



CHAPTER clxvii.

An Act to authorise the Corporation of the city of Sheffield to execute certain street improvements and to construct additional tramways to confer on the Corporation further powers with respect to their tramway water and electrical undertakings and to make better provision for the health local government and finance of the city and for other purposes.

A.D. 1912.

[14th February 1913.]

WHEREAS the city of Sheffield (in this Act called "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the lord mayor aldermen and citizens of the city (in this Act called "the Corporation") acting by the council are the urban sanitary authority for the city:

And whereas it is expedient that the Corporation should be empowered to construct the street improvements within the city and to acquire the lands in this Act respectively mentioned or referred to:

And whereas it is expedient that new tramways should be constructed for the purpose of extending and improving the existing tramways of the Corporation and that all necessary powers for that purpose should be conferred upon the Corporation:

And whereas it is expedient that the provisions should be made as in this Act contained with respect to the provision and use by the Corporation of trolley vehicles:

And whereas it is expedient that the Corporation should be authorised to construct the temporary tramroad in connection

A.D. 1912. with their waterworks undertaking in this Act described and that further powers should be conferred upon the Corporation with respect to their water and electrical undertakings:

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government health and improvement of the city and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the following adoptive Acts and Part of Act are in force within the city (that is to say):—

- The Infectious Disease (Prevention) Act 1890;
- The Public Health Acts Amendment Act 1890 (Part III);
- The Public Libraries Acts;
- The Baths and Wash-houses Acts; and
- The Notification of Births Act 1907:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For the purchase of lands for and for the construction of the street improvements by this Act authorised - - - - -	£294,368
For the construction and equipment of the tramways by this Act authorised and for the general purposes of the tramway undertaking - - - - -	£196,853
For the provision of and the electrical equipment for trolley vehicles by this Act authorised - - - - -	£27,192
For the purchase of lands for and for the construction of the tramroad by this Act authorised - - - - -	£5,127
For the purchase of further lands for and for the construction of the Broomhead and More Hall reservoirs and works connected therewith - - - - -	£798,218
For or in connection with the conversion of existing privies into water-closets - - - - -	£60,000
For the purpose of repaying moneys expended in the purchase of lands for and in the construction of the Rivelin Valley Road - - - - -	£60,605

[2 & 3 GEO. 5.] *Sheffield Corporation Act*, 1912. [Ch. clxvii.]

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years: A.D. 1912.

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

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

And whereas plans and sections showing the lines and levels of the proposed works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and with the clerk of the peace for the county of Derby which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirteenth day of December one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Sheffield Daily Telegraph* a local newspaper published and circulating in the city (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the funds rates and revenues of the Corporation:

And whereas the said resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the *Borough Funds Act 1903* have been observed:

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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):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Sheffield Corporation Act 1912.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Street Improvements.

Part III.—Tramways.

Part IV.—Trolley Vehicles.

Part V.—Water.

Part VI.—General Provisions as to Works and Lands.

Part VII.—Electricity.

Part VIII.—Streets and Buildings.

Part IX.—Sanitary Provisions.

Part X.—Financial Provisions.

Part XI.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and Parts of Act so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870:

The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received

by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts. A.D. 1912.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings And— Interpretation.

“The city” means the city of Sheffield;

“The Corporation” means the lord mayor aldermen and citizens of the city;

“The council” means the council of the city;

“The town clerk” “the treasurer” “the medical officer” “the engineer” and “the inspector of nuisances” mean respectively the town clerk the treasurer the medical officer of health the engineer and surveyor and any inspector of nuisances of the city and “medical officer” includes any person duly appointed by the Corporation to discharge temporarily the duties of a medical officer of health;

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

“The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;

“The Act of 1883” means the Sheffield Corporation Act 1883;

“The Act of 1887” means the Sheffield Corporation (Water) Act 1887;

“The Act of 1890” means the Sheffield Corporation Act 1890;

“The Act of 1893” means the Sheffield Corporation (Street Widenings) Act 1893;

“The Act of 1896” means the Sheffield Corporation Water Act 1896;

“The Act of 1897” means the Sheffield Corporation (Streets and Tramways) Act 1897;

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“The Act of 1899” means the Derwent Valley Water Act 1899;

“The Act of 1900” means the Sheffield Corporation Act 1900;

“The Act of 1903” means the Sheffield Corporation Act 1903;

“The Act of 1907” means the Sheffield Corporation Act 1907;

“The tramways” means the tramways by this Act authorised;

“The Corporation tramways” includes the tramways and the existing and authorised tramways of the Corporation;

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

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

“Mechanical power” means steam electrical and any other motive power not being animal power;

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

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the city;

“Daily penalty” means a penalty for every day on which any offence is continued after conviction;

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

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

any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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“Revenues of the Corporation” means and includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the precept of the Corporation.

5. This Act shall be carried into execution by the Corporation acting by the council.

Execution of Act.

PART II.

STREET IMPROVEMENTS.

6. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections and described in the deposited book of reference make and maintain within the city the street improvements and works hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

Power to construct street improvements.

- (1) A widening of Barnsley Road on the east side thereof between Bolsover Road and a point twenty-two yards north thereof:
- (2) A widening of Campo Lane on the south side thereof between points respectively eleven yards and eighteen yards east of Vicar Lane:
- (3) A widening of Wadsley Lane on the north side thereof between the west boundary wall of the Park Hotel premises and a point three yards east of Dixon Road:
- (4) A widening of Chesterfield Road on the north-west side thereof between Holmfirst Road and the eastern corner of the Abbey Hotel:

Also a widening of Chesterfield Road on the south-east side thereof between points respectively one hundred and two yards south of Cobnar Road and two hundred and twenty yards south of Abbey Lane:

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- (5) A widening of Nursery Street on the north-east side thereof between points respectively twenty-six yards north-west of The Wicker and Johnson Lane:
- (6) A widening of Machon Bank Road on the south side thereof between points respectively twenty-two yards east of Violet Bank Road and twenty-eight yards north-west of Nether Edge Road:
- (7) A widening of Clarkehouse Road on the south-east side thereof between Broomgrove Crescent and a point thirty-two yards north-east thereof:
- (8) A widening of Sharrow Vale Road on the south side thereof between points respectively twenty-three yards and thirty-three yards west of Cowlshaw Road:
- (9) A widening of City Road on the south-west side thereof between points respectively four hundred yards and four hundred and forty-three yards north-west of Windy House Lane:
- (10) A widening of Holly Street on the east side thereof between Pinfold Street and Bow Street:
- (11) A widening of Janson Street on the south-west side thereof between Attercliffe Common and a point thirty-five yards south-east of Spring Place:
- (12) A widening of Walkley Lane on the north-east side thereof between a point fifteen yards south-east of Holme Lane and the public footpath leading to Langsett Road:
Also a widening of Sandygate Road and Pitchford Lane between points twenty yards west of Pitchford Lane and Sandygate Road respectively:
- (14) A widening of Ecclesall Road on the east side thereof between points respectively twenty-two yards and seventy-five yards south of Marmion Road:
Also a widening of Ecclesall Road on the east side thereof between points respectively nineteen yards and fifty-two yards north of Psalter Lane:
- (15) A widening of Ecclesall Road on the south side thereof between points respectively seventy yards and one hundred and eight yards west of Cemetery Road:

(16) A widening of Manchester Road and Fulwood Road between points twenty yards west of Fulwood Road and Manchester Road respectively : A.D. 1912.

(17) A widening of Glossop Road and Leavygreave between points respectively seventeen yards west of Leavygreave and seventeen yards north of Glossop Road :

Also a widening of Glossop Road and Brunswick Street between points respectively seventeen yards west of Brunswick Street and seventeen yards south of Glossop Road :

(18) A widening of Penistone Road and Wood Street between points respectively nine yards north-west of Wood Street and eleven yards south-west of Penistone Road :

(19) A new street commencing at a point six yards north of the junction of Waingate and Exchange Street and terminating at the junction of Furnival Road and Blonk Street :

Also a widening of Exchange Street on the north side thereof between the western wall of the Newmarket Inn and a point eight yards east of the eastern wall of the Rotherham House :

Also a widening of Exchange Street on the north side thereof between the west side of the bridge over the River Sheaf and Furnival Road :

Also a widening of Furnival Road on the west side thereof between Exchange Street and the termination of the new street hereinbefore described :

Also a widening of Waingate on the east side thereof between the River Don and the south-west corner of the public-house known as the "Bull and Mouth" :

Also an alteration and regulation of both banks of the River Sheaf between Exchange Street and the confluence of the said river with the River Don and an alteration or diversion of the weir across the said River Sheaf adjoining the Alexandra Theatre :

Also a widening of the Victoria Station Road and Blonk Street between points respectively twenty yards north-east of Blonk Street and twenty-seven yards north-west of Victoria Station Road :

(20) A new street commencing at the north-eastern end of Burslem Street and terminating at the south-western end of Tyler Street :

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(21) A widening of Scotland Street on the south side thereof between West Bar Green and a point ten yards east of Edward Street :

Also on the north side thereof respectively between West Bar Green and a point thirty yards west of West Bar Green and between Meadow Street and a point forty-seven yards east of Meadow Street :

Also an alteration of the levels of Scotland Street on the north side thereof between Snow Lane and a point twenty-five yards west thereof :

Also a widening of Meadow Street on the north-east side thereof between Scotland Street and a point twenty-three yards north-west thereof :

Also a widening of West Bar Green on the west side thereof between Scotland Street and Grindlegate

(22) A widening of Gibraltar Street on the south side thereof between Trinity Street and a point twenty-five yards east thereof.

Power to stop up certain streets.

7. The Corporation may stop up and discontinue as public streets and thoroughfares the whole or any part of the streets known as Grindlegate Castlefold's Lane Chandler's Row Castle Hill and Exchange Lane and the site and soil of those streets where stopped up and discontinued are hereby vested in the Corporation and all rights of way over the same are hereby extinguished :

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Easement for constructing widening of Walkley Lane across River Loxley.

8. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation may purchase and acquire an easement or right of constructing maintaining and using the widening of Walkley Lane by this Act authorised over the bed banks and foreshore of the River Loxley without the Corporation being obliged or compellable to purchase any greater interest in the bed banks and foreshore of the said river.

Limits of deviation for street improvements.

9. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically

from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards. A.D. 1912.

10. If the street improvements and works by this Part of this Act authorised be not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers of the Corporation under this Act for the execution of the same respectively shall cease except so far as the same shall then have been completed. Period for completion of street improvements and works.

11. The provisions contained in the sections of the Act of 1893 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act:— Incorporation of certain provisions of Act of 1893.

The sections hereinbefore referred to are—

- Section 7 (Power to make subsidiary works);
- Section 8 (Alteration of position of mains and pipes);
- Section 9 (Alteration of position of overhead wires &c.);
- and
- Section 18 (Land laid into streets to form part thereof).

12. The following provisions for the protection of the Great Central Railway Company (in this section called "the company") shall unless otherwise agreed apply and have effect (that is to say):— For protection of Great Central Railway Company.

- (1) The Corporation shall in connection with the construction of the new street between Waingate and Blonk Street (being one of the works numbered 19 referred to in the section of this Act whereof the marginal note is "Power to construct street improvements") reconstruct in a suitable condition to bear the traffic upon the said new street and in all respects to the reasonable satisfaction of the engineer of the company the shuttle at the confluence of the covered goit with the River Sheaf under or adjoining the said new road together with so much of the said covered goit as lies between the said confluence with the River Sheaf and the point where the said goit crosses the southern side of Blonk Street and shall maintain the said shuttle and so much of the said goit for a period of twelve months after the same has been completed and after the said period the company shall thereafter maintain the said shuttle and the said portion of the said goit:

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- (2) The Corporation shall at their own expense from and after the commencement of the alteration and regulation of the banks of the River Sheaf for ever maintain and keep in a sound and proper state of repair to the reasonable satisfaction of the engineer of the company the weir across the said River Sheaf adjoining the Alexandra Theatre:
- (3) The Corporation shall give to the company all proper facilities including free access to the said shuttle and covered goit for the purpose of maintaining the said shuttle and the said goit:
- (4) The widening of the Victoria Station Road and Blonk Street (being one of the works numbered 19 referred to in the section of this Act whereof the marginal note is "Power to construct street improvements") shall be carried out in accordance with an agreement made between the company and the Corporation dated the eighth day of January one thousand nine hundred and six so far as the said agreement relates to the said improvement.

PART III.

TRAMWAYS.

Power to
construct
tramways.

13. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which may be necessary for the purposes of laying down any of the said tramways.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 2 (double line 1 mile 2 furlongs 3·4 chains in length) commencing in Chesterfield Road by a junction with the termination of Tramway No. 3 authorised by the Act of 1907 at a point opposite the south-west corner of the Abbey Hotel passing thence along Chesterfield Road into and along Abbey Lane and Abbeydale Road South

and terminating therein by a junction with Tramway No. 3 at a point 15 yards north of Abbey Lane: A.D. 1912.

Tramway No. 3 (double line 7 furlongs 1·6 chains in length) commencing in Abbeydale Road South by a junction with the existing tramways in that road at a point 22 yards south-west of Archer Road passing thence along Abbeydale Road South and terminating in that road 40 yards south-west of Abbey Lane:

Tramway No. 4 (double line 1 furlong 7 chains in length) commencing in Ecclesall Road by a junction with Tramway No. 5 authorised by the Act of 1907 at its termination at a point opposite the north side of Carter Knowle Road passing thence along Ecclesall Road and terminating in Millhouses Lane at a point opposite the south-west side of Ecclesall Hall Road:

Tramway No. 5 (double line 5 furlongs 2·5 chains in length) commencing in Crookes by a junction with the existing tramways therein at a point 25 yards south-east of School Road passing thence along Crookes and Northfield Road and into and terminating in Heavygate Road at a point 40 yards north of Northfield Road:

Tramway No. 6 (double line 4 furlongs 3·8 chains in length) commencing in Middlewood Road by a junction with the existing tramways in that road at a point 15 yards south of Park Side Road passing thence along Middlewood Road and terminating in that road at the city boundary 30 yards south-east of the main entrance to the South Yorkshire Lunatic Asylum grounds:

Tramway No. 8 (double line 4 furlongs 4·5 chains in length) commencing in Fulwood Road by a junction with the existing tramways in that road at a point 12 yards west of Tom Lane and passing thence along and terminating in Fulwood Road at a point opposite the south-west side of Canterbury Lane:

Tramway No. 9 (double line 5 furlongs 1·8 chains in length) commencing in Infirmary Road by a junction with the existing tramways therein at a point 8 yards south-east of Albert Terrace Road passing thence along Infirmary Road Albert Terrace Road Oxford Street and Crookes Valley Road and terminating by a junction with the existing tramways therein at a point 90 yards south-east of Harcourt Road:

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Tramway No. 9A (double line 1·4 chains in length) commencing in Infirmary Road by a junction with the existing tramways therein at a point 12 yards north-west of Albert Terrace Road and terminating in Albert Terrace Road by a junction with Tramway No. 9 at a point 7 yards south-west of Infirmary Road:

Tramway No. 10 (single line 6·8 chains in length) being a doubling of the existing single line of tramway in Crookes Road between points respectively 33 yards north of Spooner Road and 45 yards south of Hoole Road and 7 yards south of Parkers Road and 47 yards south of Roslin Road:

Tramway No. 11 (single line 6·8 chains in length) being a doubling of the existing single line of tramway in Ecclesall Road between points respectively opposite the south-west side of Clarence Street and 40 yards east of Moore Street:

Tramway No. 12 (single line 8·2 chains in length) being a doubling of the existing single line of tramway in Barber Road between points respectively 15 yards south-east of Burns Road and opposite the west side of Barber Place:

Tramway No. 13 (single line 9·1 chains in length) being a doubling of the existing single line of tramway in Staniforth Road between points respectively opposite the south-east side of Chelmsford Street and 4 yards south-east of Westbury Street and 25 yards south-east of Selborne Street and opposite the south-east side of Broad Oaks:

Tramway No. 14 (single line 6 furlongs 2·5 chains in length) being a doubling of the existing single line of tramway in City Road and Main Road Intake between points respectively 51 yards north-west and 298 yards south-east of the southern boundary of City Road Cemetery and 429 yards and 103 yards north-west of Windyhouse Lane and 22 yards north-west and 303 yards south-east of Windyhouse Lane and in City Road 81 yards north-west of Hagg Lane and a point in Main Road Intake 92 yards south-east of Hagg Lane and 170 yards south-east of Hagg Lane and a point opposite the "Woodthorpe Arms" public-house:

Tramway No. 15 (double line 2 furlongs 8·5 chains in length) commencing in Leopold Street by a junction with

the existing tramways in that street at a point 12 yards south-east of Bow Street passing thence across the junction of Bow Street and Church Street and along Townhead Street Tenter Street West Bar Green and West Bar and terminating in West Bar by a junction with the existing tramway therein at a point 24 yards north-west of West Bar Green: A.D. 1912.

Tramway No. 15A (double line 1·8 chains in length) commencing in Church Street by a junction with the existing tramways therein at a point 3 yards east of Leopold Street and terminating in Townhead Street by a junction with Tramway No. 15 at a point 9 yards north-west of Church Street:

Tramway No. 15B (double line 1·8 chains in length) commencing in West Bar Green by a junction with Tramway No. 15 at a point 7 yards south-west of West Bar and terminating in West Bar by a junction with the existing tramways therein at a point opposite the east side of Corporation Street:

Tramway No. 16 (double line 4 furlongs 2·2 chains in length) commencing in West Bar Green by a junction with Tramway No. 15 at a point 30 yards south-west of Scotland Street passing thence along West Bar Green Scotland Street Meadow Street and Watery Street and terminating by a junction with Tramway No. 17 in Uppertorpe Road opposite the west side of Saint Philip's Road:

Tramway No. 16A (double line 2·1 chains in length) commencing in West Bar Green by a junction with Tramway No. 15 at a point 4 yards north of Scotland Street and terminating in Scotland Street by a junction with Tramway No. 16 at a point 25 yards west of West Bar Green:

Tramway No. 17 (double line 2 furlongs 6 chains in length) commencing in Meadow Street by a junction with Tramway No. 16 at a point opposite Sudbury Street passing thence along Meadow Street Netherthorpe Place and Uppertorpe Road and terminating in that road at the junction therewith of Portland Street:

Tramway No. 17A (double line 1·1 chains in length) commencing in Uppertorpe Road by a junction with

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Tramway No. 17 at a point 8 yards east of Oxford Street and terminating by a junction with Tramway No. 9 in Oxford Street at a point 8 yards south of Upperthorpe Road:

Tramway No. 17B (double line 1.1 chains in length) commencing in Upperthorpe Road by a junction with Tramway No. 17 at a point 8 yards west of Albert Terrace Road and terminating by a junction with Tramway No. 9 in Albert Terrace Road at a point 4 yards north of Upperthorpe Road:

Provided that Tramway No. 5 shall not be opened for traffic unless and until the Corporation shall have completed the street widenings shown upon the plan signed in duplicate by Sir Henry Kimber the Chairman of the Committee of the House of Commons to whom this Part of the Bill for this Act was referred one copy of which plan has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords:

Provided also that Tramways Nos. 15 15A 15B 16 16A 17 17A and 17B shall not be opened for traffic unless and until the routes of the said tramways have where required by the Board of Trade been widened to the satisfaction of that Board.

Tramways to form part of Corporation's tramway undertaking.

14. Subject to the provisions of this Act the tramways shall form part of the tramway undertaking of the Corporation and the Corporation and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights and privileges and authorities which they now are or may be empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to their existing tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds as they may now demand and take in respect of the tramway undertaking.

Application of provisions of former Acts to tramways.

15. All the provisions and regulations of the Sheffield Corporation Tramways Act 1896 as amended by the Act of 1900 (except sections 7 and 10 of the said Act of 1896) and of Part III. of the Act of 1897 (except sections 36 37 38 and 39 thereof) and of sections 77 and 78 of the Act of 1900: and of

sections 11 and 12 of the Act of 1907 which relate to the tramway undertaking shall so far as the same are applicable to and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways Provided that section 27 (Power to make additional crossings &c.) of the Act of 1897 and section 77 (Power to make double lines &c. and make additional passing places) of the Act of 1900 as applied by this Act shall be read and have effect as if the words "with the consent of the Board of Trade" had been inserted therein after the word "Corporation" where it first occurs in those sections respectively Provided also that from and after the passing of this Act subsection (2) of section 11 of the Act of 1907 shall be read and have effect as if the words "or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided" were added at the end of that subsection Provided further that no post or other apparatus in connection with the tramways shall be erected on the carriage-way of any street or road except with the consent of the Board of Trade.

16. The carriages used on the tramways may be moved by animal power or 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 Board of Trade:
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:
- (3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to

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a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade 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;

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

Gauge of tramways and width of carriages.

17. The tramways shall be constructed on a gauge of four feet eight and a half inches. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the Corporation tramways but in all cases there shall be a clear space of at least fifteen inches between the sides of cars when passing each other.

Period for completion of tramways.

18. The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For protection of Midland Railway Company.

19. For the protection of the Midland Railway Company (in this section referred to as "the Midland Company") the following provisions in relation to the exercise of the powers of this Part of this Act shall have effect unless otherwise agreed between the Corporation and the Midland Company:—

(1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for the carriages running on the tramways and includes also any brackets wires and apparatus for the purposes of such apparatus : A.D. 1912.

(2) All works by this Part of this Act authorised where the same shall be made upon across or over the bridge carrying Abbey Lane over the railway of the Midland Company at Beauchief and Abbeydale Station or the approaches thereto or other work belonging to or maintainable by the Midland Company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer of the Midland Company or in case of difference by an arbitrator to be appointed as hereinafter provided :

Provided that if the Midland Company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the Midland Company The Corporation shall so maintain and use the works and apparatus as not to injuriously affect such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the works and apparatus upon across under or over the same the Midland Company may make good the injury and may recover from the Corporation the reasonable expense of so doing :

(3) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work

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belonging to the Midland Company or any traffic thereon :

- (4) The Corporation shall be responsible for and make good to the Midland Company all losses damages and expenses which may be occasioned to the Midland Company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the Midland 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 :
- (5) If the Midland Company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair such bridge upon which the works and apparatus are laid or the approaches thereto or to widen or alter any railway thereunder and if it shall be necessary for such purpose that such works and apparatus be temporarily taken up diverted or removed and if the Midland Company accordingly give the Corporation twenty-one days' notice in writing (or in case of emergency such notice as shall be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the tramways or 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 Corporation 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 tramways or apparatus shall be restored with all practicable despatch and the Midland Company shall not be liable to pay compensation in respect of such taking up diversion or removal :

(6) The Corporation shall from time to time pay to the Midland Company any additional expense which the Midland Company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of such bridge approach or other work of the Midland Company by reason of the existence or user of the works or apparatus:

(7) If having regard to the proposed position of any works of the Corporation by this Part of this Act authorised when considered in relation to the position of the works of the Midland Company at any point where the said tramway or any works or apparatus will be constructed over the railway or other works of the Midland Company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company shall be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the Midland Company by the Corporation:

(8) The Corporation shall not for the purposes of this Part of this Act make attachments to any part of the said bridge without the consent in writing of the principal engineer of the Midland Company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said bridge:

(9) If any difference arises under this section between the Corporation and the Midland Company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

20. For the protection of Earl Fitzwilliam and his successors in title to the estate of the Earl known as Ecclesall

For protection of Earl Fitzwilliam.

A.D. 1912. Estate (who with the said Earl are in this section included in the term "the Earl") the following provisions unless otherwise agreed in writing between the Corporation and the Earl shall apply and have effect (that is to say):—

In the event of the Earl within three months from the date of the passing of this Act providing the Corporation free of cost to them (subject to the rights of the lessees and tenants thereof) with a strip of land being part of his said estate sufficient for the purpose of widening to a width of sixty feet the portions of Abbeydale Road South upon which Tramways Nos. 2 and 3 are authorised to be constructed the Corporation shall widen the said road to such width before the said tramways are opened for traffic and so much of the said road as lies between the rails of the tramway and as extends eighteen inches on each side thereof shall unless otherwise agreed by the Earl be paved with wood-paving and the remainder of the said road shall be made up with tar macadam and the Corporation shall not thereafter alter the mode of paving or making up the said portions of road respectively until notice in writing of their intention so to do has been given to the Earl and if within one month from the date of giving any such notice the Earl shall by notice in writing to the Corporation desire some mode of paving or making up other than that proposed by the Corporation to be adopted the matter shall be referred to the engineer as sole arbitrator who shall state in writing the reasons for his decision.

For protec-
tion of
Thomas
Kingsford
Wilson and
James
Dixon.

21. For the protection of Thomas Kingsford Wilson and James Dixon or other the owner and occupier respectively of the property known as Fulwood House the following provisions shall apply and have effect (that is to say):—

Notwithstanding anything contained in this Act the Corporation shall not construct Tramway No. 8 between a point twenty-three yards east of Stumperlow Lane and Stumperlow Hall Road in the position shown upon the deposited plans and sections but the Corporation may construct the said portion of tramway in the line and according to the levels shown on the plan and section signed in duplicate by Sir Henry Kimber the Chairman of the Committee of the House of Commons to whom this Part of the Bill for this Act was referred one copy

of which plan has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords and no portion of Tramway No. 8 shall be opened for traffic unless and until the widening of Fulwood Road and the new road shown upon the said plan have been completed. A.D. 1912.

22. Unless otherwise agreed between the Corporation on the one hand and the urban district council of Handsworth and the county council of the west riding of Yorkshire on the other hand section 8 of the Act of 1907 (For protection of Handsworth Urban District Council and West Riding County Council) shall so far as the same is applicable to and is not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the construction and maintenance of Tramway No. 14 on the main road intake in the urban district of Handsworth. For protection of Handsworth Urban District Council and West Riding County Council.

23. The Corporation may erect and maintain shelters or waiting rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads or public parks and the powers of the Tramways Act 1870 enabling the Corporation to make byelaws shall extend to and shall enable the Corporation to make and enforce byelaws for the regulation use and management of any such shelters or waiting rooms and the provisions of that Act shall apply accordingly: Shelters or waiting-rooms.

Provided that notwithstanding anything in this section contained no shelters or waiting rooms shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Midland Railway Company Any difference arising between the Corporation and the Midland Railway Company shall be determined by an arbitrator to be agreed upon by both parties or failing such agreement to be appointed by the Board of Trade on the application of either party.

24. The Corporation may with the consent in writing of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power: Attachment of brackets to buildings.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they

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may appeal to a petty sessional court which shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

Nothing in this section shall prevent an owner after giving one month's notice to the Corporation from pulling down or removing any building to which any attachment may have been fixed under this section.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Apparatus used for mechanical power to be deemed part of tramways.

25. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the Corporation tramways.

Regulations of Corporation.

26. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

27. The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for the purposes of the tramway undertaking.

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Power to hold patent rights.

28. The period limited by section 15 (Period for completion of tramways) of the Act of 1907 for the construction of Tramway No. 3 and so much of Tramway No. 5 by that Act authorised as has not been completed is hereby extended until the expiration of three years from the second day of August one thousand nine hundred and twelve.

Extension of time for construction of certain tramways authorised by Act of 1907.

PART IV.

TROLLEY VEHICLES.

29. The Corporation may provide maintain and equip but shall not manufacture mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon the routes comprising the following streets and roads:—

Power to use trolley vehicles.

In the city and in the parish of Bradfield in the rural district of Wortley—

Route No. 1 (5 miles 6 furlongs in length) commencing at the termination of the existing tramway at the junction of Holme Lane and Rivelin Valley New Road passing thence along Rivelin Valley New Road and Manchester Road and terminating at the junction of Manchester Road with Fulwood Road:

In the city—

Route No. 2 (2 miles 2 furlongs in length) commencing at the junction of Manchester Road with Sandygate Road passing thence along Sandygate Road and Redmires Road and terminating at a point opposite the entrance gates of the Lodge Moor Fever Hospital:

Route No. 3 (2 furlongs 8·5 chains in length) commencing at the junction of Leopold Street Church Street and Bow Street passing thence along Townhead Street Tenter Street and West Bar Green and terminating at the junction of West Bar Green with West Bar:

Route No. 4 (4 furlongs 2·2 chains in length) commencing at the junction of West Bar Green and Scotland Street passing thence along Scotland Street Meadow Street and

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Watery Street and terminating at the junction of Watery Street and Upperthorpe Road :

Route No. 5 (2 furlongs 6 chains in length) commencing at the junction of Meadow Street and Netherthorpe Place passing thence along Netherthorpe Place and Upperthorpe Road and terminating at the junction of that road with Portland Street :

And may subject to the provisions of this Act place erect and maintain in under and along the streets and roads forming such route cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles but no post or other apparatus shall be erected on the carriage-way of any street or road except with the consent of the Board of Trade and of the road authority :

Provided that Routes Nos. 3 4 and 5 shall not be opened for traffic unless and until the streets and roads forming the said routes have where required by the Board of Trade been widened to the satisfaction of that Board.

As to electrical works.

30.—(1) The Corporation may in under or over the surface of the streets or roads in which the trolley vehicles will be used or in which it may be necessary so to do in order to connect the apparatus for working the trolley vehicles with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the said trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to 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 as follows:—

(A) All posts and apparatus erected by the Corporation under the powers of this Part of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade and of the road authority :

(B) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the

apparatus for working the trolley vehicles with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate. A.D. 1912.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

31. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles. Vehicles not to be deemed light locomotives or motor cars.

32.—(1) If it appears by the certificate of the surveyor to the authority which is or may become liable or has undertaken or may undertake to repair any highway that extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight or extraordinary traffic of the trolley vehicles by this Act authorised upon such highway such authority may recover (if not exceeding two hundred and fifty pounds in the county court and if exceeding that sum in the High Court) from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been so incurred Provided always that the said trolley vehicles shall not be deemed to be excessive in weight and the use thereof shall not be deemed to be extraordinary traffic by reason only of their being trolley vehicles or of their being authorised by this Act. As to recovery of expenses of extraordinary traffic.

(2) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which such damage has been done.

(3) The provisions of this section shall in relation to the trolley vehicles by this Act authorised be deemed to be in substitution for the provisions of section 23 of the Highways and

A.D. 1912. Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898.

Duties on licences for trolley vehicles.

33. 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 carriages or light locomotives or hackney carriages.

Approval of vehicles by Board of Trade.

34. Trolley vehicles shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade or until the overhead equipment for working the trolley vehicles has been approved by the Board of Trade.

Corporation not to carry animals and goods.

35. The Corporation shall not carry on the trolley vehicles any goods animals or other things other than passengers and passenger's luggage and small parcels and no trailer shall be used in connection with the trolley vehicles.

Tolls and fares.

36. The Corporation may charge tolls and fares for the use of trolley vehicles not exceeding the tolls and fares which the Corporation could have charged if such vehicles had been tramway cars and the route had been a tramway laid down by the Corporation.

Board of Trade may authorise new routes.

37.—(1) If at any time hereafter the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads in this Part of this Act specified) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads or parts thereof in the city described in the application.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the area to which such application relates :

(B) Have also published such notice once in the months of October or November in the London Gazette :

- (c) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application :

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

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

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

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they 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 Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act :

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) 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.

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(8) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the city may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of or pending the construction thereof.

Application
of certain
provisions of
former Acts
to trolley
vehicles.

38. The provisions contained in the sections of the Sheffield Corporation Tramways Act 1896 the Act of 1897 the Act of 1907 and this Act respectively the numbers or marginal notes of which are set forth in this section shall so far as applicable apply with reference to the trolley vehicles and the apparatus and equipment for working the same and in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the tramways" or "the Corporation tramways" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same.

The sections hereinbefore referred to are—

Sheffield Corporation Tramways Act 1896—

Section 5 (Corporation not to take increased fares on Sundays or bank holidays):

Section 9 (Provision as to the use of electric power):

Section 11 (Byelaws):

Section 13 (Amendment of the Tramways Act 1870 as to byelaws by local authority):

Section 14 (Orders byelaws):

Act of 1897—

Section 34 (Tramways not to be opened until certified by Board of Trade):

Act of 1907—

Section 11 (As to use of posts standards &c. by Postmaster-General):

Section 12 (For protection of Postmaster-General):

This Act—

Provisions as to motive power;

Shelters or waiting rooms;

Attachment of brackets to buildings ;
Apparatus used for mechanical power to be deemed
part of tramways ; and
Regulations of Corporation.

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39.—(1) The Corporation at all times after the opening of the trolley vehicle routes for public traffic shall and they are hereby required to run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one half-penny for every mile or fraction of that distance On Saturdays the Corporation in lieu of running such trolley vehicles after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

Cheap fares for labouring classes on trolley vehicles.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

40. Trolley vehicles and the apparatus and equipment for working the same shall for all purposes be deemed to form part of the tramway undertaking and all subsisting regulations and byelaws relating to the Tramway undertaking made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Part of this Act.

Trolley vehicles to be part of tramway undertaking for all purposes.

41. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

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

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Conveyance
of mails.

42. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Penalty for
malicious
damage.

43. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the trolley vehicles anything which is calculated to obstruct or interfere with the working of such trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Accounts.

44. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

Lost pro-
perty.

45. Any property found in any tramcar or trolley vehicle of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it shall vest in the Corporation and 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 and the proceeds thereof carried to the revenue account of the tramways undertaking.

Consents of
local or road
authority.

46. Where the consent of any local or road authority is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

For protec-
tion of West
Riding
County
Council.

47. The following provisions for the protection of the county council of the west riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of trolley vehicles on the Sheffield

and Glossop main road in the rural district of Wortley (that is to say) :— A.D. 1912.

(1) (A) Before commencing to run trolley vehicles on the said main road the Corporation shall if required by the county council widen so much of the said main road as forms part of Trolley Route No. 1 so that the metalled carriageway thereof when so widened shall be of not less width than twenty-seven feet and provide a footpath of such width (not exceeding six feet) as the county council may require in place of any existing footpath where altered in consequence of such widening and the Corporation shall be at liberty to utilise for the purposes of this subsection any roadside waste adjoining the metalled carriageway Provided that the Corporation shall not be required to comply with the obligations of this subsection to any greater extent than shall be practicable by utilising such roadside waste :

(B) The widening of main road as aforesaid may if the county council and the Corporation so agree be carried out by the county council at the cost of the Corporation :

(c) If the Corporation execute such widening and footpath they shall form with proper foundations and macadamise and otherwise make up the added portions and make proper provision for the drainage and fencing thereof and otherwise complete such widenings and footpath as required by and to the reasonable satisfaction of the county council and in conformity with plans sections and specifications to be previously submitted to and approved by the county council Provided that if the county council do not within twenty-eight days after receipt by them of such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof :

(2) (A) The Corporation shall so use the trolley vehicles over any county or main road bridge as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge by the user of the trolley vehicles the Corporation shall at their

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own expense restore such bridge to the satisfaction of the county council:

- (B) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council accordingly give the Corporation 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 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 county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:
- (c) The Corporation shall not without the consent in writing of the county council 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 shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached:
- (3) A number shall be assigned to each trolley vehicle and such number shall be fixed in conspicuous positions outside the vehicle at the front and back thereof:
- (4) 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 a trolley vehicle:
- (5) Any difference at any time arising between the county council and the Corporation which is required by this section to be determined by arbitration shall be settled by an arbitrator to be agreed upon between the county council and the Corporation or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

48. If any work executed by the Corporation or the county council of the west riding of Yorkshire under the provisions of the section of this Act the marginal note of which is "For protection of West Riding County Council" involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the said alteration and the Corporation or the said county council (as the case may be) shall be deemed to be "undertakers" within the meaning of that Act.

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Alteration
of tele-
graphic
lines.

49. The provisions of section 48 of the Tramways Act 1870 shall apply to trolley vehicles and to all drivers conductors and other persons having charge of or using the same and to the standings for the same as if the trolley vehicles were carriages to which that section applies.

Provisions of
section 48 of
Tramways
Act 1870 to
apply.

50. The section of this Act the marginal note whereof is "Consents of local or road authority" shall not apply to any consent of the county council of the west riding of Yorkshire required under the section of this Act the marginal note whereof is "Shelters or waiting-rooms."

As to con-
sent of West
Riding
County
Council.

PART V.

WATER.

51. Subject to the provisions of this Act the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and sections and described in the deposited book of reference make form lay down use maintain and work by mechanical, or other power the following work shown on the deposited plans and sections together with all necessary cables wires gantries works conveniences and appliances connected therewith (that is to say):—

Power to
construct
temporary
tramroad.

A temporary tramroad and trestle viaduct or aerial ropeway (in this Act referred to as "the temporary tramroad") to be situate in the parish and rural district of Wortley and the parish and urban district of Stocksbridge in the west riding of the county of York commencing at or near the boundary of the enclosures numbered 17 and 21 on the $\frac{1}{2500}$ Ordnance map (second edition 1903) of the parish of Stocksbridge at a point on such boundary seventy yards or thereabouts from More Hall Lane and terminating at the eastern boundary of the enclosure

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numbered 3 on the $\frac{1}{2500}$ Ordnance map (second edition 1903) of the parish of Wortley near the sidings of the Great Central Railway Company at a point four hundred and forty yards measured in a north-easterly direction from the centre of More Hall Bridge carrying the main road from Sheffield to Huddersfield over the Ewden Beck :

Provided that from and after the completion of the Broomhead and More Hall reservoirs and works authorised by the Sheffield Water (New Works) Act 1867 the Corporation may discontinue to use and may abandon the temporary tramroad and may sell and dispose of the lands forming the site thereof and restore the surface of the lands interfered with by the construction thereof to the condition as nearly as may be in which the same were before the construction of the temporary tramroad was commenced :

Provided also that the provisions of section 12 (For protection of Postmaster-General) of the Act of 1907 shall apply to the working of the temporary tramroad by the Corporation by mechanical power.

Easements for constructing trestle viaduct and aerial ropeway.

52. Subject to the provisions of the section of this Act of which the marginal note is "For protection of Earl of Wharnccliffe" and notwithstanding any other provisions contained in this Act or shown on the deposited plans the Corporation may if they think fit purchase and acquire an easement or right of constructing maintaining using and working so much of the temporary tramroad as is to be constructed as a trestle viaduct and aerial ropeway over the lands required for the purpose and the bed banks and foreshore of the River Don without the Corporation being obliged or compellable to purchase any greater interest in such lands or in the bed banks and foreshore of the said river.

For further protection of West Riding County Council.

53. The following provisions for the protection of the county council of the west riding of Yorkshire shall have effect unless otherwise agreed between the Corporation and the said county council with respect to the construction of the aerial ropeway by this Act authorised over the Wadsley Langsett and Sheffield main road in the urban district of Stocksbridge (that is to say) :—

- (1) For the purpose of preventing the dropping upon the said road of any material conveyed by the said aerial ropeway the Corporation shall construct a suitable

and substantial screen or apparatus of such material and dimensions and in such position as shall be reasonably approved by the surveyor of the said county council and such screen or apparatus shall be so constructed as to leave a clear headway throughout of not less than twenty feet from the surface of the said road to the underside of such screen or apparatus:

- (2) The width of the said road shall not be reduced and the level thereof shall not be altered by reason of the construction of the said works and such works shall be so carried out as not to unnecessarily hinder or interfere with the traffic passing along the said road and the line of the existing road fences shall be preserved:
- (3) All such works shall be executed to the reasonable satisfaction of the surveyor of the said county council in accordance with plans sections and specifications to be submitted by the Corporation and reasonably approved by the said surveyor and seven days' notice shall be given to the said surveyor of the intention to commence such works:
- (4) On completion of the waterworks for the construction of which the said aerial ropeway is intended the Corporation shall remove such part of the ropeway and the works connected therewith as are constructed on or over the said road and restore the said road and the fences thereof to the satisfaction of the said surveyor.

54. For the protection of the Right Honourable the Earl of Wharncliffe or other the owner for the time being of the Wortley and More Hall Estate (in this section called "the earl") the following provisions shall unless otherwise agreed in writing between the Corporation and the earl apply and have effect (that is to say):—

For protection of Earl of Wharncliffe.

- (1) Before the Corporation commence the construction of the temporary tramroad the Corporation shall purchase and the earl shall sell and convey or cause to be conveyed to the Corporation the lands coloured green on a plan signed by Edward Harrow Ryde on behalf of the earl and by William Terrey on behalf of the Corporation and the earl shall grant to the Corporation

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and the Corporation shall acquire from the earl the right or easement of constructing maintaining using and working so much of the temporary tramroad as is to be constructed as a trestle viaduct and aerial ropeway over the lands coloured pink on the said plan and such sale and grant shall be upon the terms and conditions which have been agreed upon between the Corporation and the earl prior to the passing of this Act:

- (2) Save as aforesaid the Corporation shall not under the powers of this Act enter upon take or use any lands or acquire any easement or right over any lands of the earl for the purposes of the temporary tramroad:
- (3) Section 7 of the Sheffield Water (New Works) Act 1867 is hereby repealed:

Discharge of water into streams.

55.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power and the amount of such compensation shall be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Powers in relation to water mains.

56. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes thereof the limits of the Corporation for the supply of water shall be deemed to be the district.

For protection of Wortley Rural District Council.

57. Notwithstanding anything contained in this Act or any enactment incorporated therewith the following provisions for the protection of the Wortley Rural District Council (in this section referred to as "the council") shall unless otherwise

agreed in writing between the Corporation and the council have effect:— A.D. 1912.

(1) In exercising the powers conferred by the section of this Act whereof the marginal note is "Powers in relation to water mains" the Corporation shall not interfere with any road street or place laid out as or intended for a street within the district of the council except in accordance with section 28 and sections 30 to 34 both inclusive of the Waterworks Clauses Act 1847 and in cases where any such road street or place as aforesaid is not dedicated to public use the council shall for the purposes of those provisions be deemed (in addition to any other persons) to be persons having the control or management of the same:

(2) Before exercising in the district of the council elsewhere than in a road street or place laid out as or intended for a street the powers conferred by the before-mentioned section of this Act so as to interfere with or otherwise affect any pipe sewer drain or other apparatus of the council the Corporation shall comply with the provisions contained in the before-mentioned sections of the Waterworks Clauses Act 1847 as if the land in which any such pipe sewer drain or other apparatus were laid were a street within the meaning of that Act.

58. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus used for the supply of water from the works of the Corporation the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to communication pipes.

59.—(1) Section 13 (Power to remove standpipes) of the Act of 1903 is hereby repealed but without prejudice to anything which may have been done thereunder and the Corporation may by a written notice to the owner of any standpipe used for the supply of water from the mains of the Corporation to any house or houses in a court or elsewhere require within a reasonable time to be specified in the notice the removal of any such standpipe and the substitution to the reasonable satisfaction Power to require removal of standpipes.

A.D. 1912. of the Corporation of a separate supply to each of the houses previously supplied by means of such standpipe and the Corporation shall contribute a sum not exceeding one third of the reasonable cost incurred by the owner in any such removal or substitution and any sum so contributed shall be defrayed out of the revenue of the water undertaking.

(2) Any person failing to comply with any such notice as aforesaid shall on summary conviction be liable to a daily penalty of not exceeding forty shillings for each day after the expiration of the period specified in such notice.

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

60.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with their water undertaking and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

61. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

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Dwelling-houses for persons in Corporation's employment.

62. The Corporation on selling any lands acquired for or in connection with the water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights on sale.

63. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Notice of discontinuance.

64. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Corporation of connecting or disconnecting meters.

65. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the

Injuring meters &c.

A.D. 1912. Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Further provisions as to Rivelin and Loxley compensation water.

66. Notwithstanding anything contained in any other Act to the contrary no order shall be made under section 70 (For protecting navigation of the River Dun) of the Sheffield Waterworks Act 1853 or section 49 (For the protection of the navigation of the River Dun) of the Sheffield Water (New Works) Act 1867 nor shall the Corporation become liable under those sections to any forfeiture or penalty in respect of the insufficiency of the quantity of compensation water discharged or delivered into the Rivers Rivelin and Loxley or either of them and thence into the River Don pursuant to any statutory or other requirement in that behalf so long as the quantity of compensation water so discharged or delivered amounts in the aggregate to eight million eight hundred and seventy-one thousand nine hundred and thirty-four gallons on every working day within the meaning of the said Acts.

Nothing in this or the immediately succeeding section shall prejudice or affect the rights or remedies of any person interested in the waters of the said rivers other than the Sheffield and South Yorkshire Navigation Company.

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67.—(1) The Corporation shall on any day on which the said compensation water referred to in the immediately preceding section is reduced below the quantities by the said Acts therein mentioned respectively required to be discharged or delivered pump during the working hours of any such day from the New Cut at a point immediately below the Ickles Lock into Jordan Dam at a point immediately above Jordan Lock a quantity of water equal to the quantity by which the said compensation water is so reduced and the Corporation shall before the said compensation water is so reduced at their own cost erect and construct and at all times thereafter maintain all such works as may be necessary for the purpose such works to be placed in such positions upon lands of the Sheffield and South Yorkshire Navigation Company (the necessary easements to be provided by them free of cost to the Corporation) as shall be reasonably approved by the engineer of the said navigation company.

For protection of Sheffield and South Yorkshire Navigation Company.

(2) The said navigation company shall have access at all reasonable times to the said works for the purpose of inspecting the same and the working thereof.

(3) For the purpose of ascertaining the quantity of water pumped by the Corporation the Corporation shall before reducing the amount of compensation water provide at the pumping station and shall at all times thereafter maintain in an efficient state of repair suitable appliances for automatically measuring or otherwise ascertaining and recording the quantity of water so pumped and such appliances and records shall at all reasonable hours in the daytime be open to the inspection of the navigation company.

(4) In the event of a breach by the Corporation of the obligation as to pumping water imposed upon them by this section the Corporation shall be liable to the like forfeiture or penalty as the Corporation are now liable to under section 70 of the said Act of 1853 or section 49 of the said Act of 1867 in respect of the insufficiency of the compensation water discharged or delivered into the Rivers Rivelin and Loxley.

68.—(1) The Corporation may at or near the point of delivery of water supplied by them to the Rotherham Corporation

Power to fix valves

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for regulat-
ing supply of
water to
Rotherham
Corporation.

from the Little Don Valley Works at Boston Castle Reservoir under the agreements dated the twelfth day of June and the twenty-first day of November one thousand eight hundred and ninety-five scheduled to the Act of 1896 and from the Derwent Valley Works at Rotherham under section 177 of the Act of 1899 provide fix and maintain and from time to time inspect all necessary valves and gauges for the purpose of securing that the statutory quantities of water daily supplied to the Rotherham Corporation are not exceeded.

(2) For the purpose of exercising the powers of this section the Corporation may at all reasonable times enter upon the lands and works of the Rotherham Corporation and any person who obstructs or attempts to obstruct the Corporation or their duly authorised officer in the exercise of the said powers shall for every such offence be liable to a penalty not exceeding five pounds.

Agreements
with respect
to laying
pipes for
supply in
bulk.

69.—(1) The Corporation and any local or road authority may enter into and carry into effect agreements upon such terms and conditions as may be agreed upon with respect to the conveyance and delivery of any water supplied by the Corporation under section 72 (Agreements between Corporation and local authorities and others) of the Act of 1896 and sections 84 (Apportionment of water) and 174 (Power of Sheffield Corporation to supply water in bulk by agreement) of the Act of 1899 and with respect to the laying of mains and pipes necessary therefor and may carry into effect any such agreements which may have been entered into prior to the passing of this Act.

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply for the purpose of carrying into effect any agreement entered into under the provisions of this section.

Agreements
with Rother-
ham Corpor-
ation.

70.—(1) The Corporation and the Rotherham Corporation may make and carry into effect agreements with respect to the supply of water to be afforded by the Corporation to the Rotherham Corporation under the Act of 1899 and with respect to the alteration of the source from which and the terms and conditions under which and the time at which such supply shall be afforded and with respect to the construction of all necessary mains and works for the purpose of affording a supply of water under any such agreement.

[2 & 3 GEO. 5.] *Sheffield Corporation Act*, 1912. [Ch. clxvii.]

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply for the purpose of carrying into effect any agreement entered into under the provisions of this section. A.D. 1912.

71.—(1) Any urban or rural district council the district under whose jurisdiction is in whole or in part within the limits for the supply of water by the Corporation may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply within any part of such district which is within the limits for the supply of water by the Corporation of water by means of such main pipe or works. Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Corporation under this section.

72. The provisions of section 20 (As to laying of pipes &c. in district of West Riding County Council) of the Act of 1896 shall apply mutatis mutandis to the laying of any pipes or works under the powers of this Part of this Act in or on any main road or bridge which is now and continues to be under the control of or repairable at the expense of the county council of the west riding of Yorkshire. For additional protection of West Riding County Council.

PART VI.

GENERAL PROVISIONS AS TO WORKS AND LANDS.

73. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or other the purposes of this Act to which those plans respectively relate or for the purpose of providing Power to acquire lands.

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space for the erection of buildings adjoining or near to any street widening authorised by this Act.

Acquisition of lands for extension of fire station.

74. Subject to the provisions of this Act the Corporation may enter upon take hold and use for the purposes of the extension of the fire station situate in Rockingham Street and for purposes connected therewith certain lands delineated on the deposited plans and described in the deposited book of reference situate on the north side of Division Street and lying between that street and the said fire station.

Period for compulsory purchase of lands.

75. The powers of the Corporation for the compulsory purchase of lands for the purposes of the temporary tramroad shall cease after the expiration of three years from the passing of this Act and for the other purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Incorporation of certain provisions of Act of 1897.

76. The provisions contained in the sections of the Act of 1897 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act.

The sections hereinbefore referred to are—

Section 14 (Correction of errors &c. in deposited plans and book of reference); and

Section 17 (Power to persons under disability to grant easements &c.).

Temporary stoppage of streets.

77. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time. The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Application of road materials excavated in construction of works.

78. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Owners may be required to sell parts only of certain lands and buildings.

79. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans

will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto

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the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section

shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1912.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

80. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

81. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and eleven if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently altered buildings.

82. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant: Costs of arbitration &c. in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause

A.D. 1912. such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Power to
retain sell
&c. lands.

83. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease let exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired and for the time being held by them under any local Act (other than lands vested in them for the purposes of the Education Acts 1870 to 1911) and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that nothing in this section contained shall prejudice or affect the terms and provisions contained in certain Heads of Agreement bearing date the twenty-second day of February one thousand eight hundred and ninety-six and made between the Corporation and the Stocksbridge Railway Company and Samuel Fox and Company Limited:

Provided also that nothing in this section shall be held to affect or apply to any lands which shall prior to the passing of this Act have been given or sold to the Corporation by the Most Noble Henry Duke of Norfolk for the purpose of any public park recreation ground ornamental pleasure ground or other like public or non-remunerative purpose.

PART VII.

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ELECTRICITY.

84.—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lamp-holders and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon.

Electrical fittings.

(2) The Corporation may enter into contracts for the execution of any of the powers of this section including the wiring of private property The Corporation shall not under the powers of this section sell any such electrical fittings (other than electric lines fuses switches ceiling roses and such other electrical fittings as are used in connection with the wiring of private property from the distribution main as far as the ceiling wall or floor outlet only) except through a contractor carrying on his business independently of the Corporation.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately

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shown in the published accounts of the electricity undertaking of the Corporation for that year:

(c) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

(5) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(6) Any moneys received by the Corporation under this section shall be applied in manner provided by paragraph A of Article 61 of the Sheffield Electric Lighting Order 1892 except capital moneys which shall be applied in manner provided by paragraph B of the said article.

Penalty on persons refusing entry.

85. Any person who shall hinder any duly appointed officer of the Corporation in carrying out the provisions of section 24 of the Electric Lighting Act 1882 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Power to recover charge for re-connection.

86. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to lay down electric lines under rivers and streams.

87.—(1) The Corporation may lay down place maintain and use electric lines on the bed of any river or stream between two streets in any case in which such streets abut on opposite sides of such river or stream and are situate either immediately opposite each other or within a distance of not exceeding one hundred yards measured along the stream from one street to the other but no such lines shall be so laid down placed maintained or used as to injuriously affect or to interfere with the use of any existing works or apparatus in under across over or on the banks of any such river or stream nor shall the powers of this section be so exercised as to restrict or interfere

with the rights or powers of any person interested in any property through or over which any such lines are laid down placed maintained or used to lay any electric lines over or under any such electric lines of the Corporation. A.D. 1912.

(2) If any such lines of the Corporation are laid down or placed upon any private property the Corporation shall pay to the owner lessee and occupier of such property such compensation in respect thereof as may be agreed or failing agreement settled by arbitration under the provisions of the Lands Clauses Acts.

(3) The Corporation in the exercise of the powers of this section shall as regards the Rivers Rivelin Loxley and Don be subject to the control and superintendence of the engineer of the Associated Millowners as defined in the Act of 1907 and such powers shall as regards the said rivers be exercised only in accordance with plans and sections to be previously submitted to and reasonably approved by the said engineer. Provided always that if the said engineer shall for a period of thirty days fail to signify his disapproval of the said plans and sections he shall be deemed to have approved thereof and if within the said period he shall disapprove the same and in case the said engineer and the engineer of the Corporation fail to agree or of any difference arising between them under this subsection then such powers shall be exercised only according to such plans and sections and on such terms and conditions as shall be determined by arbitration under the provisions of the Arbitration Act 1889.

(4) The provisions of section 14 of the Electric Lighting (Clauses) Act 1899 so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric lines under the provisions of this section.

(5) Nothing in this section shall authorise the Corporation to lay down place maintain or use any electric line on any part of the bed of the River Don between Royd's Weir on the one hand and an imaginary line drawn at right angles across but higher up the river distant two hundred yards above Royd's Weir measured along the centre of the river on the other hand without the consent in writing of the Most Noble Henry Duke of Norfolk or his sequels in estate.

(6) In this section the expression "owner" shall have the same meaning as in the Lands Clauses Acts and the expression

A.D. 1912. "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

PART VIII.

STREETS AND BUILDINGS.

Approval and conditions of formation of streets.

88.—(1) Whenever application shall be made to the Corporation to approve the laying out of a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the city the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands.

(2) Every person who fails to comply with the provisions of this section shall be liable on conviction in a summary manner to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Width of certain new streets.

89.—(1) Whenever application shall be made to the Corporation to approve the formation on any estate or lands of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the city or the continuation of a main approach or means of communication between main approaches to the city it shall be lawful for the Corporation to require that the new street shall be formed of such a width not exceeding eighty feet as they shall determine.

(2) Nothing contained in this section shall require any person to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than fifty feet and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

(3) In the event of the Corporation determining that the width of any such new street shall exceed sixty feet they shall make full compensation to the owner and all other persons interested in the lands required to make such new street of a greater width than sixty feet for any damage loss or injury they may sustain by reason of such determination.

90. Section 46 (Further provisions as to new streets) of the Act of 1903 is hereby repealed but without prejudice to anything which may have been done thereunder and in lieu thereof it is hereby enacted as follows (that is to say):—

A.D. 1912.
Further provisions as to width of streets.

When a road or lane within the city is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the city or determined by the Corporation in pursuance of the section of this Act of which the marginal note is "Width of certain new streets" as the case may be require such owner subject to the provisions of that section to widen such road or lane so as to give a width not less than one half of such width prescribed or determined as aforesaid from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on or prior to the Corporation approving plans for the erection of buildings upon the land on such opposite side the owner of such land shall subject as aforesaid complete the widening of such road or lane so as to give the complete width prescribed or determined as aforesaid.

91.—(1) It shall be lawful for the Corporation for the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which any application for the approval of the Corporation of the laying out of a new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) is made to require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective owners of such estates or lands on the application of the Corporation or any such owner be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and the Corporation

As to adjustment of boundaries on exchange of lands.

A.D. 1912. may for securing the execution of any such purposes agree to pay and may and shall pay to any such owner or owners such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such owner shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any owner in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such owner subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) as the lands exchanged therefor.

Restrictions
on placing
rails beams
&c. over
across or
along streets.

92.—(1) It shall not be lawful for any person to fix or place any overhead rail beam cable or pipe or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and shall not be unreasonably withheld and may contain such reasonable terms and conditions as the Corporation think fit. Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

(2) Nothing in this section shall extend to any apparatus belonging to His Majesty's Postmaster-General.

As to erec-
tion of retain-
ing walls.

93.—(1) Before any person shall erect on any land within the city a retaining wall of greater height than six feet he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

94. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the city of such dimensions and in such positions as they think fit.

Street orderly and sand bins.

95. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the city regulating the construction of buildings the Corporation shall have power to relax such provisions in the following cases and subject to the following provisions (that is to say):—

As to buildings of iron steel or reinforced concrete.

(1) Where a person is desirous of erecting an iron steel or re-inforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed buildings with such details and other particulars as to the construction thereof as may be required by the Corporation :

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars :

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as may be sanctioned by the Local Government Board as to the place time and manner of making applications and as to the plans sections and elevations to be deposited with the Corporation and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public

A.D. 1912.

safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Definition
appeal and
compensa-
tion.

96.—(1) The expression “owner” where used in the foregoing provisions of this Part of this Act shall have the same meaning as in the Lands Clauses Acts.

(2) The provisions of section 163 (Appeal and arbitration under Parts VI. and VIII.) of the Act of 1900 shall apply to and in respect of the foregoing provisions of this Part of this Act as if the said section 163. were with the necessary modifications re-enacted in this Act.

(3) Any compensation payable under the foregoing provisions of this Part of this Act shall except in cases where some other method of determination is expressly therein provided unless otherwise agreed between the parties in difference be determined under the Lands Clauses Acts.

Removal of
dilapidated
and neglected
build-
ings.

97.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner to take down or repair or rebuild such building (in this section referred to as “a neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus

(if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

A.D. 1912.

98. Nothing in this Part of this Act or any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) walls or works belonging to any railway company and used by such railway company as a part of or in connection with their railway under any Act of Parliament.

Saving for railway companies.

PART IX.

SANITARY PROVISIONS.

99.—(1) Any river stream or watercourse or any part or parts thereof respectively within the city so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Provisions as to water-courses choked up.

(2) A dam mill-pond or goit used in connection with or adjacent to any works or manufactory shall not be deemed to be a river stream or watercourse within the meaning of this section.

100.—(1) In this section "sewage sewer" shall mean a sewer appropriated and used for sewage and "surface-water sewer" shall mean a sewer appropriated and used for surface water.

Further provision as to separate system of sewerage.

(2) Where under the provisions of any Acts for the time being in force in the city the Corporation have power to require any street which shall be laid out and constructed after the

A.D. 1912. passing of this Act to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly :

Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) Where in any such street separate sewage sewers and surface-water sewers shall be provided or where in any other street separate sewage sewers and surface-water sewers have prior to the passing of this Act been provided no sewage shall be allowed to pass from any premises in any such street into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

(4) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Covered surface channel to be connected with sewer.

101. Section 43 (As to surface channels crossing footpaths) of the Act of 1907 shall extend to any covered surface-water channel for slop or waste water crossing a footpath in any public street.

Surface-water channels to be kept in good repair.

102. The owner or owners of any premises the water from which is carried away by any covered or uncovered drain or channel crossing the footpath in any public street shall keep such drain or channel and all gullies traps grates and appurtenances thereto belonging in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Further test for drains.

103. The drains of any building which was not at the passing of this Act occupied as a dwelling-house and of any new building to be so occupied may upon application for and before the grant of a certificate under section 74 (Certificate required

that houses fulfil certain requirements) of the Act of 1890 that such house is in every respect in accordance with the byelaws and requirements for the time being in force be subjected to and shall be capable of bearing and shall bear such reasonable test as the Corporation shall from time to time determine and this notwithstanding that such drains may have been previously tested during the construction of the building. A.D. 1912.

104. If any person causes any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds : Wilful damage to drains water-closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

105. Section 38 (Provision in lieu of section 19 of Public Health Acts Amendment Act 1890) of the Act of 1903 shall be read and have effect as if the words "or into a cesspool or other receptacle for drainage" had been inserted therein after the words "public sewer." Amendment of section 38 of Act of 1903.

106. The owner of any building or land who when so required in pursuance of section 29 (Power to require removal of urinal) of the Act of 1890 fails to remove or to make structural alterations of any urinal or similar convenience belonging thereto or thereon shall be liable to a penalty not exceeding twenty shillings for every day after the expiration of one month from being so required until such removal or structural alterations are made. Penalty for non-compliance with section 29 of Act of 1890.

107. Section 21 (Power to enforce alterations of privies ashpits &c.) of the Act of 1890 and section 112 (Amendment of section 21 of Act of 1890) of the Act of 1900 are hereby repealed but without prejudice to anything which may have been done thereunder and in lieu thereof it is hereby enacted as follows (that is to say):— Power to enforce alteration of privies ashpits &c.

- (1) Where any privy ashpit or cesspool is certified by the medical officer to be prejudicial to health or an

A.D. 1912.

annoyance to the public or neighbourhood or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or neighbourhood the Corporation may by written notice require the owner of the same within a reasonable time to be specified in the notice to convert such privy into a watercloset or to substitute therefor a new watercloset in the same or a different position and to abolish such ashpit or cesspool and to provide an ashpit with a movable ashbin or ashbins as the case may require to the satisfaction of the Corporation :

- (2) Within one month from service of any such notice as aforesaid the owner may by notice in writing require the Corporation to and thereupon the Corporation shall execute and do all works and things necessary to give effect to such first-named notice including the constructing and connecting of all necessary drains and the laying on of water to any watercloset and shall themselves bear and pay one third of the costs charges and expenses thereby incurred by them and the remaining two thirds shall be borne and paid by such owner and shall be deemed to be private improvement expenses and may subject to the right of payment by instalments under section 93 of the Act of 1890 be recovered accordingly Provided that where any privy ashpit or cesspool is dilapidated or out of repair the Corporation shall be bound to pay only one third of the costs charges and expenses of such of the works above-mentioned after deducting therefrom such sum as would have been necessarily expended to put the said privy ashpit or cesspool in a reasonably good state of repair and condition and the residue of such cost shall be borne and paid by the owner as above mentioned but no such deduction shall be made in any case unless in such case the Corporation before proceeding with the work of conversion or substitution shall estimate the amount (if any) required to place such privy ashpit or cesspool in a proper state of repair and shall give notice of such amount to the owner Provided also that by and in the notice which may under the provisions of

this subsection be served upon the Corporation the owner may also require the contractor named therein to be employed by the Corporation to carry out the work required to be done and in any such case the Corporation shall be bound to employ such contractor if he be willing to carry out the work at a price not exceeding that at which any other contractor may be willing to execute such work or at which the Corporation could themselves execute such work:

A.D. 1912.

(3) If the owner shall not comply with the requirements of any notice from the Corporation under subsection (1) of this section and shall not give to the Corporation notice as provided by subsection (2) of this section the Corporation may then execute and do all such necessary works and things in the same manner and subject to the same consequences including the obligation to bear only one-third part of the cost as above described as if the owner had given the said notice to the Corporation:

(4) An appeal shall lie under this section to a court of summary jurisdiction as to—

(A) any requirement of the Corporation or the amount of an estimate made by the Corporation as provided by subsection (2) within fourteen days from service of notice thereof; and

(B) the reasonableness of any costs charges and expenses claimed by or from the Corporation within one month from demand thereof:

(5) In any case in which an owner shall to the satisfaction of the Corporation convert any privy or substitute any new watercloset or abolish any ashpit or cess-pool or provide an ashpit with a movable receptacle the Corporation may pay to such owner such sum as they may think reasonable in lieu of the part of the cost which such owner would have been entitled to under the provisions of this section if required by the Corporation to make such conversion substitution or provision.

108. From and after the passing of this Act section 40 (As to removable ashbins) of the Act of 1903 shall be and the same

As to removable ashbins.

A.D. 1912. is hereby repealed but without prejudice to anything which may have been done thereunder and in lieu thereof it is hereby enacted as follows (that is to say):—

The Corporation may by notice in writing to the owner of any premises require such owner within a reasonable time to be specified in such notice not being less than one month and in the same or a different position as may be most suitable to provide an ashpit with movable ashbin in substitution for any fixed ashpit in connection with a watercloset system and the reasonable cost of so doing shall be borne as to one half by such owner and the other half by the Corporation:

If the owner makes default in complying with such notice the Corporation may execute and do the necessary work and one half of the costs charges and expenses thereby reasonably incurred by them shall be borne and paid by such owner and shall be deemed to be private improvement expenses and may subject to the right of payment by instalments under section 93 of the Act of 1890 be recovered accordingly.

Houses infested with vermin to be cleansed.

109.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or the inspector of nuisances may enter on such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and if so required in the notice to remove the wall paper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation

may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable summarily as a civil debt from the person making the default.

A.D. 1912.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may enquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

110. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

111.—(1) No person being the parent or having the care or charge of a child who is or has been attending any school which has been closed by order of the Corporation with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school in the city without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

To prevent spread of infectious disease amongst children in Sunday schools.

A.D. 1912.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty of not exceeding forty shillings.

Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist.

112. Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the city or any adjoining county or neighbouring county borough and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the city for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the city medically examine any person found in any common lodging-house in the city with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence :
- (2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the city and to the Local Government Board :
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board :
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination

[2 & 3 GEO. 5.] *Sheffield Corporation Act, 1912.* [Ch. clxvii.]

hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant. A.D. 1912.

113. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the city of such disease and the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds. Removal of body of person dying of infectious disease.

114. The veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the inspector of nuisances and the Public Health Acts shall apply within the city as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the inspector of nuisances. Extension of powers of veterinary inspector.

PART X.

FINANCIAL PROVISIONS.

115.—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers of this subsection shall be repaid within the respective periods Power to borrow and repayment of borrowed moneys.

[Ch. clxvii.] *Sheffield Corporation Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912. set forth in the fourth column of the said table (that is to say):—

Purpose.	Security.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	District fund and general district rate.	The sum requisite.	5 years from the passing of this Act.
(2) For the purchase of lands for and for the construction of the street improvements by this Act authorised.	District fund and general district rate.	£295,000	50 years from the date or dates of borrowing.
(3) For construction of the tramways by this Act authorised.	Tramway revenue and district fund and general district rate.	£137,000	30 years from the date or dates of borrowing.
(4) For equipment of the tramways by this Act authorised.	Tramway revenue and district fund and general district rate.	£24,000	15 years from the date or dates of borrowing.
(5) For general purposes of the tramway undertaking.	Tramway revenue and district fund and general district rate.	£38,000	20 years from the date or dates of borrowing.
(6) For electrical equipment for trolley vehicles by this Act authorised.	Tramway revenue and district fund and general district rate.	£20,000	20 years from the date or dates of borrowing.
(7) For trolley vehicles by this Act authorised.	Tramway revenue and district fund and general district rate.	£7,500	10 years from the date or dates of borrowing.
(8) For the purchase of lands for and for the construction of the tramroad by this Act authorised.	Water revenue and district fund and general district rate.	£5,200	15 years from the date or dates of borrowing.
(9) For the purchase of further lands for and for the construction of the Broomhead and More Hall reservoirs and works connected therewith.	Water revenue and district fund and general district rate.	£800,000	60 years from the date or dates of borrowing.
(10) For or in connection with the conversion of existing privies into water-closets.	District fund and general district rate.	£60,000	20 years from the date or dates of borrowing.
(11) For repaying moneys expended in the purchase of lands for and in the construction of the Rivelin Valley Road.	Water revenue and district fund and general district rate.	£61,000	17 years from the 1st day of April 1912.

(2) The Corporation may also with the sanction of the Board of Trade borrow on the security of the tramway revenue and district fund and general district rate such further moneys as the Corporation may require for any of the purposes of Part III. (Tramways) and Part IV. (Trolley Vehicles) of this Act and may, with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that Board may prescribe such further moneys as the Corporation may require for any of the said or other purposes of this Act and all moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as those Boards respectively may sanction.

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(3) The provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" or by section 51 (Mode of raising moneys) of the Act of 1896.

116. Notwithstanding anything in this Act contained no addition under or for the purpose (11) mentioned in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be made to any general district or other rate to be levied in those parts of the city which formerly constituted a part of the parish of Tinsley and were added to the city by the Sheffield (Extension) Order 1911.

As to rates in Tinsley.

117. In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums which they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Certain provisions of Public Health Act as to borrowing not to apply.

118. The following provisions of the Act of 1896 the Act of 1897 and the Act of 1907 shall subject to the provisions of this Act apply in respect of moneys borrowed by the Corporation under this Act as if they were herein with any necessary modifications re-enacted (that is to say):—

Certain provisions of Acts of 1896 1897 and 1907 extended to this Act.

The Act of 1896—

Section 51 (Mode of raising moneys);

Section 52 (Power to issue new redeemable stock);

Section 53 (Establishment of Consolidated Loans Fund No. 2 in respect of new stock);

[Ch. clxvii.] *Sheffield Corporation Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912.

Section 56 (Regulations as to sinking fund for moneys borrowed on mortgage);

Section 58 (Protection of lenders from inquiry);

Section 61 (Application of money borrowed under Act);
and

Section 63 (Application of water revenue as regards moneys borrowed under Act):

The Act of 1897—

Section 42 (As to mortgages of Corporation):

The Act of 1907—

Section 48 (Corporation may issue new redeemable stock).

Annual payments towards redemption.

119. The amount of the annual sums payable to the Sheffield Corporation Consolidated Loans Fund or the Sheffield Consolidated Loans Fund No. 2 or any loans fund to be established under the provisions of this Act (as the case may be) towards the redemption or repayment of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem the stock created and issued for the respective purposes of this Act within the respective periods prescribed by the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys."

Suspension of payments into sinking fund.

120. Notwithstanding anything in this Act or in any other Act contained it shall not be obligatory upon the Corporation to commence the repayment to any sinking fund or otherwise of any money to be borrowed under this Act for the purposes of the construction of the Broomhead or More Hall reservoirs and works connected therewith respectively until the expiration of in the case of the Broomhead reservoir seven years and in the case of the More Hall reservoir fourteen years from the date of the passing of this Act or until the completion of the said works respectively whichever shall first happen.

Power to borrow under Local Loans Act 1875.

121. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another;

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon

and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by mortgage under this Act and such funds rates and revenues shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875; A.D. 1912.

Every such loan shall be discharged within the prescribed period; and

Section 56 (Regulations as to sinking fund for moneys borrowed on mortgage) and section 60 (Annual return to Local Government Board with respect to sinking fund) of the Act of 1896 shall apply to any sinking fund provided by the Corporation for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

122.—(1) Section 57 (Power to reborrow) of the Act of 1896 and section 50 (Power to reborrow moneys borrowed on debentures) of the Act of 1907 are hereby repealed but without prejudice to anything which may have been done thereunder. Power to reborrow.

(2) The Corporation shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(3) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(4) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

A.D. 1912.

(5) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Appoint-
ment of re-
ceiver.

123. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Corporation
not to regard
trusts.

124. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Audit of
accounts.

125. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Power to
use one form
of mortgage

126.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of

exercising such power grant mortgages in pursuance of the provisions of this section. A.D. 1912.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

for all purposes.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest

A.D. 1912. therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfer of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund instead of borrowing.

127.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of

this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein. A.D. 1912.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875 or the Water Annuities Sinking Fund formed under section 40 (Sinking fund for annuities) of the Act of 1887.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

128.—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock

Return to
Local Government
Board as to
sinking
funds.

A.D. 1912.

and at any other time when the Local Government Board (in this section referred to as "the Board") may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(3) Section 41 of the Act of 1887 (except in so far as it relates to the Water Annuities Sinking Fund under section 40 of that Act) section 24 of the Act of 1893 Article X. of the Sheffield Order 1894 section 60 of the Act of 1896 Article XIV of the Sheffield Order (No. 2) 1905 and any provision in any

local Act or Provisional Order incorporating or making applicable section 60 of the Act of 1896 or Article XIV. of the Sheffield Order (No. 2) 1905 are hereby repealed but without prejudice to anything which may have been done thereunder. A.D. 1912.

129. From and after the passing of this Act the treasurer shall make to the Local Government Board any return in relation to any loans fund or provision for the repayment of loans which by any of the Acts or Orders relating to the Corporation the town clerk is required to make and any provision relating to the making of such return in the said Acts and Orders shall be read and have effect as if the treasurer were mentioned therein in lieu of the town clerk. Treasurer instead of town clerk to make annual returns to Local Government Board.

130.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their water electricity or tramway undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year and any amount so borrowed shall form a charge upon the rates or the revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that— As to temporary borrowing.

- (A) All sums so borrowed in respect of the current expenses of any financial year shall be repaid out of the revenue of such year and (except in the case of moneys borrowed for the current expenses of the electricity undertaking which shall be repaid before or within two months after the expiry of the year) before the expiry of such year:

A.D. 1912.

(B) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :

(c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and eleven unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Application
of moneys
from sale of
lands.

131. The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Corporation on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Corporation to which such capital moneys would be properly applicable or if there shall be no such moneys owing such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and

upon such terms as may be approved by the Local Government Board. A.D. 1912.

132. The Corporation may if they think fit form a fund to be called the "accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of twenty-five thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of twenty-five thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of twenty-five thousand pounds.

Power to create accident fund.

133. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the district fund and general district rate or the borough fund and borough rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Expenses of execution of Act.

PART XI.

MISCELLANEOUS.

134. The Corporation may establish maintain manage and carry on a depôt for the sale of sterilised milk dried milk and humanised milk and may appropriate and use such lands as may be necessary or expedient for that purpose and may provide laboratories plant and machinery and may buy sterilise dry humanise and sell milk for infants under two years of age Such depôt shall be subject to the medical supervision of the medical officer and shall be carried on in accordance with regulations to

Power to establish sterilised milk depôt.

A.D. 1912.

be approved by the Local Government Board. In this section the expression "humanised milk" means milk specially treated so as to be suitable for consumption by infants under two years of age. The Corporation shall apply all moneys from time to time received by them in respect of such depôt other than moneys (if any) received on capital account as follows (that is to say) :—

Firstly In payment of the working and establishment expenses and cost of maintenance of such depôt:

Secondly In payment of the interest on moneys borrowed by the Corporation for the purpose of such depôt:

Thirdly In providing the requisite instalments or payments in respect of moneys borrowed by the Corporation for the purposes of such depôt:

Fourthly In extending improving and constructing (if the Corporation think fit) any works for the purposes of such depôt:

And the Corporation shall carry to the credit of the general district rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on the said depôt and paying the current expenses connected therewith. Any deficiency in the revenue or receipts of the Corporation on account of such depôt shall be made good out of the general district rate. The Corporation shall keep separate accounts in respect of such depôt and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

The provisions of this section shall cease to be in force within the city at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Power to
appoint de-
puty medi-
cal officer of
health.

135.—(1) The Corporation may appoint as deputy medical officer of health and pay a person legally qualified for the practice of medicine surgery and midwifery to assist the medical officer in the proper execution of the provisions of the Public Health Acts and of the local Acts in force within the city.

(2) In case of the illness or absence of the medical officer and at other times to such extent as the Corporation shall by resolution direct all things required or authorised to be done by or to the medical officer may be done by or to the deputy medical officer. A.D. 1912.

136. From and after the thirty-first day of October one thousand nine hundred and twelve— Provisions as to licences for billiards dancing music boxing and exhibitions.

(1) Section 91 (Places for dancing music and other public entertainments to be licensed) and section 92 (Power to grant occasional licences) of the Act of 1883 shall be construed and have effect as if there had been inserted therein after the word "singing" the words "boxing boxing displays exhibitions":

(2) The powers of the justices acting for the city under section 10 (Justices may grant billiard licences at licensing sessions) of the Gaming Act 1845 and under the said section 91 of the Act of 1883 may and shall be exercised by the city licensing committee instead of by the whole body of the justices:

(3) Licences under the said sections may be authenticated in manner provided by section 43 of the Licensing (Consolidation) Act 1910.

137. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):— Byelaws as to lodging-houses.

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

138. No house or part of a house within the city shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of Part IX. of the Act of 1900 or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week. As to common lodging-houses.

A.D. 1912.

Power to extend municipal buildings.

139. Whereas in pursuance of Part II. (Extension of city) of the Act of 1900 certain property was transferred to and became the property of the Corporation including the premises known as the Westbar Vestry Hall (formerly the property of the Sheffield overseers which has now been sold and the proceeds amounting to seven thousand two hundred pounds are in the possession of the Corporation) and amounts of fourteen thousand four hundred pounds five shillings and sixpence and one hundred and twenty-seven pounds five shillings and ninepence two and a half per centum consolidated stock are now standing in the name of the lord mayor aldermen and citizens of the city of Sheffield And whereas the Corporation are desirous of extending their existing town hall so as to provide inter alia more suitable office accommodation for the overseers of the Sheffield township and it is expedient that the said sum of seven thousand two hundred pounds and the proceeds of the sale of the said sums of two and a half per centum consolidated stock should be applied to such purposes Therefore the Corporation may sell the said amounts of two and a half per centum consolidated stock and may apply the proceeds of such sale together with the said sum of seven thousand two hundred pounds in the erection and construction upon lands now owned by them adjoining the existing town hall of an extension of the town hall and municipal buildings and a rate receiving office for the said overseers with all necessary and convenient offices rooms and appurtenances and may for the purposes thereof alter adapt extend or otherwise deal with the existing buildings belonging to the Corporation.

Power to establish a golf course.

140.—(1) The Corporation may by agreement purchase or acquire or take on lease and hold and use for the purposes of a golf course and let on lease or otherwise to any club company body or person such lands as may be necessary or expedient for that purpose and may upon any such lands form alter maintain regulate manage and use a golf course with all proper and convenient houses pavilions works buildings and conveniences and may make such charges for the use thereof or may let the same as they think fit.

(2) The Corporation shall apply all moneys from time to time received by them under and in pursuance of the exercise of the powers of this section other than moneys (if any) received on capital account as follows (that is to say):—

Firstly In payment of the working and establishment expenses and cost of maintenance of such golf course if maintained by them: A.D. 1912.

Secondly In payment of the interest on moneys borrowed by the Corporation for the purpose of such golf course:

Thirdly In providing the requisite instalments or payments in respect of moneys borrowed by the Corporation for the purposes of such golf course:

Fourthly In extending and improving such golf course:

And the Corporation shall carry to the credit of the general district rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required to carry on the said golf course and paying the current expenses connected therewith Any deficiency in the revenue or receipts of the Corporation on account of such golf course shall be made good out of the general district rate.

(3) The Corporation shall keep separate accounts in respect of such golf course and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

(4) The Corporation may make and enforce byelaws with respect to such golf course and for regulating the use thereof.

141. Notwithstanding anything contained in section 11 of the Act of 1896 or section 168 of the Act of 1899 (Power to purchase additional lands by agreement) the Corporation may appropriate and use for any purpose approved by the Local Government Board any lands or property acquired by them under the said sections respectively which are not required for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands. Power to appropriate certain lands for purposes approved by Local Government Board.

142. The purchase and acquisition of the lands acquired by the Corporation for the purposes of or in connection with the Rivelin Valley Road and the expenditure of moneys by the Corporation in and about the said purchase and acquisition are hereby confirmed and the Corporation may develop in such manner as they think fit any of such lands abutting on or adjacent to the said road but subject in all respects as regards any of such lands as are situate within the rural district of Provisions as to lands on Rivelin Valley Road.

A.D. 1912. Wortley to the provisions of any general or local Act and to the byelaws rules and regulations of the council of that district for the time being in force so far as the same are applicable:

Provided that nothing in this section shall prejudice or affect any of the covenants by the Corporation or the provisions contained in certain indentures dated respectively the twenty-eighth day of July one thousand nine hundred and three the eighteenth day of May one thousand nine hundred and seven and the sixth day of January one thousand nine hundred and nine each made between the Most Noble Henry Duke of Norfolk of the one part and the Corporation of the other part.

Provision of
hospital
accommoda-
tion &c.

143. The Corporation or their contractors shall to the reasonable satisfaction of the medical officer erect fit up and maintain hospitals or infirmaries and temporary huts or other buildings necessary for the accommodation of the servants and workmen employed by the Corporation and their contractors in and about the construction of the Broomhead and More Hall reservoirs and the Corporation shall provide and pay for all such assistance whether of doctors surgeons or nurses as may be necessary and proper for the efficiency of all such hospitals or infirmaries except so far as the same shall be provided or paid for under or in pursuance of the National Insurance Act 1911 and any Act amending the same Any medical officer of health or other person authorised by the local sanitary authority acting in execution of the Public Health Acts for any district in which such hospitals or infirmaries huts or other buildings are erected and maintained shall be entitled at any time to enter into and inspect and examine any such hospitals infirmaries huts or other buildings in order to ascertain that the same are provided with proper and sufficient sanitary arrangements and that overcrowding is not permitted therein If such person be obstructed in the performance of his duty under this section the person so obstructing shall be liable on summary conviction to a fine not exceeding forty shillings.

If the Corporation or their contractors fail to erect fit up and maintain such hospitals or infirmaries huts or other buildings as required by this section they shall be liable to a penalty not exceeding twenty pounds and to a penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalty may be recovered by the local sanitary authority in whose district such hospitals infirmaries huts or other buildings are required to be erected and maintained.

[2 & 3 GEO. 5.] *Sheffield Corporation Act, 1912.* [Ch. clxvii.]

144. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any entry in a current poor rate for any parish or township within the city in pursuance of the provisions of section 38 of the Poor Law Amendment Act 1868 or with any new or supplementary valuation list for any such parish or township respectively made during the currency of such first-mentioned rate.

A.D. 1912.
Rates may be amended to accord with poor rate and with new or supplementary valuation list.

145. The powers of section 156 (Power to contribute to rifle ranges) of the Act of 1900 may be exercised for the purpose of providing either in conjunction with the county association established under the Territorial Reserve Forces Act 1907 or otherwise a rifle range or ranges for the use of all or any of the territorial forces and rifle clubs not connected with such forces having their headquarters within the city.

Power to contribute to rifle ranges.

146. The provisions contained in the sections of the Act of 1907 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act.

Incorporation of further sections of Act of 1907.

The sections hereinbefore referred to are—

- Section 60 (Recovery of penalties);
- Section 61 (As to appeal); and
- Section 63 (Judges not disqualified).

147. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Informations by whom to be laid.

148. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or of any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting

Evidence of appointments authority &c.

A.D. 1912. to be authenticated by the signature of the lord mayor or of the town clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Confirmation of byelaws. **149.** The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 or of the Municipal Corporations Act 1882 are made applicable under this Act.

Recovery of demands in county court. **150.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the 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.

Damages and charges to be settled by court. **151.** Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

As to notices &c. **152.** Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Persons acting in execution of Act not to be personally liable. **153.** No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into *bonâ fide* for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation

or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. A.D. 1912.

154. Nothing in this Act shall prejudice or affect the rights or liabilities of any owner lessee or other person interested in any property as between themselves or be deemed to alter the effect of any contract or covenant by which such rights or liabilities are regulated or affected. As to existing contracts &c.

155.—(1) The Local Government Board and the Board of Trade respectively may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board and the Board of Trade respectively shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board or Board of Trade.

(2) The Corporation shall pay to the Local Government Board or the Board of Trade (as the case may be) any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

156. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred upon them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act cumulative.

157. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been Saving of indictments.

[Ch. clxvii.] *Sheffield Corporation Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912. — liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Crown
rights.

158. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

159. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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 out of moneys borrowed under the authority of this Act or out of the district fund and general district rate of the city or partly in one way and partly in the other.

The SCHEDULES referred to in the foregoing Act. A.D. 1912.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED
TO BE TAKEN.

Street Improvement.	Township.	Nos. on Deposited Plans.
No. 1 - - - -	Sheffield - - - -	1 2 3
No. 3 - - - -	Sheffield - - - -	1 to 9
No. 4 - - - -	Ecclesall - - - -	1 and 2
No. 5 - - - -	Sheffield - - - -	51
No. 6 - - - -	Ecclesall - - - -	1
No. 7 - - - -	Ecclesall - - - -	1 2
No. 9 - - - -	Sheffield - - - -	1 to 6
No. 11 - - - -	Sheffield - - - -	29 to 41
No. 12 - - - -	Ecclesall - - - -	2
No. 14 - - - -	Ecclesall - - - -	1 to 12
No. 15 - - - -	Ecclesall - - - -	1 to 7
No. 16 - - - -	Ecclesall - - - -	1
No. 17 - - - -	Ecclesall - - - -	1 2
No. 18 - - - -	Ecclesall - - - -	1 2
No. 21 - - - -	Sheffield - - - -	153 187

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Sheffield Corporation Act 1912 and of other their powers in that behalf them enabling the lord mayor aldermen and citizens of the city of Sheffield (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the city by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid

[Ch. clxvii.] *Sheffield Corporation Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912. doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of shall be fully paid and satisfied with interest for the same (subject as hereinafter provided at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the said principal sum of pounds shall be repaid at the town hall in the said city [(subject as hereinafter provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon and mentioned in an endorsement to be made hereon under the hands of the lord mayor and town clerk of the city for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of one thousand nine hundred and .

The Endorsement within referred to.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and (and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum).

Dated this day of one thousand nine hundred and and

FORM OF TRANSFER OF MORTGAGE.

I (the within-named of) in consideration of the sum of pounds paid to me by of (hereinafter called "the transferee") do hereby transfer to the transferee

(his) executors administrators and assigns (the within-written security)
(the mortgage number of the revenues of the lord mayor
aldermen and citizens of the city of Sheffield bearing date the day
of) and all my right and interest under the same subject to
the several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors adminis-
trators and assigns do hereby agree to take the said mortgage security
subject to the same conditions.

A.D. 1912.
—

Dated this day of one thousand nine
hundred and

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