

[19. & 20. GEO. 5.] *Halifax Corporation*  
*Act, 1929.*

[Ch. lxiv.]



## CHAPTER lxiv.

An Act to confer further powers on the Halifax Corporation with respect to their tramway omnibus and electricity undertakings and for other purposes. A.D. 1929.  
—  
[10th May 1929.]

**W**HEREAS the county borough of Halifax in the west riding of the county of York (hereinafter in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation") :

And whereas the Corporation have under the authority of Parliament constructed and are working tramways and have provided and are running motor omnibuses within and beyond the borough and it is expedient that further powers should be conferred upon them with respect to and in connection with their tramway and omnibus undertakings :

And whereas the exercise of certain of their existing powers for the running of motor omnibuses outside the borough by the Corporation is subject to the consent of the local authority and the road authority and it is expedient to provide that any such consent shall not be unreasonably withheld and that the question of whether or not any such consent is unreasonably withheld shall be referred to and determined by the Minister of Transport :

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— And whereas it is expedient that the Corporation be empowered to provide the additional omnibus services as authorised by this Act and also to work and run motor omnibuses on any of their tramway routes outside the borough and to discontinue and abandon such of their existing tramways as may become unnecessary :

And whereas under the authority of Parliament the Corporation are supplying electrical energy within the borough and it is expedient that their limits for the supply of such energy should be extended so as to include the area added to the borough by the Halifax (Extension) Order 1928 and that such area should cease to form part of the area for the supply of electrical energy by Electrical Distribution of Yorkshire Limited under the Queensbury and District Electricity Special Order 1926 :

And whereas under the West Riding of Yorkshire Order 1928 part of Crow Wood Park formerly situate within the borough was transferred to the administrative county of the west riding of Yorkshire and the urban district of Sowerby and it is expedient that the area so transferred should be included within and form part of the area for the supply of electrical energy by Electrical Distribution of Yorkshire Limited as defined by the Sowerby Bridge Electric Lighting Orders 1900 and 1908 and should cease to form part of the area for the supply of electrical energy by the Corporation :

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

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

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

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):—

Short title.      1. This Act may be cited for all purposes as the Halifax Corporation Act 1929.

4. The consent of the local authority or the road authority as the case may be subject to which the Corporation are by section 15 (Additional powers as to omnibuses) of the Act of 1915 empowered to provide and run motor omnibuses along any other route outside the borough shall not in any case be unreasonably withheld. Provided that any question of whether or not any such consent has been unreasonably withheld shall be determined by the Minister of Transport:

A.D. 1929.  
—  
Amend-  
ment of  
section 15 of  
Act of 1915  
as to con-  
sents of  
local and  
road  
authorities.

Provided that the powers of the Corporation to run motor omnibuses outside the borough shall not be exercised along any route which extends to a greater distance than five miles from the borough boundary.

5. When the Corporation have under their existing powers or under the powers contained in this Act provided and are running a service of motor omnibuses along the route or any part of the route of any of the Corporation tramways they may discontinue the running of tramcars along such route or part thereof and may take up and remove and dispose of all or any works apparatus and equipment constructed or provided by them for or in connection with such tramway or part thereof and in such case the Corporation shall pay to the road authority the cost of the making good of the road in accordance with the provisions of section 41 of the Tramways Act 1870.

As to  
discon-  
tinuance of  
tramways.

6. The following provisions of the Act of 1926 shall extend and apply to and with respect to the exercise of the powers of this Act relating to motor omnibuses (that is to say):—

Application  
of existing  
provisions  
relating to  
omnibuses.

Section 22 (As to fares and charges on motor omnibuses);

Section 23 (Periodical revision of fares and charges);

Section 24 (Repeal of section 42 of Act of 1897);

Section 25 (As to charges for dogs on tramcars &c.);

Section 26 (Through motor omnibuses);

Section 30 (Byelaws as to motor omnibuses).

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—  
Amendment  
of section  
29 of Act  
of 1926.

7. The Corporation shall not enter into or carry into effect any agreement under the provisions of section 29 (Working agreements as to omnibuses) of the Act of 1926 in relation to any omnibus service outside a circle having a radius of fourteen miles measured from the town hall of the borough.

As to  
restoration  
of county  
roads in  
certain  
cases.

8. The following provisions shall have effect with respect to the restoration of any main road repairable by the county council which may be disturbed by the taking up and removal therefrom under the powers of the section of this Act of which the marginal note is "As to discontinuance of tramways" of any works apparatus or equipment constructed or provided in connection with any tramway or portion of a tramway on which the running of tramcars is discontinued under the powers of that section :—

(1) In this section the expression "the tramway" means any tramway or portion of a tramway on which the running of tramcars has been discontinued as aforesaid :

(2) (a) Forthwith after the taking up and removal of any such works apparatus and equipment as aforesaid the Corporation shall pay to the county council and the county council shall accept a sum (to be ascertained by agreement between the Corporation and the county council or failing such agreement to be determined by arbitration as hereinafter provided) representing the estimated cost which would be incurred by the Corporation in the restoration to a condition equal to that of the remainder of the road or roads in which the tramway was laid or the portions of such road or roads for the maintenance and repair of which the Corporation were liable as tramway undertakers and on payment of the said sum all liability of the Corporation with respect to the restoration of such road or roads shall cease and determine ;

(b) After the payment of the said sum the county council shall be responsible for and assume full liability for the maintenance and repair of the portions of such road or roads for

the maintenance and repair of which the Corporation were liable before the discontinuance of the tramway :

A.D. 1929.

- (3) Any difference between the Corporation and the county council as to the sum to be paid by the Corporation under the provisions of this section shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Municipal and County Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

9.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road outside the borough forming part of any omnibus route (except routes A and B specified in section 15 of the Act of 1915 or along any route referred to or specified in the section of this Act of which the marginal note is “Additional omnibus routes”) it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of the Act of 1915 or this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

Adaptation  
of roads.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether or not they intend to run omnibuses over the road or part of a road or bridge in question.

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the



A.D. 1929. — road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

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

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

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

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under

A.D. 1929. the route of any of the Corporation tramways outside  
— the borough and along the following new routes outside  
the borough (that is to say):—

Route No. 1 In the urban district of Hebden Bridge and in the parish of Heptonstall in the rural district of Todmorden commencing in the said urban district in New Road at Crown Street and proceeding along Market Street Bridge Street The Lanes Heptonstall Road Lee Wood Road to White Hill Nook thence along Draper Lane to the junction of Draper Lane and Smith Well Lane and thence along Smith Well Lane to the post office at Heptonstall;

Route No. 2 In the urban districts of Luddenden Foot and Midgley commencing in Luddenden Lane at Luddenden Foot and proceeding along Luddenden Lane Solomon Hill Lane Ends and Towngate to the Lord Nelson inn;

Route No. 3 In the urban district of Sowerby commencing in Rochdale Road at the boundary of the borough and proceeding along Rochdale Road Park Road and Beech Road to Tuel Lane;

Route No. 4 In the borough of Brighouse commencing in Halifax Road at Hove Edge and proceeding along Halifax Road to Briggate thence to Brighouse Bridge Bramston Street Thornhill Road Church Street and Tofts Grove thence along Lower Edge Road to the Royal Oak inn;

Route No. 5 In the urban district of Stainland commencing in Stainland Road at the Stainland tram terminus and proceeding along that road to the Black Horse inn;

Route No. 6 In the urban district of Greetland commencing in Rochdale Road at West Vale and proceeding along Rochdale Road to Greetland Wall Nook;

Route No. 7 In the urban district of Southowram commencing in Cain Lane at the boundary of the borough and proceeding along Cain Lane and Church Lane to the Malt Shovel inn.

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

A.D. 1929.  
Interpreta-  
tion.

“ The borough ” means the borough of Halifax;

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

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

“ The county ” means the administrative county of the west riding of Yorkshire;

“ The county council ” means the county council of the county;

“ The omnibus undertaking ” means the omnibus undertaking of the Corporation as authorised for the time being;

“ The tramway undertaking ” means and includes the tramway and omnibus undertakings of the Corporation as authorised for the time being;

“ The Corporation tramways ” means and includes all tramways and tramroads for the time being belonging to or leased to or worked by the Corporation and includes any vehicles moved by mechanical power transmitted to such vehicles from some external source;

“ The electricity limits ” means the area within which the Corporation are for the time being authorised to supply and distribute electricity;

“ The Act of 1911 ” “ the Act of 1915 ” and “ the Act of 1926 ” mean respectively the Halifax Corporation Act 1911 the Halifax Corporation Act 1915 and the Halifax Corporation Act 1926.

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

3. The powers of section 25 (Power to provide and run omnibuses) of the Act of 1911 as extended by section 15 (Additional powers as to omnibuses) of the Act of 1915 shall be further extended so as to enable the Corporation to provide and run motor omnibuses along

Additional  
omnibus  
routes.



subsection (4) of that section or in respect of any county road vested in them under section 32 of the Local Government Act 1929 shall be credited to the county council in ascertaining the amount to be contributed by them under either of the said subsections of the said Act of 1888 or under section 33 of the said Act of 1929. A.D. 1929.

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

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

10. Nothing contained in this Act shall impose any obligation upon or enlarge any existing obligation of a railway company to strengthen adapt alter or reconstruct any bridge or road maintainable by them. Saving for railway companies.

11.—(1) The added area as defined in article 1 (Definitions) of the Halifax (Extension) Order 1928 confirmed by the Ministry of Health (Halifax and West Riding Provisional Orders) Confirmation Act 1928 which by the said Order was included within the boundary of the borough shall be included within the electricity limits and shall cease to form part of the area of supply of Electrical Distribution of Yorkshire Limited under the Queensbury and District Electricity Special Order 1926. Extension of electricity limits.

(2) Paragraph (2) of article 14 (Local Acts and Orders relating to existing borough) of the said Halifax (Extension) Order 1928 is hereby repealed.

(3) Section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 shall in its application to the Corporation have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways."

D. 1929.

Extension  
of supply  
area of  
Electrical  
Distribution  
of Yorkshire  
Limited.

**12.**—(1) The transferred area as defined in article 1 (Definitions) of the West Riding of Yorkshire Order 1928 confirmed by the Ministry of Health (Halifax and West Riding Provisional Orders) Confirmation Act 1928 which by the said Order was transferred to the county and the urban district of Sowerby shall be included within the limits for the supply of electricity of Electrical Distribution of Yorkshire Limited under the Sowerby Bridge Electric Lighting Orders 1900 and 1908 and shall cease to be within the electricity limits and the said Orders of 1900 and 1908 shall apply and have effect accordingly.

(2) Paragraph (3) of article 14 (Local Acts and Provisional Orders) of the said West Riding of Yorkshire Order 1928 shall be read and have effect as if the words “or electricity” were omitted therefrom.

Power to  
borrow.

**13.** The Corporation may from time to time independently of any other borrowing power borrow at interest for the payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is “Costs of Act” the sum requisite for that purpose and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the borough fund and the borough rate and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act (which period shall for the purposes of any enactment applied by this Act be the prescribed period) and subject as aforesaid the provisions of Part VIII (Finance and rating) of the Act of 1926 so far as they are applicable shall apply to moneys borrowed under this section.

Costs of Act.

**14.** The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

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