1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Board and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

A.D. 1936.

47. Section 34 (Trees overhanging highways) of the Act of 1915 shall apply in the case of any tree overhanging any highway and which may in any way interfere with the construction or maintenance of any overhead electric lines used by the Board for the supply of electricity to consumers in the same way as it does to trees overhanging any highway along the route of any tramway which may interfere with the construction or working of the trolley wires or with the clear and safe passage of the tramcars and the passengers thereon.

Application of section 34 of Act of 1915 to overhead electric lines.

48. The Board may levy and recover such charges as they think fit for a second or subsequent examination and testing of electric lines fittings and apparatus on premises about to be connected to the mains of the Board if on the first examination and testing it is found that the electric lines fittings and apparatus do not comply with the regulations for the time being in force made by the Electricity Commissioners under the Electricity (Supply) Acts 1882 to 1936 for ensuring a proper and sufficient supply of electrical energy Provided that the charge for any second or subsequent examination and testing shall not exceed ten shillings.

Charges for testing electric lines fittings and apparatus in certain cases.

#### PART IV.

#### FINANCIAL.

49. The Board 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 of the said table and they shall pay off all moneys so borrowed within such periods as the Board may

Power to Board to borrow.

[Ch. lxvi.] *Stalybridge Hyde Mossley* [26 GEO. 5. &  
*and Dukinfield Transport and* 1 EDW. 8.]  
*Electricity Board Act, 1936.*

A.D. 1936. — determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

Purpose.	Amount.	Period for repayment.
(a) For and in connection with the provision of trolley vehicles.	£ 21,000	Ten years from the date or dates of borrowing.
(b) For and in connection with the provision and adaptation of electrical equipment and the construction of other works necessary for working trolley vehicles.	22,000	Twenty years from the date or dates of borrowing.
(c) For and in connection with the reinstatement of roads.	25,000	Twenty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act as herein-after defined.	The sum requisite.	Five years from the passing of this Act.

Application of Part IX of Local Government Act 1933 to borrowing of money by Board.

**50.**—(1) The provisions of Part IX (Borrowing) of the Local Government Act 1933 and the regulations made thereunder so far as they are not inconsistent with the provisions of this Part of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

- (a) the Board were a local authority within the meaning of the Local Government Act 1933;
- (b) the money so borrowed were borrowed under the said Part IX; and
- (c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purposes of this section.

(2) The periods mentioned in the third column of the table contained in the section of this Act of which the marginal note is "Power to Board to borrow" shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.



[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and*  
*Electricity Board Act, 1936.*

(3) In the application of the said provisions of the Local Government Act 1933 to the borrowing of any further moneys for the purposes of Part II (Transport) of this Act the Minister of Transport shall be the sanctioning authority. A.D. 1936.  
—

**51.**—(1) The Minister of Health and the Minister of Transport may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers or duties conferred upon them or the giving of consents under this Act or any existing Act or Order of the Board. Inquiries by  
Minister of  
Health and  
Minister of  
Transport.

(2) Where the Minister of Health or the Minister of Transport cause any inquiry to be held in pursuance of this section or of any provision of any existing Act or Order of the Board subsections (2) to (5) of section 290 of the Local Government Act 1933 shall notwithstanding the provisions of any such Act or Order of the Board apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Board were a local authority.

**52.** Notwithstanding anything contained in this or any previous enactment the Board may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:— Use of  
moneys  
forming  
part of  
sinking  
and other  
funds.

- (1) The moneys so used shall be repaid out of the revenues of the Board within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Board shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid

[Ch. lxvi.] *Stalybridge Hyde Mossley and Dukinfield Transport and Electricity Board Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.

and in either case the repayment shall be made out of the revenues of the Board or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) In the accounts of the revenues of the Board an amount equal to interest calculated at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

Protection of members and officers of local authorities from personal liability.  
38 & 39 Vict. c. 55.

**53.** Section 265 of the Public Health Act 1875 shall extend and apply to every matter or thing done or contract entered into by any member or officer of or other person acting under the direction of the Board in execution or intended execution of the provisions of the Electricity (Supply) Acts 1882 to 1936 or of those provisions of any other Act or Order which confer powers upon the Board with respect to the supply of electricity and in the construction of those sections the expression "this Act" shall mean the said provisions.

Repeal.

**54.** The following sections of the Act of 1915 are hereby repealed :—

- Section 32 (Power to reserve cars for special purposes);
- Section 33 (Through cars);
- Section 63 (Returns to Local Government Board as to sinking funds).

[26 GEO. 5. & *Stalybridge Hyde Mossley* [Ch. lxvi.]  
1 EDW. 8.] *and Dukinfield Transport and  
Electricity Board Act, 1936.*

**55.** For the purposes of the definition of "statutory securities" in section 218 (Definitions) of the Local Government Act 1933 any securities created by the Board shall be deemed to be securities created by a local authority. A.D. 1936.  
—  
As to securities of Board.

**56.** The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Board out of the revenues of the Board or out of moneys to be borrowed by the Board under this Act. Expenses of Act.

---

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:  
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2  
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;  
80 Chichester Street, Belfast;  
or through any bookseller