

# Mexborough and Swinton Traction Act, 1960

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## CHAPTER xxiv

An Act to authorise the Mexborough and Swinton Traction Company Limited to discontinue the services of trolley vehicles authorised by the Mexborough and Swinton Traction Acts and Orders 1902 to 1947 and for other purposes. [29th July 1960.]

**W**HEREAS the Mexborough and Swinton Traction Company Limited (in this Act referred to as "the Company") was incorporated by the Mexborough and Swinton Tramways Act 1902 under the name of the Mexborough and Swinton Tramways Company:

And whereas under powers conferred on it by the said Act of 1902 by the Rawmarsh Urban District Council (Tramways) Act 1900 as amended by the said Act of 1902 and by the Mexborough and Swinton Tramways Act 1905 the Company constructed and operated a system of tramways in the urban districts of Mexborough Swinton Rawmarsh and Greasborough in the West Riding of the county of York:

And whereas under powers conferred on it by the Mexborough and Swinton Tramways (Railless Traction) Act 1913 the Mexborough and Swinton Tramways Act 1926 and the Mexborough and Swinton Tramways Company (Trolley Vehicles) Order 1927 (confirmed by the Mexborough and Swinton Tramways Company (Trolley Vehicles) Order Confirmation Act 1927) the Company converted the said system of tramways into trolley vehicle routes and was authorised to construct other systems of trolley vehicles in the said urban districts in the urban districts of Conisbrough and Bolton upon Dearne and in the parish of Adwick upon Dearne in the rural district of Doncaster:

And whereas by the Mexborough and Swinton Traction Act 1929 the Company was authorised to provide and run omnibuses on the routes along which it was authorised to run trolley vehicles:

And whereas by the Mexborough and Swinton Traction (Trolley Vehicles) Order 1934 (confirmed by the Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1934) and the Mexborough and Swinton Traction (Trolley Vehicles) Order 1947 (confirmed by the Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1947) the Company was authorised to run trolley vehicles on certain other routes defined in those Orders and situate in the urban districts of Mexborough Rawmarsh and Conisbrough:

And whereas on the fifth day of September nineteen hundred and fifty-three the Company was incorporated under the Companies Act 1948 as a company limited by shares:

And whereas the issued share capital of the Company consists of one hundred and seventy-five thousand ordinary shares of one pound each:

And whereas the requirements for passenger road transport within the districts within which the Company are at present operating services of trolley vehicles would be met more efficiently and economically by services of public service vehicles co-ordinated with the other services of public service vehicles operated by the Company:

And whereas it is expedient that the Company should be authorised to discontinue its services of trolley vehicles as in this Act provided:

And whereas it is expedient to make such other provisions as in this Act contained:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 and  
collective  
titles.

1.—(1) This Act may be cited as the Mexborough and Swinton Traction Act 1960.

(2) The Mexborough and Swinton Traction Acts and Orders 1902 to 1947 and this Act may be cited together as the Mexborough and Swinton Traction Acts and Orders 1902 to 1960.

Definitions.

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

“apparatus” includes all posts poles standards brackets  
cables conductors tubes mains transformers feeders

- wires and other apparatus and equipment for the purpose of working and lighting trolley vehicles;
- “ the Company ” means the Mexborough and Swinton Traction Company Limited;
- “ the corporation ” means the mayor aldermen and burgesses of the county borough of Rotherham;
- “ the day of discontinuance ” means the day following the day upon which the Company discontinues the running of trolley vehicles along a route or any part of a route in pursuance of section 3 (Discontinuance of trolley vehicles) of this Act;
- “ the day of final discontinuance ” means the day following the day upon which the Company finally discontinues the running of trolley vehicles;
- “ highway ” includes any road or lane whether a thoroughfare or not;
- “ highway authority ” means in relation to any highway the authority or person by whom the highway is maintained;
- “ local authorities ” includes the corporation and the councils of the urban districts of Mexborough Swinton Rawmarsh Conisbrough and Wath upon Dearne and “ local authority ” means any of such authorities as the context may require;
- “ public service vehicle ” has the meaning given to that expression by section 39 of the Road Traffic Act 1956;
- “ purchasing authority ” means any local authority or statutory undertaker who have entered into an agreement with the Company under subsection (5) of section 4 (Removal of apparatus) of this Act for the purchase of redundant apparatus in situ;
- “ redundant apparatus ” means in relation to a trolley vehicle route along which the running of trolley vehicles has been discontinued under the provisions of section 3 (Discontinuance of trolley vehicles) of this Act any apparatus belonging to the Company provided in connection with that route not being apparatus required in connection with any other route upon which a service of trolley vehicles is still being operated;
- “ standard ” means a post pole or standard which is redundant apparatus;
- “ the traffic commissioners ” means the traffic commissioners appointed pursuant to Part IV of the Road Traffic Act 1930;

“ trolley vehicle route ” means any route upon which the Company are by the Mexborough and Swinton Traction Acts and Orders 1902 to 1947 authorised to work and run trolley vehicles or part of any such route and includes all turning points provided in connection with any such route.

Discontinuance  
of trolley  
vehicles.

3.—(1) Subject to the provisions of subsection (2) of this section the Company may at any time discontinue the running of trolley vehicles along a trolley vehicle route and upon such discontinuance all the powers liabilities duties and obligations of the Company with reference to the running of trolley vehicles along that route shall cease and determine.

(2) The Company shall not discontinue the running of trolley vehicles along a trolley vehicle route unless and until they shall have satisfied the traffic commissioners that on and after the day of discontinuance the needs of the public for passenger road transport in substitution for the services discontinued will be provided on that route or on an alternative route by services of public service vehicles operated by the Company or by the Company and the corporation jointly or by any other person.

Removal of  
apparatus.

4.—(1) Subject to the provisions of this section but notwithstanding anything contained in the Mexborough and Swinton Traction Acts and Orders 1902 to 1947 the Company shall within a period not exceeding two years after the discontinuance of the running of trolley vehicles along a trolley vehicle route in pursuance of section 3 (Discontinuance of trolley vehicles) of this Act remove any redundant apparatus (except any cable or junction box laid or placed underground which the highway authority have agreed shall be left in situ) and any such redundant apparatus removed by the Company under this subsection may be used sold or otherwise disposed of as the Company may think fit.

(2) Not less than one month before removing any standard which carries any equipment or notice not belonging to the Company the Company shall give notice in writing to the person to whom such equipment or notice belongs of their intention so to do and before the expiration of the period of one month from the service of the said notice such person shall remove from the standard any such equipment or notice attached thereto.

(3) Any cable or junction box which in pursuance of subsection (1) of this section the highway authority agree shall be left in situ shall from the date of the agreement become the property of the highway authority who may leave it in situ or take up remove and sell or otherwise dispose of the same or any part thereof as they may think fit.



(4) (a) On the removal of any redundant apparatus situate in or under any highway the Company shall to the satisfaction of the highway authority fill in the ground restore the portion of highway in or under which the redundant apparatus was laid or placed make good the surface and clear away all surplus material or rubbish occasioned by such work and so long as the highway is opened or broken up the Company shall cause the place where the highway is opened or broken up to be fenced and to be properly lighted at night.

(b) The Company shall give to the highway authority not less than twenty-eight days' notice in writing of their intention to remove any such redundant apparatus as aforesaid specifying the apparatus so to be removed and after the expiration of such notice shall proceed to remove such apparatus with reasonable dispatch:

Provided that if the highway authority shall within twenty-one days of the receipt of the said notice give notice in writing that they elect to execute the whole or any part of the filling in restoration and making good of the surface of the highway—

(i) the Company's obligations under paragraph (a) of this subsection to fill in the ground and to restore and make good the surface of the highway shall cease to extend to so much of the filling in restoration and making good as the highway authority elect by such notice to execute and in lieu thereof the Company shall pay to the highway authority an amount equal to the cost reasonably incurred by the highway authority in executing the works carried out by them in pursuance of their notice;

(ii) the Company's obligations under paragraph (a) of this subsection to fence and light the highway shall cease as from the date on which the highway authority commence to execute the works specified in their notice but if the said works are not commenced by the highway authority with reasonable dispatch the highway authority shall pay to the Company an amount equal to the cost reasonably incurred by the Company after the date on which the works should have been commenced in fencing and lighting the highway to which the notice relates.

(5) Any local authority or statutory undertaker may enter into and carry into effect agreements for the purchase from the Company of any redundant apparatus in situ:

Provided that the Company shall serve notice on the highway authority of any agreement for the sale in situ of any redundant apparatus provided in connection with a trolley vehicle route and

if the highway authority within fifty-six days from the date on which the notice has been served upon them serve a counter-notice upon the purchasing authority and upon the Company objecting to the retention in under or over the highway of any redundant apparatus to which the agreement relates a dispute shall be deemed to have arisen between the authority serving the counter-notice and the purchasing authority and the sale shall not become effective in respect of the apparatus which is the subject of such objection until the objection is withdrawn or is overruled by the arbitrator as hereinafter provided.

(6) Any redundant apparatus which is the subject of an agreement under subsection (5) of this section shall not be removed by the Company and as from the date on which the sale becomes effective shall become the property of the purchasing authority.

(7) (a) As from the relevant date—

- (i) any cable or junction box which becomes the property of a highway authority by virtue of subsection (3) of this section; and
- (ii) any redundant apparatus which the Company have agreed to sell in situ and in respect of which either no counter-notice has been served under the proviso to subsection (5) of this section or if such counter-notice has been served the objection of the authority serving the counter-notice has been withdrawn or has been overruled by the said arbitrator;

shall be deemed to have been placed or erected by the highway authority or the purchasing authority (as the case may be) in the exercise of their functions and as from the relevant date all liabilities duties and obligations of the Company with reference to that apparatus shall cease and determine.

(b) In this subsection "the relevant date" means—

- (i) in the case of any apparatus referred to in subparagraph (i) of the foregoing paragraph the date upon which that apparatus becomes the property of the highway authority;
- (ii) in the case of any apparatus referred to in subparagraph (ii) of the foregoing paragraph the date upon which the sale of that apparatus becomes effective.

(8) If a counter-notice is served under the proviso to subsection (5) of this section no proceedings shall be taken in respect of the failure of the Company to take up and remove in accordance with subsection (1) of this section any redundant apparatus to which the counter-notice relates during the period between the date on which the counter-notice was so served and that on which

the matter was disposed of whether as a result of the award of the arbitrator appointed as aforesaid or of the withdrawal of the objection of the authority serving the counter-notice or of the said objection becoming effective otherwise than by an award of the said arbitrator.

(9) Any dispute or difference which may arise between the Company and a highway authority under subsection (4) of this section or which is deemed to have arisen between a purchasing authority and an authority serving a counter-notice under the proviso to subsection (5) of this section shall be referred to and determined by an arbitrator to be appointed by agreement between the parties thereto or in default of agreement on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers:

Provided that in any case where a dispute or difference is deemed to have arisen between a purchasing authority and an authority serving a counter-notice under the proviso to subsection (5) of this section and after the expiration of a period of three months from the date on which it is deemed to have arisen an arbitrator has not been appointed and no application has been made to the President of the Institution of Civil Engineers for the appointment of an arbitrator the Company may make an application in that behalf and for the purposes of this subsection any such application by the Company shall be deemed to be an application by one of the parties to the dispute or difference.

5. For the protection of the British Transport Commission (in this section referred to as "the commission") the following provisions shall unless otherwise agreed in writing between the commission and the Company apply and have effect:—

For  
protection of  
British  
Transport  
Commission.

(1) The repeal by this Act of the Mexborough and Swinton Tramways Act 1902 shall not prejudice or affect any rights powers duties or obligations conferred or imposed by paragraphs (5) (8) to (13) and (15) of section 26 (For protection of Sheffield and South Yorkshire Navigation Company) of that Act so far as the same are in force immediately before the day of final discontinuance:

(2) (a) Not less than one month before removing under the powers of section 4 (Removal of apparatus) of this Act any redundant apparatus situated on in or under or attached to any land building road bridge structure or other property belonging to or maintainable by the commission the Company shall give notice in writing to the commission of their intention so to do specifying the redundant apparatus to be removed and the time at which the Company propose to commence the work;



- (b) If within one month after the receipt of such notice the commission give a counter-notice in writing to the Company that they intend themselves to remove all or any of the redundant apparatus specified in the notice the Company shall not remove any redundant apparatus referred to in such counter-notice but the same shall be removed by the commission with all reasonable dispatch and all costs and expenses reasonably incurred by the commission in effecting such removal or in connection therewith (including the cost of restoring and making good any land structure or other property disturbed by such removal) shall be repaid by the Company to the commission on demand;
- (c) Subject to the provisions of sub-paragraph (b) of this paragraph redundant apparatus specified in a notice given under sub-paragraph (a) of this paragraph shall be removed by the Company at their own expense with all reasonable dispatch to the reasonable satisfaction and under the supervision (if given) of an engineer appointed by the commission and the Company shall bear and repay to the commission the reasonable cost of any such supervision together with any expenses reasonably incurred by the commission in consequence of the carrying out of the work;
- (d) The Company shall forthwith after the removal by them of any redundant apparatus specified in a notice given under sub-paragraph (a) of this paragraph restore and make good at their own expense and to the reasonable satisfaction of the said engineer any land structure or other property disturbed by such removal;
- (e) The Company shall not under the powers of the said section 4 sell in situ to any local authority or statutory undertaker without the previous consent in writing of the commission any redundant apparatus situated on in or under or attached to any land building road bridge structure or other property belonging to or maintainable by the commission;
- (f) Any dispute or difference which may arise between the Company and the commission under this paragraph shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Repeals.

6.—(1) Section 16 (Restricting running of omnibuses in competition) of the Mexborough and Swinton Traction Act 1929 is hereby repealed.

(2) On the day of final discontinuance the enactments set out in the schedule to this Act so far as the same are still in force on that day shall be repealed to the extent specified in that schedule.

7.—(1) (a) The Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds for every day after the expiration of the said three months during which the default continues. Copy of Act  
to be  
registered.

(b) Where an offence under paragraph (a) of this subsection is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of a director or the manager of the Company he as well as the Company shall be guilty of an offence and shall be liable on summary conviction to a like fine.

(2) There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1948 on registration of any document other than a memorandum of association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

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

## SCHEDULE

Section 6.

## ENACTMENTS TO BE REPEALED ON THE DAY OF FINAL DISCONTINUANCE

Enactment	Extent of repeal
Rawmarsh Urban District Council (Tramways) Act 1900	Section 11 (Construction of tramways) except so far as it relates to Tramway No. 6 and Tramway No. 7.  Paragraphs (1) to (5) inclusive (7) (12) (13) and (15) of section 49 (For protection of Sheffield and South Yorkshire Navigation Company).  Section 50 (For protection of Earl Fitzwilliam).
Mexborough and Swinton Tramways Act 1902	The whole Act.
Mexborough and Swinton Tramways Act 1905	The whole Act.
Mexborough and Swinton Tramways (Railless Traction) Act 1913	The whole Act.
Mexborough and Swinton Tramways Act 1926	The whole Act.
Mexborough and Swinton Tramways Company (Trolley Vehicles) Order 1927 confirmed by the Mexborough and Swinton Tramways Company (Trolley Vehicles) Order Confirmation Act 1927	The whole Act and Order.
Mexborough and Swinton Traction Act 1929	The whole Act.
Mexborough and Swinton Traction (Trolley Vehicles) Order 1934 confirmed by the Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1934	The whole Act and Order.
Mexborough and Swinton Traction (Trolley Vehicles) Order 1947 confirmed by the Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1947	The whole Act and Order.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Rawmarsh Urban District Council (Tramways) Act 1900	63 & 64 Vict. c. cxxxv.
Mexborough and Swinton Tramways Act 1902	2 Edw. 7 c. ccxxx.
Mexborough and Swinton Tramways Act 1905	5 Edw. 7 c. xxix.
Mexborough and Swinton Tramways (Railless Traction) Act 1913	3 & 4 Geo. 5 c. lxxvii.
Mexborough and Swinton Tramways Act 1926	16 & 17 Geo. 5 c. lxxvi.
Mexborough and Swinton Tramways Company (Trolley Vehicles) Order Confirmation Act 1927	17 & 18 Geo. 5 c. liii.
Mexborough and Swinton Traction Act 1929 ..	19 & 20 Geo. 5 c. lxxv.
Road Traffic Act 1930 .. .. .	20 & 21 Geo. 5 c. 43.
Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1934	24 & 25 Geo. 5 c. xlvi.
Mexborough and Swinton Traction (Trolley Vehicles) Order Confirmation Act 1947	10 & 11 Geo. 6 c. xxvi.
Companies Act 1948 .. .. .	11 & 12 Geo. 6 c. 38.
Road Traffic Act 1956 .. .. .	4 & 5 Eliz. 2 c. 67.

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