



## CHAPTER lxxiii.

An Act to provide for the abandonment of the railways authorised by the Barnsley and District Light Railway Order 1900 and for other purposes. A.D. 1930.  
[4th June 1930.]

**W**HEREAS by the Barnsley and District Light Railway Order 1900 and the Barnsley and District Light Railways (Extensions) Order 1902 the British Electric Traction Company Limited were authorised to construct a system of light railways in the then borough of Barnsley and its vicinity and by a deed of transfer dated the tenth day of June one thousand nine hundred and three and made with the approval of the Board of Trade under section 67 of the said Order of 1900 the undertakings authorised by the said Orders of 1900 and 1902 and the rights powers authorities and obligations of the said Company in respect of those undertakings were transferred to and vested in the Barnsley and District Electric Traction Company Limited now named the Yorkshire Traction Company Limited and hereinafter referred to as "the Company":

And whereas the Company constructed the railways authorised by the said Order of 1900 but did not construct any part of the railways authorised by the said Order of 1902 and the period for completing the last-mentioned railways expired on the twenty-fourth July one thousand nine hundred and four:

[Price 4d. Net.]

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And whereas the railways so constructed by the Company are situate in public roads now comprised within the county borough of Barnsley and the urban district of Worsborough in the west riding of the county of York and constitute a tramway system which is worked by the Company by means of electricity supplied by the overhead system :

And whereas it is expedient that the said railways be abandoned, and that the other provisions of this Act be enacted :

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

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

Short title.

1. This Act may be cited as the Barnsley and District Light Railways (Abandonment) Act 1930.

Interpre-  
tation.

2. In this Act the following expressions have the meanings hereinafter mentioned (that is to say) :—

“The Company” means the Yorkshire Traction Company Limited;

“The Order of 1900” means the Barnsley and District Light Railway Order 1900;

“The Order of 1902” means the Barnsley and District Light Railways (Extensions) Order 1902;

“The existing Orders” means the Order of 1900 and the Order of 1902;

“The railways” means the railways constructed under the powers of the Order of 1900;

“Equipment” means posts standards brackets cables wires works and apparatus forming part of or provided and used in connection with the railways but does not include the rails and paving setts thereof;

“The borough” means the county borough of Barnsley;

“The district” means the urban district of Worsborough; A.D. 1930.

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

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

“The local authorities” means the corporation and the council;

“The county council” means the county council of the administrative county of the west riding of the county of York;

“The date of abandonment” means the date on which the working of the railways shall be discontinued under the next succeeding section of this Act;

“Highway authority” means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof;

“Authorised undertakers” has the meaning given to that expression by the Electricity (Supply) Act 1919.

3.—(1) The Company shall on a date to be determined by them not earlier than two months nor later than one year from the passing of this Act abandon and discontinue the working of the railways. Abandonment of railways.

(2) As from the date of abandonment all powers obligations and liabilities of the Company in relation to the railways and the rails and paving setts thereof and the equipment and the maintenance of the roads in which they are situate and in relation to the railways authorised by the Order of 1902 existing under or by virtue of the existing Orders or any other Order Act lease agreement or instrument whatsoever shall (except as hereinafter expressly provided in this Act) cease and determine and the provisions of the next succeeding section of this Act shall have effect.

(3) The Company shall not less than one month before the date of abandonment give notice in writing

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Provisions consequent on abandonment of railways.

4.—(1) Subject to the provisions of subsection (5) of this section and except as may be otherwise agreed between the Company and the local authorities and the county council or any of them under the next succeeding section of this Act the Company—

(i) shall within one year from the date of abandonment or within such longer period as may be agreed between the Company and the highway authority concerned take up and remove the railways and the rails and paving setts thereof and the equipment other than any underground cables wires works and apparatus; and

(ii) may within the said period of one year or such longer period as aforesaid take up and remove any underground cables wires works and apparatus forming part of the equipment.

(2) The Company shall with all convenient speed after any such taking up and removal under subsection (1) of this section fill in the ground and make good the surface of and restore to the reasonable satisfaction of the highway authority the portion of the carriageway or footpath disturbed by such taking up and removal to as good a condition as that in which it was before such rails paving setts and equipment were laid or placed therein and clear away all surplus paving metalling or other materials or rubbish occasioned by such work and in the meantime cause the place where the carriageway or footpath is opened or broken up to be fenced and watched and properly lighted at night.

(3) If the Company fail to comply with their obligations under paragraph (i) of subsection (1) of this section within the period of one year from the date of abandonment or such longer period as may be agreed with the highway authority or fail to comply with their obligations under subsection (2) of this section within the period of one month after the expiration of the said one year or longer period as aforesaid or after compliance with the said paragraph (i) (whichever

is the earlier) the highway authority may at any time after such respective periods themselves do the works and things necessary for complying with such obligations and may recover from the Company the cost reasonably incurred by them in so doing. A.D. 1930.

(4) The Company may appropriate use sell or otherwise dispose of any rails paving setts and equipment taken up and removed by them under subsection (1) of this section.

(5) Notwithstanding anything in the foregoing provisions of this section the Company may—

(a) with the approval of the highway authority concerned leave in the road and sell to the highway authority all or any part of the rails and paving setts of the railways;

(b) enter into and carry into effect agreements with any authorised undertakers empowered to lay electric lines or cables in any road in which any part of the equipment may be laid or placed for the sale subject to the approval of the highway authority (which approval shall not be unreasonably withheld) of any part of the equipment and on the execution of any such agreement the part of the equipment comprised therein shall vest in the authorised undertakers as part of their undertaking subject nevertheless to the provisions of any Act or Order which would have applied to such part of the equipment if it had been laid or placed in such road by the authorised undertakers.

(6) (i) If any underground cables wires works and apparatus forming part of the equipment be not taken up and removed by the Company under the provisions of this section then as from the date of abandonment or (ii) if any rails and paving setts be left in any road by agreement with the highway authority under paragraph (a) of subsection (5) of this section then as from the date of such agreement or (iii) if any part of the equipment be purchased by any authorised undertakers under paragraph (b) of the said subsection (5) then as from the date of such purchase any and every obligation or liability imposed on the Company by the existing Orders or this Act or any other Order Act lease agreement or

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(7) If any difference shall arise under subsection (2) or subsection (3) of this section between the Company and any highway authority or under subsection (5) (b) of this section as to whether any approval of any highway authority has been unreasonably withheld the difference shall on the application of any party thereto be referred to and determined by the Minister of Transport whose decision shall be final.

Agreements with local authorities and county council.

5. The Company on the one hand and the local authorities and the county council or any of them on the other hand may enter into and carry into effect agreements for and with respect to the removal or non-removal of any of the railways and the rails and paving setts thereof and the equipment and the reinstatement of the carriageway or footpath in which any such railway rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of the immediately preceding section of this Act.

For protection of London Midland and Scottish Railway Company.

6. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the Midland Company") the following provisions shall apply and have effect (that is to say):—

(1) (a) On the taking up or removal by the Company of any equipment attached to any bridge or bridge approaches belonging to or maintainable by the Midland Company the Company shall to the reasonable satisfaction of the Midland Company restore and make good all damage to any such bridge;

(b) The Company shall give to the Midland Company not less than seven days' previous 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 may arise between the Company and the Midland Company under the foregoing provisions of this section shall be referred to and determined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to the reference. A.D. 1930.  
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7.—(1) As from the date of abandonment sections 6 19 and 20 subsection (2) of section 22 and sections 26 29 30 41 45 and 54 to 69 of the Order of 1900 shall become and be repealed. Repeal of  
existing  
Orders.

(2) As from the date when the Company have complied with their obligations under paragraph (i) of subsection (1) and under subsection (2) of section 4 (Provisions consequent on abandonment of railways) of this Act the provisions of the Order of 1900 not already repealed shall become and be repealed.

(3) As from the passing of this Act the Order of 1902 shall be repealed.

8. In respect of the exercise of any powers or duties conferred or imposed on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport 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." Inquiries  
by Minister  
of Trans-  
port.

9.—(1) The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register it. If such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty. Copy of  
Act to be  
registered.

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(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Company on such copy being registered the fee of five shillings.

Costs of  
Act.

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

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