

[19 & 20 GEO. 5.]

*Mansfield
District Traction Act, 1929.*

[Ch. lxxvi.]

**CHAPTER lxxvi.**

An Act to authorise the Mansfield and District Light Railway Company to provide and run trolley vehicles and omnibuses to change the name of the Company and for other purposes.

A.D. 1929.

[10th May 1929.]

WHEREAS the Mansfield and District Light Railway Company (in this Act called "the Company") were incorporated by the Mansfield and District Light Railways Order 1901 and under the powers contained in the Mansfield and District Light Railways Orders 1901 and 1907 have constructed and work a system of light railways in the borough of Mansfield and the urban districts of Mansfield Woodhouse Sutton-in-Ashfield and Hucknall-under-Huthwaite in the county of Nottingham :

And whereas by the Mansfield and District Light Railways (Extensions) Order 1920 and the Mansfield and District Light Railways (Extensions &c.) Order 1926 the Company were authorised to construct additional light railways in the borough of Mansfield the urban district of Mansfield Woodhouse and the rural districts of Southwell and Skegby and further powers were conferred upon the Company :

And whereas the light railways authorised by the said Orders of 1920 and 1926 have not been constructed by the Company :

[Price 1s. 6d. Net.] A

A.D. 1929.

And whereas it is expedient that the Company be authorised to provide and run trolley vehicles along the streets and roads in which the light railways of the Company are constructed and along other routes and to run omnibuses and that the provisions contained in this Act with respect thereto should be enacted :

And whereas it is expedient that the name of the Company be changed as provided by this Act and that such other powers be conferred upon the Company and such other provisions be made as are in this Act more particularly set forth :

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 :—

PRELIMINARY.

Short title. 1. This Act may be cited as the Mansfield District Traction Act 1929.

Citation of Acts. 2. The Mansfield and District Light Railways Orders 1901 to 1926 and this Act may be cited together as the Mansfield District Traction Acts 1901 to 1929.

Incorporation of Act. 3. Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts is incorporated with and forms part of this Act.

Interpretation. 4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

“ The Order of 1901 ” “ the Order of 1907 ” “ the Order of 1920 ” and “ the Order of 1926 ” mean respectively the Mansfield and District Light Railways Order 1901 the Mansfield and District Light Railways (Extensions) Order 1907 the

Mansfield and District Light Railways (Extensions) Order 1920 and the Mansfield and District Light Railways (Extensions &c.) Order 1926; A.D. 1929.

“The existing Orders” means the Mansfield and District Light Railways Orders 1901 to 1926;

“The existing light railways” means the light railways constructed by the Company under the powers of the existing Orders;

“The authorised light railways” means the light railways authorised by the Order of 1920 and the Order of 1926;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

“The trolley vehicles” means the trolley vehicles provided worked and run by the Company under the powers of this Act;

“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;

“Trolley vehicle routes” means the routes upon which the Company are by this Act or by an Order under the section of this Act the marginal note whereof is “Minister may authorise new routes” authorised to work and use trolley vehicles;

“Omnibus” shall have the meaning assigned to that expression in section 14 of the Roads Act 1920;

“Omnibus routes” means any routes upon which the Company work and run omnibuses under the section of this Act the marginal note whereof is “Power to run omnibuses”;

“Specified routes” means the routes of the existing light railways and the new routes described in and authorised by subsection (2) of the section of this Act the marginal note whereof is “Power to use trolley vehicles”;

A.D. 1929.

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

“ The Minister ” means the Minister of Transport ;

“ The directors ” and “ the secretary ” mean respectively the directors and the secretary of the Company.

LIGHT RAILWAYS TROLLEY VEHICLES AND
OMNIBUSES.

Power to
use trolley
vehicles.

5. The Company may subject to the provisions of this Act provide maintain and equip trolley vehicles and work and run the same—

(1) In the borough of Mansfield the urban districts of Mansfield Woodhouse Sutton-in-Ashfield and Hucknall-under-Huthwaite in the county of Nottingham along the routes of all or any of the existing light railways ; and

(2) Along the following routes (that is to say) :—

(i) In the borough of Mansfield commencing in Nottingham Road at the terminus of the existing light railways and proceeding in a south-easterly direction along and terminating in that road at its junction with Eastwood Road ;

(ii) In the borough of Mansfield commencing at the junction of Leeming Street and Clumber Street and proceeding along Clumber Street and terminating at the junction of Clumber Street and Westgate ;

(iii) In the urban district of Hucknall-under-Huthwaite commencing at the terminus of the existing light railways and proceeding along Blackwell Road to its junction with Main Street and Common Road thence along Main Street to its junction with Market Street thence along Market Street and terminating at the junction of Market Street and Blackwell Road ;

(iv) In the urban district of Mansfield A.D. 1929.
Woodhouse commencing in High Street at
the terminus of the existing light railways
and proceeding through the Square leading
to Albert Street and terminating at the
commencement of Albert Street;

(v) In the borough of Mansfield com-
mencing in Portland Street Pleasley at the
terminus of the existing light railways and
proceeding in a north-westerly direction along
Portland Street to the western side of Meden
Square thence through Meden Square and
terminating at the junction of the eastern
side of Meden Square and Portland Street :

Provided that before equipping any route for
working trolley vehicles to include a turning point
or before arranging for a new turning point on any
route the Company shall submit plans of the turning
point to the Minister for approval and shall also submit
a copy of such plans to the road authority and that
before approving any such plans the Minister shall
give to the local authority and the road authority an
opportunity of making representations with reference
thereto and shall consider any such representations
which may be made to him.

6.—(1) The Company may abandon and discontinue
the whole or any part of any of the existing light
railways if and when they have provided along the
route thereof apparatus and equipment for the working
of trolley vehicles in pursuance of the powers of the
section of this Act of which the marginal note is “As
to electrical works” and have given to the road authority
not less than one month’s previous notice of their
intention to abandon and discontinue such light railways
or any of them or any part thereof.

As to aban-
donment of
existing
light
railways.

(2) When the Company have in pursuance of
the foregoing provisions of this section abandoned
and discontinued the whole or part of any of the existing
light railways they may and if required by the road
authority shall forthwith take up and remove the rails and
paving setts of the light railway or part thereof so
abandoned and discontinued and such of the apparatus
and equipment provided or used for the purposes thereof

A.D. 1929. or in connection therewith (hereinafter in this section
— called "light railway apparatus") as shall not be adapted
altered or reconstructed for the purpose of working
the trolley vehicles :

Provided that the removal of any such rails paving
setts and light railway apparatus shall (unless the
road authority otherwise consent in writing) be carried
out in sections each having a maximum length of
one-half of a mile (the Company being at liberty to
proceed simultaneously with any two or more sections
not being contiguous sections) and that until the road
upon any such section shall have been restored under
the provisions of subsection (3) of this section the
removal of any such rails paving setts and light railway
apparatus on any other section within one half of a
mile shall not be commenced.

(3) On the taking up and removal of any such rails
paving setts or light railway apparatus the Company
shall (except where the rails paving setts or apparatus
are not situate in a road dedicated to public use and
except as mentioned in subsection (4) of this section)
with all convenient speed and in all cases within six
weeks (unless the road authority otherwise consent in
writing) fill in the ground and make good the surface
and to the satisfaction of the road authority restore
the portion of road upon which such rails paving setts
and light railway apparatus were laid or placed to as
good a condition as that in which it was before the rails
paving setts and light railway apparatus were laid or
placed thereon and shall clear away all surplus paving
or metalling material or rubbish occasioned by such
work and they shall cause the place where the road is
opened or broken up to be fenced and watched and to be
properly lighted at night until such filling in making good
restoration and clearing away as aforesaid has been
completed or (in cases where the works necessary for
the restoration are done by the road authority under
the provisions of the proviso to this subsection) until the
removal of such rails paving setts and light railway
apparatus has been completed:

Provided that the road authority (if they think
fit) may within one month after the service upon them
of the notice referred to in subsection (1) of this section
give notice to the Company that they desire themselves

to do the works necessary for the restoration of the road and the Company shall in lieu of carrying out the said works pay to the road authority in respect of the light railway or part thereof to be abandoned by the Company a sum calculated on the basis of five shillings and sixpence per superficial yard of the portion of road so to be restored which the Company are at the date of the passing of this Act liable to maintain such sum to be paid in respect of any portion of road as and when the restoration thereof is completed. A.D. 1929.

(4) When the Company have in pursuance of the foregoing provisions of this section abandoned and discontinued the whole or part of the existing light railways which are laid on sleeper track in Sutton Road in the borough of Mansfield and the urban district of Sutton-in-Ashfield they may and if required by the road authority shall forthwith take up and remove the rails sleepers or light railway apparatus of the said light railways or part thereof so abandoned and discontinued. If and when the road authority carry out any improvement or widening of the carriageway of the said road which involves the inclusion therein of any portion of the said road on which the said sleepers or light railway apparatus were laid or placed the Company shall pay to the road authority the sum of five hundred pounds.

(5) As from the date on which the Company abandon and discontinue the whole or any part of any of the existing light railways in pursuance of the foregoing provisions of this section they shall cease to be under any obligation to use the same or to run carriages thereon or to maintain repair or widen any part of the roadway or land in which the same is situate.

7. The Company shall abandon the construction of the authorised light railways. Abandonment of authorised light railways.

8. The abandonment by the Company under the authority of this Act of the authorised light railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of the authorised light railways and shall not prejudice or affect the right of the owner or occupier Compensation for damage to land by entry &c. for purposes of authorised light railways.

A.D. 1929. — of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 the Order of 1920 or the Order of 1926.

Compensation to be made in respect of abandonment of authorised light railways.

9. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the authorised light railways the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Minister may authorise new routes.

10.—(1) If at any time hereafter the Company desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the roads along which they are authorised to use trolley vehicles under the foregoing provisions of this Act) they may make application to the Minister and the Minister is hereby empowered to make a Provisional Order authorising the use by the Company of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road to which such application relates and containing such incidental provisions as the 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.

(2) No application under this section shall be entertained by the Minister unless the Company shall—

(a) have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating

A.D. 1929.

in the borough or district to which the application relates notice of their intention to make such application and have published the like notice once in one or other of the same months in the London Gazette;

- (b) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

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

(3) The Minister 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 shall consider any such application and may if he thinks fit direct an inquiry in relation thereto to be held or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that 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) No Provisional Order shall be made without the consent of the local authority of the district in which the route is situate and (where the local authority are not the road authority) without the consent of the road authority.

(6) In any case where it shall appear to the Minister 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 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 section shall not have any operation.

(7) 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

A.D. 1929. — 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.

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

(9) 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.

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

As to
electrical
works.

11.—(1) Subject to the provisions of this Act the Company may in under or over the surface of the streets or roads along or adjoining those along which they are or may be 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 of Part II of the Tramways Act 1870 as incorporated with this Act and the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder :

Provided that—

- (a) no apparatus shall be erected on the carriage-way of any public street or road except with the consent of the Minister ;
- (b) all posts and apparatus erected by the Company under this section in any street or road shall be of such design as the local authority and road authority may approve and such

A.D. 1929.

posts and apparatus and all apparatus placed or laid under any street or road shall be placed in such position as the local authority and road authority may approve;

- (c) the route in which any apparatus is to be placed or erected for the purposes of connecting the trolley vehicle routes or any of them with a generating station shall be approved by the local authority and (if the local authority are not the road authority) the road authority;
- (d) any approval of a local or road authority under the aforesaid provisos (b) and (c) shall not be unreasonably withheld.

(2) The Company may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided for working the existing light railways.

(3) If any post bracket or overhead wire erected or used for the purposes of the trolley vehicles becomes owing to the construction of any new road or any road widening or improvement in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority may direct but the Company may appeal against the direction to the Minister and the decision of the Minister shall be final.

(4) No advertisement (other than notices relating to the Company's undertaking) shall be displayed on any apparatus erected or used upon any road or bridge under the powers of this Act without the consent of the local and road authority.

(5) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

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

A.D. 1929.
 —
 Period for
 completion
 of trolley
 vehicle
 equipment.

12. If within two years from the passing of this Act the Company shall not have commenced to run trolley vehicles along any of the specified routes the powers conferred by this Act with reference to the running of trolley vehicles along the route or routes along which the Company have not commenced to run trolley vehicles shall cease to be exerciseable as from the expiration of that period.

Company
 to have
 exclusive
 right of
 using trol-
 ley vehicle
 apparatus.

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

Trolley
 vehicles
 not to be
 deemed
 light loco-
 motives or
 motor cars.

14.—(1) The trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any of the provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the trolley vehicles.

(2) The trolley vehicles shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Acts 1847 and 1889.

Licence
 duties on
 trolley
 vehicles.

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

Approval
 of vehicles
 and equip-
 ment by
 Minister.

16.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister may approve and no trolley vehicle shall be used by the Company which does not comply with the requirements of the Minister.

(2) The Company shall not (unless the Minister otherwise approves) use on any trolley vehicle run by them any tyres other than pneumatic tyres. A.D. 1929. —

(3) The Minister before giving any approval under subsection (1) of this section shall give to the road authority an opportunity of making representations with reference to the matter in question and shall consider any such representations which may be made to him.

(4) Before applying to the Minister for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Company shall give to the railway company notice of the weight of the trolley vehicles proposed to be used by them upon such road and the 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 the bridge is insufficient to carry trolley vehicles of such weight. Provided that a copy of the objections shall be sent by the railway company to the Company at the same time as they are sent to the Minister.

17. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister. Inspection by Minister.

18. The Company shall at all times after the opening of any of the trolley vehicle routes for public traffic provide such service of trolley vehicles thereon (including through services) as may together with any omnibus services provided by the Company in accordance with the provisions of this Act be reasonably required in the public interests and the Company shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail (unless for reasons beyond their control) to comply with the provisions of this section. Any question which may arise as to the service of trolley vehicles required in the public interests shall be determined on the application of the Company or of a local authority by the Minister whose decision shall be final. Company to provide reasonable service.

19.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the Application of certain

A.D. 1929. — provisions of Tramways Act 1870 to trolley vehicles. purposes and are not inconsistent with the provisions of this Act) shall apply to the trolley vehicles, and the apparatus used under the authority of this Act and for the purpose of such application such provisions shall be read and have effect as if the apparatus to be constructed or used 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 :—

Part II (Relating to the construction of tramways) except sections 22 25 28 and 29 ;

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

Section 42 (Proceedings in case of insolvency of promoters) ;

Section 44 (Power of sale) ;

Section 46 (Byelaws by local authority Promoters may make certain regulations) ;

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) ;

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).

(2) Nothing in this Act 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.

20. In the application of section 30 of the Tramways Act 1870 to the trolley vehicles and the apparatus used under the authority of this Act the provisions of that section shall be read and have effect as if "local authority" were mentioned in that section in addition to "company persons or person" Provided that any penalty to be recovered under subsection (5) of that section shall be appropriated to that fund of the local authority to which their revenues in respect of gas or water (as the case may be) are appropriated.

A.D. 1929.

—
 For protec-
 tion of gas
 and water
 mains of
 local
 authorities.

21. The trolley vehicles may be moved subject to the following provisions by mechanical power (that is to say) :—

Provisions
 as to motive
 power.

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister :
- (2) The Minister shall make regulations (in this Act referred to as "the mechanical power regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power for the trolley vehicles and for regulating the use of electrical power :
- (3) The Company or any other company or person using any mechanical power for the trolley vehicles contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also if a continuing offence to a further penalty not exceeding five pounds for every day during which the offence is continued after conviction thereof :
- (4) The Minister if he is of opinion—
 - (a) that the Company or such other company or person have or has made default in complying with the provisions of this Act or of the mechanical power regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
 - (b) that the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

A.D. 1929.

may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister may impose and the Company or such other company or person shall comply with every such order. In every such case the Minister shall make a special report to Parliament notifying the making of such order.

Provisions
as to use of
electrical
power.

22. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the trolley vehicles :—

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their trolley vehicle undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the mechanical power regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus

if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the mechanical power regulations and in prescribing such means the Minister shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking: A.D. 1929.
—

- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything in this section such difference shall unless the parties otherwise agree be determined by the Minister or at his option by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) The Company using electrical power contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also if a continuing offence to a further penalty not exceeding five pounds for every day during which the offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Minister if in his opinion the Company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the

A.D. 1929.

mechanical power regulations may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Minister and in every such case the Minister shall make a special report to Parliament notifying the making of such order :

- (8) The expression " Company " in this section shall include any person owning working or running trolley vehicles on any of the trolley vehicle routes.

Byelaws.

23. Subject to the provisions of this Act the Minister may make byelaws with regard to any of the trolley vehicles for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the trolley vehicles :

For providing that the trolley vehicles shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Minister may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the trolley vehicles and the protection of passengers from the machinery of any of the trolley vehicles :

For providing for the due publicity of all byelaws and mechanical power regulations in force for the time being in relation to the trolley vehicles by exhibition of the same in conspicuous places on the trolley vehicles and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Minister under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Application
to trolley
vehicles of
certain
provisions
of existing
Orders.

24.—(1) The following sections of the existing Orders shall so far as the same are applicable extend and apply to the trolley vehicles and the apparatus used under the authority of this Act and to the Company in respect thereto in as full and complete a manner as if

the said sections (with all necessary alterations and with the substitution of the word "Minister" for the words "Board of Trade") were re-enacted in this Act (that is to say) :— A.D. 1929.
 —

The Order of 1901—

- Section 12 (Power to make crossings);
- Section 13 (Power to generate electricity);
- Section 40 (Right of access to sewers &c.);
- Section 43 (Agreements with adjoining owners &c.);
- Section 57 (Supply of electrical energy).

The Order of 1907—

- Section 18 (For protection of Postmaster-General as amended by section 4 (2) of the Order of 1926.

The Order of 1920—

- Section 10 (As to use of posts by Postmaster-General);
- Section 13 (Breaking or falling wires);
- Section 15 (Power to enter into agreements for supply of electric power);
- Section 16 (Power to lease railway);
- Section 28 (Power to pay interest out of capital during construction):

Provided that for the purposes of such extension and application—

- (i) The said section 57 of the Order of 1901 shall be read and have effect as if the passing of this Act had been referred to therein instead of the commencement of the Order of 1901; and
- (ii) The said section 28 of the Order of 1920 shall be read and have effect as if the period limited by this Act for the completion of the trolley vehicle equipment were referred to therein instead of the period limited by the Order of 1920.

(2) Nothing in this Act shall relieve the Company from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 to the establishment of any generating station.

A.D. 1929.

—
For protec-
tion of road
authorities.

25. The following provisions for the protection of the Nottinghamshire County Council the mayor aldermen and burgesses of the borough of Mansfield and the urban district councils of Sutton-in-Ashfield and Mansfield Woodhouse (each of whom is in this section referred to as "the road authority") shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of the trolley vehicles on and the execution of any works affecting any road vested in or maintained by or at the expense of the road authority forming part of the trolley vehicle routes (that is to say) :—

- (1) If the Company in the execution of any works in or affecting any such road shall cause any damage injury or disturbance to such road or any road bridge culvert drain or other work and shall fail properly to make good all such damage injury or disturbance then it shall be lawful for the road authority after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Company shall repay to the road authority all costs charges and expenses which the road authority shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :
- (2) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of the trolley car :
- (3) If it becomes necessary that the working of the trolley vehicles over any road bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the road authority give the Company 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 road authority shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid : A.D. 1929.
—

- (4) The Company shall not without the consent in writing of the road authority (which consent shall not be unreasonably withheld) place 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 road authority in connection with the maintenance reconstruction or alteration of any such bridge :
- (5) If any difference arises under this section between the Company and the road authority the same shall be settled by an engineer to be appointed at the request of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

26. For the protection of the mayor aldermen and burgesses of the borough of Mansfield (in this section referred to as "the corporation" and "the borough" respectively) the following provisions shall unless otherwise agreed in writing between the Company and the corporation apply and have effect (that is to say) :—

For protection of corporation of Mansfield.

- (1) If the corporation shall at any time make up the grass verge at the junction of Nottingham Road and Eastwood Road in the borough and the Company shall construct a turning point at the said junction of roads the Company shall on the completion of such construction repay to the corporation the cost not exceeding two hundred pounds reasonably incurred by them in making up the said grass verge :
- (2) The Company shall not equip the route authorised by the section of this Act of which the marginal note is "Power to use trolley vehicles"

A.D. 1929.

and described in paragraph (ii) of subsection (2) of that section for the working of trolley vehicles unless and until the carriageway in Clumber Street has been widened to a width of twenty feet :

- (3) If the Company equip the route authorised by and described in paragraph (v) of subsection (2) of the said section and the corporation shall at any time execute the widening on the north-west corner of Meden Square at its junction with Portland Street shown on the plan marked " A " and signed in duplicate by William Clarke Bryden on behalf of the Company and by John Schofield Robinson on behalf of the corporation the Company shall on the completion of the said widening or on the completion of the equipment of the said route whichever shall last happen pay to the corporation one half of the cost reasonably incurred in the execution of the said widening or the sum of three hundred pounds whichever shall be the less :
- (4) Any difference which shall arise under this section between the Company and the corporation shall be settled by an engineer to be appointed on the application of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Mansfield
Woodhouse
Urban
District
Council.

27. For the protection of the urban district council of Mansfield Woodhouse (in this section referred to as " the council ") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say) :—

- (1) If the Company equip the route authorised by the section of this Act of which the marginal note is " Power to use trolley vehicles " and described in paragraph (iv) of subsection (2) of that section (in this section referred to as " the new route ") and the council shall at any time execute the widening at the junction of High Street Albert Street and Portland Street shown on the plan marked " B " and signed in duplicate by William Clarke Bryden on

behalf of the Company and by Albert Mayhall on behalf of the council the Company shall on the completion of the said widening or on the completion of the equipment of the said route whichever shall last happen pay to the council one half of the cost reasonably incurred in the execution of the said widening or the sum of three hundred and fifty pounds whichever shall be the less : A.D. 1929.

- (2) Any difference which shall arise under this section between the Company and the council shall be settled by an engineer to be appointed on the application of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

28. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (each of whom are in this section respectively referred to as "the railway company") shall unless otherwise agreed in writing between the Company and the railway company apply and have effect in relation to the trolley vehicles (that is to say) :— For protection of certain railway companies

- (1) All apparatus authorised by or in pursuance of this Act where the same shall be erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the railway company or which will otherwise affect the same shall be erected or placed and maintained according to plans and particulars to be previously submitted to and approved by the railway company or in case of difference between them and the Company by an arbitrator to be appointed as hereinafter provided Provided that if the railway company shall not within twenty-eight days from the delivery of such plans and particulars signify their approval or disapproval thereof they shall be deemed to have approved thereof :
- (2) All such apparatus shall be erected or placed under the superintendence (if such superintendence be given) and to the reasonable

A.D. 1929.

satisfaction of the railway company The Company shall so construct maintain and use the apparatus as not to affect injuriously any such bridge or approaches or other work and in the event of any injury being occasioned to such bridge or approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the railway company may make good the injury and may recover from the Company the reasonable expenses of so doing:

- (3) The Company shall bear and on demand pay to the railway company the reasonable expense (if any) incurred by the railway company of and in connection with the employment by the railway company during the execution or repair by the Company under or in pursuance of this Act of any apparatus affecting any railway bridge or other work belonging to or maintainable by the railway company of such inspectors signalmen and watchmen as may be necessary for inspecting watching and protecting the said railways and works and the conduct of the traffic thereon with reference to and during the execution or repair of any apparatus of the Company and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of either of them or otherwise:
- (4) The Company shall not in any manner in the execution maintenance or repair of any apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or maintainable by the railway company or any traffic thereon:
- (5) The Company shall be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to the railway 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 railways or to any company or person using the same by or by reason of the execution

A.D. 1929.

or failure of any of the said apparatus or by or by reason of any act default or omission of the Company or of any person in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (6) If the railway company shall hereafter require to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which the apparatus is laid or to widen or alter any railway thereunder or thereover the Company shall afford to the railway company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such apparatus be taken up diverted or removed and if the railway company accordingly give to the Company twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Company and under their superintendence (if they shall give such superintendence) but no such working or user 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 apparatus shall be restored with all practicable dispatch and the railway company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (7) If and when the railway company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Company has been placed the Company shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or

A.D. 1929.

painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Company and the engineer of the railway company or failing agreement as shall be determined by arbitration under this section unless the Company shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer. Provided that the Company 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 railway company :

- (8) If having regard to the proposed position of any apparatus of the Company when considered in relation to the position of the works of the railway company at any point where any apparatus will be constructed over or under any railway or other works of the railway 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 or apparatus for traction purposes of the railway company shall be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the railway company by the Company :
- (9) The Company shall not make any additional attachments to any part of any bridge station depôt or other property forming part of the railway of the railway company without the consent in writing of the engineer of the railway company which consent shall not be unreasonably withheld and such attachments if allowed shall be temporarily removed at any time when reasonably required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge station depôt or other property :
- (10) If any difference arises under this section between the Company and the railway company

the same shall be settled by an arbitrator 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 Act 1889 shall apply to any such arbitration. A.D. 1929.

29. Notwithstanding anything in the existing Orders or this Act or any provisions of the Tramways Act 1870 incorporated with those Orders or this Act or any of them the following provisions shall (unless otherwise agreed between the Company and the local authority of any district in which any of the trolley vehicles or light railways of the Company are situate) have effect with reference to the purchase by the local authorities of the undertaking of the Company (other than the omnibus undertaking) authorised by the existing Orders and this Act (hereinafter in this section referred to as "the undertaking") :— Power to local authorities to purchase undertaking.

(1) Subject as hereinafter provided it shall be lawful for the local authorities if by resolution passed at a special meeting of each of the local authorities they so decide to purchase on the thirty-first day of December one thousand nine hundred and fifty-nine or the thirty-first day of December in every subsequent tenth year (but at no other date) so much of the undertaking as is situate within their respective districts upon terms of paying the fair market value of such portion of the undertaking as a going concern but without any addition in respect of compulsory purchase which value shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870 :

(2) The powers of compulsory purchase conferred on the local authorities by this section shall be exerciseable only upon and subject to the following terms and conditions (that is to say) :—

(a) The Company shall not be required to sell any part of the undertaking unless each of the local authorities in whose districts the undertaking is situate purchases at one and the same time the portion of the undertaking

A.D. 1929.

in their district. Provided that if the Corporation of Mansfield either alone or together with any other local authority or authorities decide to purchase the undertaking and any of the local authorities be unwilling to join in such purchase the said corporation or the local authorities serving notice in that behalf upon the Company may exercise the powers of purchasing the undertaking under this section;

(b) if the local authorities decide to purchase the undertaking they shall give to the Company notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase;

(c) the sum to be paid to the Company in respect of such purchase shall if not agreed be determined by one and the same referee nominated under the said section 43 of the Tramways Act 1870 and in one and the same proceeding but the said referee shall by his award determine separately as respects each of the local authorities the value of the undertaking situate in the district of that local authority including all lands buildings works materials and plant of the Company suitable to and used by them for the purposes of the undertaking within such district;

(d) the respective sums to be paid to the Company by each of the local authorities shall together be equal to the fair market value of the undertaking as a going concern:

(3) Subject to the foregoing provisions of this section the said section 43 of the Tramways Act 1870 and subsection (1) of section 43 (Provisions as to purchase) of the Order of 1907 shall apply to the purchase of the undertaking by the local authorities or by the said corporation either alone or together with any other local authority under this section as if the said section 43 with any necessary modifications were re-enacted in this Act:

(4) On any sale to the local authorities such arrangements as may be approved by the Minister

shall be made for vesting in each local authority the portion of the undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the undertaking and the sale shall not take effect until an instrument has been properly executed in a form approved by the Minister for carrying into effect such arrangements. A.D. 1929.
—

30.—(1) The Company may at any time with the consent of the Minister sell their undertaking to the corporation of Mansfield (if the corporation shall have decided by special resolution to make such purchase) or to any company or person. Power of sale.

(2) The Company may with the like consent sell so much of the undertaking as is within the district of any local authority to such authority if such authority shall have decided by special resolution to make such purchase.

31. Where any purchase of the undertaking or any part thereof is made by any local authority under the provisions of this Act they may pay the purchase money and all expenses incurred by them in relation to such purchase out of the like rate or fund and with the like power to borrow on the security of the same— Provisions as to purchase.

(a) in the case of the corporation of Mansfield or an urban district council as if such purchase money and expenses were expenses incurred in applying for obtaining and carrying into effect a Provisional Order obtained by a local authority under the Tramways Act 1870;

(b) in the case of a rural district council as if such purchase money and expenses were general expenses incurred in the execution of the Public Health Act 1875 Provided that such rural district council shall keep separate accounts of all their receipts and expenditure in respect of the part of the undertaking so purchased.

32.—(1) The Company may provide maintain work and run omnibuses along the specified routes and along any other routes in the borough of Mansfield the urban districts of Mansfield Woodhouse Sutton-in-Ashfield and Hucknall-under-Huthwaite and the rural districts of Power to run omnibuses.

A.D. 1929. Southwell and Skegby and also in any district in which
— the Company are by an Order under the section of this
Act the marginal note whereof is "Minister may authorise
new routes" authorised to use trolley vehicles.

(2) The Town Police Clauses Acts 1847 and 1889 shall subject to the provisions of this Act apply to any omnibus supplied or used under this section.

(3) The powers of this section shall be exerciseable by the Company subject to such byelaws as the licensing authority or licensing authorities of the borough district or districts in which such omnibuses may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses.

(4) The Company may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running maintenance and equipment of the omnibuses provided by the Company under this Act.

(5) The Company may make byelaws for regulating the travelling in or upon such omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Company in connection therewith.

(6) Any omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General.

(7) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Company as if they were carriages used on tramways.

(8) (a) If the local authorities of the districts in which the undertaking of the Company (other than the omnibus undertaking) is situate or the corporation of Mansfield either alone or together with any other local authority or authorities decide to purchase the undertaking in manner provided by the section of this Act whereof the marginal note is "Power to local authorities to purchase undertaking" such authorities or the said

corporation alone or together with any such other authority or authorities may and shall also purchase so much of the omnibus undertaking as is carried on in such districts and the provisions of the said section and of the section of this Act whereof the marginal note is "Provisions as to purchase" shall extend and apply to the purchase of the said portion of the omnibus undertaking and any question arising as to the portion of the omnibus undertaking so purchaseable shall be determined by the referee. A.D. 1929.

(b) After the completion of the purchase of the said portion of the omnibus undertaking the powers of the Company under this Act to provide maintain work or run omnibuses in such districts shall cease to such extent as the Minister may after inquiry by order determine and the provisions of the section of this Act whereof the marginal note is "Restricting running of omnibuses in competition" shall inure for the protection of the local authorities or authority in respect of the portion of the undertaking of the Company purchased by them.

33. The following sections of the existing Orders shall so far as the same are applicable extend and apply to the trolley vehicles and omnibuses of the Company and to the trolley vehicle routes and omnibus routes and to the Company in respect of the purposes of this Act in as full and complete a manner as if the said sections (with all necessary alterations and with the substitution of the word "Minister" for the words "Board of Trade") were re-enacted in this Act (that is to say):—

Application to trolley vehicles and omnibuses of certain provisions of existing Orders.

The Order of 1901—

- Section 49 (As to removal of snow &c.);
- Section 63 (As to fares on Sundays and holidays);
- Section 64 (Passengers' luggage);
- Section 65 (Tolls for use of railway);
- Section 66 (Cheap fares for labouring classes) as amended by section 3 (3) of the Order of 1920;
- Section 68 (Payment of rates and charges);
- Section 87 (Power of sale);
- Section 89 (Effect of sale of undertaking);
- Section 97 (Form and delivery of notices).

A.D. 1929.

The Order of 1920—

Section 18 (Rates for passengers).

The Order of 1926—

Section 20 (Power to require intending passengers to wait in lines or queues);

Section 21 (Stopping and starting places);

Section 22 (Power to reserve cars for special purposes);

Section 23 (Through cars);

Section 25 (Trees or shrubs overhanging roads &c.);

Section 26 (Removal of obstructions):

Provided that for the purposes of such extension and application—

(i) the words “ (the Company nevertheless not being “required to take any fare less than twopence “for any distance exceeding half a mile)” shall be deemed to be omitted from the said section 18 of the Order of 1920; and

(ii) any starting or stopping station or place appointed by the Company under the said section 21 of the Order of 1926 and any regulations made by the Company thereunder for fixing the time during which trolley vehicles and omnibuses shall be allowed to remain at any starting or stopping place shall be subject to the previous approval of the road authority which approval shall not be unreasonably withheld:

Provided further that the Company shall not erect or maintain any barriers or posts or require persons waiting to enter trolley vehicles or omnibuses to wait in any line or queue or appoint any stopping or starting place so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to the London and North Eastern Railway Company or the London Midland and Scottish Railway Company.

Parcels &c.

34.—(1) The Company may if they think fit convey on the trolley vehicles and omnibuses parcels not exceeding fifty-six pounds in weight and dogs whether in the care of passengers or otherwise.

(2) The Company may demand and take for the conveyance of any dog a sum not exceeding the fare payable by a passenger travelling between the same stage points and for parcels (other than passengers' luggage referred to in the immediately preceding section of this Act) carried in the trolley vehicles or omnibuses charges not exceeding such maximum charges as may from time to time be approved by the Minister. A.D. 1929.

35.—(1) If at any time after two years from the opening for public traffic of the trolley vehicle routes or any portion thereof or of any omnibus route or after two years from the date of any order made in pursuance of this section in respect of the trolley vehicle routes or omnibus routes or any portion thereof it is represented in writing to the Minister by the local authority of the district in which the trolley vehicle routes or omnibus routes or such portion is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that all or any of the fares or other charges demanded and taken in respect of the traffic on the trolley vehicle routes or omnibus routes or on such portion should be revised the Minister may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the trolley vehicle routes or omnibus routes or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister made in pursuance of this section. Periodical revision of fares and charges.

(2) In considering any representation under this section the Minister shall have regard to the capital of the Company and the provision of a reasonable return thereon subject to such adjustment as the Minister may think fit in respect of any capital expended upon works which by reason of the exercise of the powers of this Act have been superseded.

36. A list of the fares and charges by this Act authorised to be demanded and taken in respect of traffic on the trolley vehicles and omnibuses shall be exhibited in a conspicuous place inside each of the trolley vehicles and omnibuses. List of fares &c. to be exhibited.

A.D. 1929.

—
Restricting
running of
omnibuses
in com-
petition.

37.—(1) If and so long as the service or services of transport provided by the Company along any specified route adequately meets the requirements of such route it shall not be lawful except as hereinafter in this section provided or in pursuance of a working agreement to which the Company are a party for any local authority company body or person except the Company or a railway company in pursuance of their statutory powers to run omnibuses along such route or along any other route in competition with such service or services of the Company.

(2) Any failure on the part of the Company to afford an adequate service along any such route which is due to strikes or unforeseen accidents or circumstances beyond the control of the Company shall not entitle any such company authority body or person to run omnibuses along such route or along any other route in competition therewith.

(3) The licensing authority of the borough or district in which any such route or part thereof is situate may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire. Provided that if any question arises between the Company and any company authority body or person as to whether any route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided. Provided further that the right of the applicant for the licence of appeal to the Minister from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister in making any order under that section shall have regard to the provisions of this section.

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

(5) Nothing in this section shall be deemed—

A.D. 1929.

- (a) to restrict the running of any omnibus by any such company authority body or person along any specified route or any other route in competition therewith if such omnibus serves a district or districts beyond the districts in which the specified routes are situate and no passenger conveyed by such omnibus is both taken up and set down on any one journey on any specified route or any other route in competition therewith; or
- (b) to prevent the grant or renewal of a licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any of the specified routes or any other route in competition therewith; or
- (c) to prevent the renewal (in the name of the licensee or his personal representative or assignee) by a licensing authority of any licence to ply for hire with an omnibus along a specified route or a particular part of a specified route or a route in competition with a specified route if the licence was on the thirtieth day of November nineteen hundred and twenty-eight in force and applicable to a service of omnibuses which service has since that date been regularly in operation on the same route or part of a route as aforesaid or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee or his personal representative or assignee for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along such route or part of a route as aforesaid. Provided that no omnibus proprietor (other than the Company) shall be entitled to operate along any specified route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were

A.D. 1929.

worked along that route by that omnibus proprietor during the corresponding period of the year preceding the said thirtieth day of November nineteen hundred and twenty-eight and have been regularly in operation along that route during the same period of each year.

(6) If within two years from the passing of this Act or such extended period not exceeding one year as may be allowed by the Minister on the Company satisfying him that such extension is reasonable the Company shall not have commenced to run trolley vehicles along any of the specified routes this section shall as from the expiration of such period as aforesaid cease to operate in relation to any such specified route.

Restricting
advertisements on
trolley
vehicles.

38. The Company shall not allow advertisements (save notices relating to the Company's business or to announcements of bands fêtes and other occasional entertainments which may contribute to increase the Company's traffic) to be placed on the outside of the windows of any of the trolley vehicles nor on the inside of such windows save on the upper portion thereof and then so as not to obstruct the view of passengers seated in the trolley vehicles nor on the outside of the trolley vehicles save above the level of the roof of the lower deck of the vehicles and then of a depth not exceeding eighteen inches and all advertisements shall be so fixed as not to cause any noise or rattling when the trolley vehicle is moving.

Power to
purchase
lands.

39. The Company may purchase by agreement take on lease and hold lands and buildings and may erect on any such lands depôts buildings and sheds for the purposes of their trolley vehicles and omnibuses Provided that the company shall not create or permit any nuisance on any such lands.

Conveyance
of mails.

40. The Company shall perform in respect of their trolley vehicles and omnibuses 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 relates.

Attachment
of signs
indicating
stopping
places.

41.—(1) The Company may attach to any lamp-post pole standard or similar erection erected on or in the highway of or near to any of the trolley vehicle routes

or omnibus routes signs or directions indicating the position of stopping places for trolley vehicles and omnibuses. Provided that in cases where the Company are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Company shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. A.D. 1929.
—

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Company shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Company shall not attach any such sign or direction to any lamp-post pole standard or similar erection belonging to any local authority county council or railway company without the consent in writing of the authority council or railway company.

42. The Company may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any dépôt or building used by them in connection with their trolley vehicle undertaking and omnibus undertaking and at suitable places on any of the trolley vehicle routes or omnibus routes and the Company may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the local authority and the road authority. Cloak-rooms &c.

43. Any property found in any trolley vehicle or omnibus of the Company or in any shelter or waiting-room in connection with their trolley vehicle undertaking or omnibus undertaking shall forthwith be handed to the conductor of the vehicle or be taken to the head office of the Company and if not claimed within six months after Lost property.

A.D. 1929. — the finding thereof the property may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks.

For protection of Nottingham Corporation.

44. Notwithstanding anything contained in this Act the Company shall not without the consent in writing of the lord mayor aldermen and citizens of the city of Nottingham and county of the same city (in this section referred to as "the corporation")—

(1) make any application to the Minister under the section of this Act the marginal note whereof is "Minister may authorise new routes" for a Provisional Order authorising the use by the Company of trolley vehicles; or

(2) run omnibuses

within the city of Nottingham or on any route upon which the Corporation on the first day of January nineteen hundred and twenty-nine were running tramways trolley vehicles or omnibuses.

For protection of railway companies.

45. No shed or shelter or waiting-room shall be erected or maintained and no cloak-room room or shed shall be provided by the Company so as to cause interference with or to render less convenient the access to or exit from any station or dépôt belonging to a railway company nor shall any such shed shelter waiting-room or cloak-room be erected or maintained on any bridge carrying any street or road over the railways of a railway company.

Saving for railway companies.

46. 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.

Working and other agreements.

47.—(1) The Company on the one hand and any local authority company body or person owning or working any light railways trolley vehicles or omnibuses which may be worked with any light railways trolley vehicles or omnibuses of the Company on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

(a) The formation of junctions between the light railways or trolley vehicle systems of the contracting parties;

- (b) The leasing (with the consent of the Minister) working running over using maintaining and managing by either of the contracting parties of the light railways trolley vehicle or omnibus systems or any of the light railways trolley vehicle or omnibus systems of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom; A.D. 1929.
—
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the light railways trolley vehicle or omnibus systems of rolling stock necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the light railways trolley vehicle or omnibus systems of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the light railways trolley vehicle or omnibus systems of the other the light railways trolley vehicle or omnibus systems of the parties so contracting shall for the purposes of calculating maximum fares and charges in respect of conveyance partly over the light railways trolley vehicle or omnibus system of the one party and partly over those of the other be considered as one light railway trolley vehicle or omnibus system as the case may be and the maximum charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(3) Nothing in this section or in any agreement made in pursuance of this section shall authorise any local authority to run omnibuses except—

- (a) upon routes along which the local authority have powers under or in pursuance of an

[Ch. lxxvi.] *Mansfield* [19 & 20 GEO. 5.]
District Traction Act, 1929.

A.D. 1929.

Act or Order to provide omnibus services;
 and

(b) subject to any statutory limitations restrictions
 or obligations imposed on the local authority
 in respect of the exercise of such powers.

(4) In this section the words "light railways"
 includes tramways and tramroads.

Power to
 provide
 vehicles and
 equipment.

48. The Company may manufacture purchase pro-
 vide and hire trolley vehicles omnibuses repairing cars
 and all apparatus and things which may be necessary
 for or incidental to the working of trolley vehicles
 and omnibuses and the exercise of the powers conferred
 on the Company by this Act but nothing in this
 section shall entitle the Company to manufacture
 chassis.

Power to
 hold patent
 rights.

49. The Company may acquire and hold patent
 and other rights and licences (not being exclusive)
 in relation to the manufacture of trolley vehicles
 omnibuses and apparatus and the use of electrical
 power for the purposes of this Act.

Saving
 certain
 powers of
 Mansfield
 Corporation.

50. Nothing in this Act shall limit or affect the
 operation of section 61 (Regulations for controlling
 traffic) or section 62 (Restrictions on omnibuses in
 market place) of the Mansfield Corporation Act 1925
 except that the expression "carriages running on the
 light railways" where used in the said section 61
 shall be deemed to include trolley vehicles running
 on the trolley vehicle routes.

CHANGE OF NAME.

Change of
 name.

51. The name of the Company shall be the
 Mansfield District Traction Company.

MEETINGS DIRECTORS &C.

Quorum of
 directors.

52. The quorum of a meeting of directors shall
 be two when the total number of directors does not
 exceed five and three when the total number of
 directors exceeds five.

Continuing
 directors.

53. The continuing directors may act notwith-
 standing any vacancy in their body but so that if at
 any time the number of the directors shall be less than

the minimum number prescribed by the Order of 1901. A.D. 1929.
the directors shall not act as such except for the
purpose of filling vacancies among the directors and
allotting shares to any proposed director or directors.

54. Notwithstanding anything in the Companies As to
Clauses Consolidation Act 1845 no person shall be qualification
disqualified from being a director by reason of his of directors.
holding any office or place of trust or profit under
the Company or by reason of his being interested in
any contract with the Company nor shall any director
be required to cease from voting or acting as a director
by reason of his accepting any such office or place
of trust or profit or becoming interested in any such
contract Provided that in the case of his being or
becoming interested in any contract with the Company
whether such interests shall arise before or after his
appointment as a director the nature of his interest
in the contract shall be disclosed by him at the
meeting of the directors at which the contract is
determined on if his interest then exists or in any
other case at the first meeting of the directors after
the acquisition of his interest or after his appointment
and that no director shall as a director vote in respect
of any such contract and if he does so vote his vote
shall not be counted but this prohibition shall not
apply to any contract by or on behalf of the Company
to give to the directors or any of them any security
by the way of indemnity.

55.—(1) The directors may appoint one or more Managing
of their body to be managing director or managing directors.
directors of the Company either for a fixed term or
without any limitation as to time and may remove
or dismiss him or them from office and appoint
another or others in his or their place or places.

(2) A managing director while holding that office
shall not be subject to retirement by rotation nor be
taken into account in determining the rotation of
retirement of directors but if he ceases to hold the
office of director from any other cause he shall ipso
facto immediately cease to be a managing director.

(3) Subject to any directions which may be given
in general meeting the remuneration of a managing
director shall from time to time be fixed by the

A.D. 1929. directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

As to
shareholders
register. **56.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary to authenticate the register of the shareholders of the Company by affixing the common seal of the Company to such register.

As to
contracts. **57.** Notwithstanding anything in any Act relating to the Company any contract or agreement required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

Remunera-
tion of sec-
retary and
auditors. **58.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors of the Company.

Auditors. **59.**—(1) The Company shall annually appoint one person or two persons or a firm of accountants to be the auditor or auditors of the Company and such person or persons or the members of such firm shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Minister.

(2) It shall not be necessary for any auditor to hold any shares in the capital of the Company.

MISCELLANEOUS.

Application
of moneys. **60.** The Company may apply to the purposes of this Act being purposes to which capital is properly applicable any moneys which they have already raised or are authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

61. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company and it is provided that such consent or approval shall not be unreasonably withheld any difference as to whether such consent or approval is unreasonably withheld shall be determined by the Minister.

A.D. 1929.

—
 Consents of
 local or road
 authority.

62. All orders regulations and byelaws made by the Minister under the authority of this Act shall be signed by a secretary or an assistant secretary of the Ministry of Transport.

Orders &c.
 of Minister.

63. Any byelaws made by the Company under this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

As to
 making
 of byelaws.

64. In respect of the exercise of any powers or duties conferred on the Minister or the giving by him of any consents under the existing Orders or 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 the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
 Minister.

65. In the accounts of the Company relative to their undertaking the receipts and expenditure upon and in connection with trolley vehicles and omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and from each other and in such accounts capital shall be distinguished from revenue.

Accounts
 to be dis-
 tinguished.

66. The Company shall in every year within three months after the close of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of their annual accounts.

Accounts to
 be furnished
 to Minister.

67. Proceedings for the recovery of any demand made under the authority of this Act or the existing Orders or any subsequent Act relating to the Company or any incorporated enactment whether provision is

Recovery of
 demands.

A.D. 1929. or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c. **68.** Save as otherwise by the existing Orders or this Act expressly provided all offences against the existing Orders and this Act or any incorporated enactment and all penalties forfeitures costs and expenses imposed or recoverable under the existing Orders or this Act or any incorporated enactment or under any byelaw made thereunder respectively may be prosecuted and recovered in a summary manner Provided that costs or expenses (except such as are recoverable along with a penalty) shall not be recovered as penalties but may be recovered summarily as civil debts.

Repeal. **69.—**(1) The following provisions of the existing Orders so far as not heretofore repealed are hereby repealed (namely):—

The Order of 1901—

Section 8 (Quorum of directors);

Section 51 (Local authorities and road authorities may use railway for certain purposes);

Section 86 (Future purchase of undertaking by local authorities);

Section 88 (Provisions affecting purchase by local authorities);

Section 95 (Returns and accounts).

The Order of 1907—

Subsection (12) of section 3 (Amendment of Order of 1901);

Subsection (4) of section 4 (Application to railway of Order of 1901);

Section 40 (Managing director).

The Order of 1920—

Subsection (6) of section 4 (Application to new railway of Orders of 1901 and 1907).

The Order of 1926—

A.D. 1929.

Subsection (8) of section 5 (Application to new railway of Orders of 1901 to 1920).

(2) As from the date when any of the existing light railways is abandoned and discontinued under the provisions of the section of this Act of which the marginal note is "As to abandonment of existing light railways" sections 28 (Repair of part of road where railway is laid) and 32 (Liability of Company to maintain rails &c.) of the Order of 1901 and section 16 (As to wood and asphalt paving) of the Order of 1907 shall cease to apply to and in respect of the light railway so abandoned and discontinued and to the posts brackets and wires used for supplying motive power to the carriages used thereon and as from the date when all the existing light railways have been so abandoned and discontinued the said sections 32 and 16 and any reference to those sections in the existing Orders shall be repealed.

70. 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.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., 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;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT OF THE

COMMISSIONERS OF THE

BOARD OF EDUCATION

FOR THE YEAR

1900-1901

CHICAGO, ILL.

1901

PRINTED BY THE

UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT OF THE

COMMISSIONERS OF THE

BOARD OF EDUCATION

FOR THE YEAR

1900-1901

CHICAGO, ILL.

1901