



CHAPTER xvii.

An Act to enable the urban district council of Ramsbottom to construct overhead equipment and run trolley cars by railless traction and to confer other powers upon the Council. A.D. 1912.
[25th June 1912.]

WHEREAS the district of Ramsbottom in the county palatine of Lancaster is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of that district (in this Act called "the Council"):

And whereas the Council have been authorised by the Ramsbottom Urban District Council Tramways Order 1903 (herein-after referred to as "the Order of 1903") confirmed by the Tramways Orders Confirmation (No. 2) Act 1903 to construct tramways along certain streets and roads in the urban district of Ramsbottom (in this Act referred to as "the district"):

And whereas the periods for the substantial commencement of the works and the completion and opening for public traffic of the said tramways have been extended from time to time by the Board of Trade and expire on the eleventh day of August one thousand nine hundred and twelve and the eleventh day of August one thousand nine hundred and thirteen respectively and the works have not yet been substantially commenced:

And whereas in consequence of the large expense which would be incurred by the Council in constructing bridge and street works in connection with the said tramways the Council have been unable to carry into effect the powers granted to them by the Order of 1903 and it is expedient that they should

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A.D. 1912. be empowered to construct a system of railless traction and work trolley cars by electrical energy over certain of the routes along which the tramways were authorised to be laid and to convert such railless traction system into a system of tramways when the traffic becomes sufficient to justify such conversion:

And whereas it is expedient that the said periods for commencement and completion and opening of the tramways should be extended:

And whereas it is expedient that the Council should be authorised to construct a station and works for generating electricity for traction and other purposes:

And whereas it is expedient that the Council be empowered to enter into and carry into effect agreements with other local authorities companies or persons as in this Act provided:

And whereas it is expedient that the Council should be empowered to borrow money for the purposes mentioned in this Act:

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

And whereas estimates have been prepared by the Council for the purposes herein-after mentioned and such estimates are as follows:—

	£
For the installation of railless traction and the necessary apparatus and plant in connexion therewith	8,350
For the provision of trolley cars - - - -	4,500
For the construction of electricity works - -	3,200

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:

And whereas an absolute majority of the whole number of the Council at a meeting held on the sixteenth day of November one thousand nine hundred and eleven after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the *Bury Times* a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning the meeting resolved that the expenses in relation to the promotion of the Bill for this Act should be charged on the district fund and general district rate or be paid out of moneys to be borrowed under this Act:

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And whereas that resolution was published twice in the *Bury Times* being a local newspaper published and circulating in the district and has received the approval of the Local Government Board: A.D. 1912.

And whereas the propriety of the promotion of the Bill as introduced into Parliament 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 eleventh day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill for this Act 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:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

1. This Act may be cited as the *Ramsbottom Urban District Railless Traction Act 1912.* Short title.

2. The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act:— Incorporation of Acts.

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

The following provisions of the Tramways Act 1870 (that is to say):—

Section 3 (Interpretation of terms);

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

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

Section 45 (Tolls &c.);

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

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- Section 47 (Penalties may be imposed in byelaws);
Section 48 (Power to local authority to license drivers conductors &c.);
Section 49 (Penalty for obstruction of promoters in laying out tramway);
Section 51 (Penalty on passengers practising frauds on the promoters);
Section 52 (Transient offenders);
Section 53 (Penalty for bringing dangerous goods on the tramway);
Section 55 (Promoters or lessees to be responsible for all damages);
Section 56 (Recovery of tolls penalties &c.);
Section 57 (Right of user only);
Section 59 (Reservation of rights of owners &c. of mines);
Section 60 (Reserving powers of street authorities to widen &c. roads);
Section 61 (Power for local or police authorities to regulate traffic in roads);
Section 63 (Regulating inquiries before referee appointed by the Board of Trade):

Provided that for the purposes of their incorporation with this Act the said provisions of the Tramways Act 1870 shall be read and have effect as if the trolley car system were a tramway and as if the trolley cars were carriages using the tramway.

Interpretation.

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

“The district” means the urban district of Ramsbottom in the county palatine of Lancaster;

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

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

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“The Order of 1903” means the Ramsbottom Urban District Council Tramways Order 1903 confirmed by the Tramways Orders Confirmation (No. 2) Act 1903; A.D. 1912.

“The tramways” means the tramways authorised to be constructed and maintained by the Council in the district under the Order of 1903;

“The undertaking” means the railless traction undertaking by this Act authorised;

“Trolley car” means a vehicle adapted for use upon roads and moved by mechanical power conveyed by overhead wires and trolleys;

“The trolley car system” means the trolley car system by this Act authorised;

“The railless traction routes” means the routes along which the Council are by this Act authorised to run trolley cars;

“Overhead equipment” means the apparatus constructed along the railless traction routes by means of which the mechanical power is transmitted to the trolley cars;

“Mechanical power” includes electrical and every other motive power not being steam or animal power;

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

“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 Council;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect

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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 ;

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

Power to provide and work a trolley car system.

4.—(1) The Council may subject to the provisions of this Act upon the routes herein-after mentioned provide construct place equip maintain work and use a trolley car system including cables wires posts poles and any other necessary or convenient apparatus and overhead equipment for the purpose of working trolley cars and may provide maintain place and run but shall not manufacture trolley cars upon the said system.

(2) The routes herein-before referred to are wholly within the district and are as follows:—

Route No. 1 Commencing at Holcombe Brook Railway Station and passing along Bolton Road West Bolton Street Market Place Ramsbottom Lane Stubbins Lane Bolton Road North Bury Road Market Street (Edenfield) and terminating at the finger-post in that street:

Route No. 2 Commencing at the Market Place aforesaid by a junction with Route No. 1 passing along Bridge Street and terminating at the railway station at Ramsbottom.

Period for completion of overhead equipment.

5. If the overhead equipment by this Act authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Trolley cars not to be deemed light

6. Subject to the provisions of this Act trolley cars shall not be deemed to be light locomotives within the meaning of

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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 for the purposes of sections 1 and 6 of that Act) 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 cars.

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locomotives
or motor
cars.

7. 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 cars as carriages or light locomotives or hackney carriages.

Saving of
excise
duties.

8. The trolley cars and overhead equipment shall be of such form construction and dimensions as the Board of Trade may approve and no trolley car shall be used by the Council which does not comply with the requirements of the Board of Trade and no such car (including the weight of its load) shall exceed a weight of five tons.

Approval of
trolley cars
and over-
head equip-
ment by
Board of
Trade.

9.—(1) The Council may erect maintain and use on the lands described in the First Schedule to this Act a station or stations for generating transforming storing and applying electrical energy with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may generate transform store use and apply such energy for traction and other purposes and may upon the said lands construct a car shed or car sheds with all buildings machinery overhead equipment apparatus and appliances necessary for or in connexion with the working of trolley cars.

Power to
erect and
maintain
generating
station.

(2) For the purposes of this section the Council may appropriate the lands vested in them and described in the First Schedule to this Act provided that a fair valuation of the land so appropriated shall be made and the amount of such valuation shall be credited to the undertaking in respect of which such land was purchased and shall be debited to the railless traction undertaking by this Act authorised.

10. The Council may supply electrical energy for any of the purposes of this Act and may enter into and carry into effect agreements with any local authority company body or person authorised to produce or supply electrical energy for the supply

Powers as to
supply of
electrical
energy.

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A.D. 1912. of electrical energy to the Council by such local authority company body or person for the purposes of this Act Provided that any supply of electrical energy by any such local authority company body or person to the Council shall be subject to the provisions of the respective Acts or Orders under which such local authority company body or person may be empowered to supply electrical energy.

Construction
of electrical
works.

11. The Council may in under or over the surface of the streets or roads (including the footways thereof) in which the trolley car system by this Act authorised will be situate or in which it may be necessary or desirable so to do in order to connect the trolley car system with any generating station construct lay down erect maintain renew and repair electric wires feeders conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways and provide overhead feeders for the purpose of working the trolley car system by electrical power and may for that purpose subject 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 that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade :

Provided also that nothing in this Act 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 except in accordance with and subject to the provisions of that section.

Attachment
of brackets
to buildings.

12. The Council may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the trolley car system by mechanical power :

Provided that—

- (1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attach-

ment subject to such terms as to compensation or rent A.D. 1912.
~~and otherwise as they may think reasonable~~ or to dis-
allow 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 Council 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 Council to temporarily
remove the attachments where necessary during any
reconstruction or repair of the building.

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.

13. In addition to the other lands which the Council are Purchase of
lands by
agreement.
by this Act authorised to hold they may purchase take on
lease or acquire by agreement and may hold for the purposes of
the undertaking any lands not exceeding seven acres and they
may on such lands erect or construct and hold depôts yards
wharves offices buildings sidings works and other conveniences
in connexion with the undertaking but the Council shall not
create or permit a nuisance on any such lands.

14. The Council may enter into and carry into effect agree- Agreements
with adjoin-
ing owners.
ments and arrangements with the owners lessees or occupiers of
any lands adjoining or near to the railless traction routes with
reference to the construction and maintenance by the Council
or by those owners lessees or occupiers of sidings junctions
works and conveniences for the accommodation and benefit of
those owners lessees or occupiers either on the lands owned by
leased to or occupied by them or on the lands of the Council
provided that the Council shall not create or permit a nuisance
on any such lands.

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Inspection
by Board of
Trade.

Board of
Trade may
authorise
new routes.

15. The trolley car system shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

16.—(1) If at any time hereafter the Council desire to use trolley cars upon any roads within the district as defined by the Tramways Act 1870 (other than the streets or roads in 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 cars upon any road or roads or parts thereof described in the application.

(2) No such application shall be entertained by the Board of Trade unless the Council 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 district;

(B) 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;

and each such notice shall state the time and method for bringing before the Board of Trade any objection 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 section shall not have any operation. A.D. 1912.

(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.

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

(8) 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.

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

(10) Any Provisional Order obtained by the Council under the Tramways Act 1870 authorising the construction of tramways in the district may authorise the Council to use trolley cars upon all or any of the roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

(11) The Council shall not without the consent of the county council apply to the Board of Trade for a Provisional Order authorising the use of trolley cars upon any portion of a main road along which tramways were not authorised to be constructed by the Order of 1903.

17. Trolley cars may be used for the carriage of passengers and of parcels not exceeding fifty-six pounds in weight but the Council shall not be bound to carry parcels other than personal luggage carried by passengers and not exceeding twenty-eight pounds in weight. And the trolley cars shall not be used for the conveyance of goods and mineral traffic except such as

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A.D. 1912. bonâ fide arises in and is destined for places within the district
Provided that (subject to the provisions of the section of this
Act the marginal note of which is "Council may use trolley
car system for sanitary purposes") traffic which shall have been
brought to or is intended to be taken from the trolley cars
from or into any area beyond the district shall not be deemed
to be within the last-mentioned exception.

Conveyance
of mails.

18. The Council shall perform in respect of trolley cars and
omnibuses 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.

Council to
have exclu-
sive right
of using ap-
paratus for
working
trolley cars.

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

Council may
use trolley
car system
for sanitary
purposes.

20. The Council may at such times and in such manner as
they think fit (but subject to the provisions of this Act and to
any byelaws for the time being in force with respect to the
trolley cars) use the trolley car system for sanitary purposes and
for the conveyance of scavenging stuffs road metal and other
materials required for the works of the Council free of all rates
and charges in respect of such use.

Application
of provisions
of Order of
1903.

21. The provisions contained in Articles 31 to 37 (relating
to rates) of the Order of 1903 shall apply to the trolley car
system authorised by this Act as if the same had been enacted
herein.

Motive
power.

22. The trolley cars may be moved by animal power or
subject to the following provisions by mechanical power (that is
to say):—

(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 trolley car system and for regulating the use of electrical power: A.D. 1912.

(3) The Council or any company or person using any mechanical power on the trolley car system contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to 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 Council 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 Council 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 Council 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.

23. The provisions of sections 26 27 and 30 to 33 of the Tramways Act 1870 shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Council for the purposes of mechanical power were parts of the trolley car system.

Apparatus used for mechanical power to be deemed part of trolley car system.

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

Special provisions as to use of electrical power.

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance:

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- (2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line

and apparatus all reasonable precautions including A.D. 1912.
the use of an insulated return have been taken to
prevent injurious interference therewith and with the
currents therein by or from other electric currents:

- (6) If any difference arises between the Council and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (7) The expression "Council" in this section shall include lessees licencees and any person owning working or running trolley cars on the trolley car system.

25.—(A) Notwithstanding anything in this Act contained if any of the works by this Act authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For pro-
tection of
Postmaster-
General.

(B) In the event of the trolley car system being worked by electricity or of electrical energy being supplied by the Council for traction and other purposes under this Act the following provisions shall have effect:—

- (1) The Council shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be referred to arbitration:

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- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the trolley car system by electricity or the supply of electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Council as to any requirement so made shall be referred to arbitration:
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Act authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Act at any works of the Council enter thereon for the purpose of inspecting the plant and the working of the same and the Council shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Council pursuant to the Board of Trade regulations:

- (5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :

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(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Council" includes their lessees and any person owning working or running trolley cars on the trolley car system.

Use of
posts by
Postmaster-
General.

26.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Council in connexion with the trolley car system or the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley car system or the tramways :

(B) The Postmaster-General shall give to the Council not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided :

(C) Unless otherwise agreed between the Postmaster-General and the Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of

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the powers of this section for the protection of the public or the unobstructed working or user of the trolley car system or the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Council or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (G) The Postmaster-General shall make good to the Council and shall indemnify them against any loss damage or expense which may be incurred through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Council their officers or servants:
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Council and the Postmaster-General in the use of

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the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Council or failing agreement determined as herein-after provided:

- (I) The Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley car system or the tramways or by any accident arising thereon or by the authorised use by the Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants:
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same. Provided that if the Council or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Council from using their posts standards or brackets for the support of any of their electric wires and apparatus in connexion with the tramways or the trolley car system or other undertakings or shall take away any existing right of the Council of permitting the use by any company or person of their posts standards or brackets in connexion 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 herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph

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Act 1878 for the settlement of differences relating to a street or public road. A.D. 1912.

(4) In this section the expression "Council" includes their lessees or any person owning working or running trolley cars on the trolley car system or carriages on the tramways the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

27. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the county council unless otherwise agreed in writing between the county council and the Council (that is to say):—

For protection of Lancashire County Council.

(1) Before the trolley car system by this Act authorised is opened for public traffic the portion of the route along which the system is constructed which is now paved with macadam shall be repaved by the Council with tar macadam on proper foundations to the satisfaction of the county surveyor and one-fourth of the cost of such repaving and foundations shall be paid exclusively by the Council and be deemed part of the cost of the construction of the trolley car system:

(2) The width of tyre on the back wheels of trolley cars used under the powers of this Act shall not be less than eight inches and the diameter of the back wheel on each such car shall not be less than three feet. The tyres of all wheels used on the said trolley cars shall be of rubber or some other substance approved by the county council:

(3) If the Council abandon their undertaking or any part of the same they shall forthwith take up and remove from the whole or such part thereof as may be abandoned all overhead equipment and works laid in or along any main road with all convenient speed and in all cases within six weeks at the most (unless the county council otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the county council restore the portion of the main road upon or in which such overhead equipment and works were erected or laid to as good

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condition as that in which it was before such overhead equipment and works were erected or laid and clear away all metalling material or rubbish occasioned by such work and they shall in the meantime cause all places in which any works are being carried out by the Council under the provisions of this section to be fenced and watched and properly lighted at night:

(4) If the Council in the execution of any works in or affecting any such main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Council of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Council shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence:

(5) If it shall be found that the use of the routes by the trolley car system increases the cost of the repair and maintenance of the main roads then such increased cost shall not be included in the annual payment which the county council is liable to make to the Council under section 11 of the Local Government Act 1888 in respect of the main roads in the district.

For protection of Lancashire and Yorkshire Railway Company.

28. For the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Council and the company be observed and have effect in relation to the exercise of the powers of this Act (that is to say):—

(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 trolley car system or overhead equipment:

- (2) All works by this Act authorised where the same shall be made under or adjacent to any bridge or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Council by an arbitrator to be appointed as herein-after provided Provided that if the 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 company The Council shall so maintain and use the works and apparatus as not to injuriously affect any such bridge or other works and in the event of any injury being occasioned to such bridge or work by the construction maintenance user or removal of the works and apparatus under or adjacent to the same the company may make good the injury and may recover from the Council the reasonable expenses of so doing:
- (3) The Council shall on demand pay to the company the reasonable expense of lighting and watching the works of the Council during the execution or repair by the Council under this Act of any work or apparatus affecting any railway belonging to the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of either of them:
- (4) The Council 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 belonging to the company or any traffic thereon:

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- (5) The Council shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the 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 or by reason of any act default or omission of the Council or of any person in their employ or of any contractors for the intended works or any part thereof and the Council shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:
- (6) If the company shall hereafter in the exercise of their existing powers require to widen strengthen reconstruct alter or repair any such bridge under or adjacent to which the works and apparatus are laid or to widen or alter any railway thereover and if it shall be necessary for such purpose that such works and apparatus be temporarily diverted or removed and if the company accordingly give to the Council twenty-one days notice in writing (or in the case of emergency such notice as may be reasonably practicable) requiring such diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be diverted or removed as stated in such notice at the reasonable expense of the Council and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay diversion or removal:
- (7) The Council shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening strengthening reconstructing altering or repairing as

is mentioned in the last preceding subsection or in the maintenance of any bridge or other work of the company by reason of the existence or user of the works or apparatus : A.D. 1912.

- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Council has been placed the Council shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Council and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) If having regard to the proposed position of any works of the Council by this Act authorised when considered in relation to the position of the works of the company at such point where any works or apparatus will be constructed under or adjacent to the railway or other works of the 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 company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Council :
- (10) The Council shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the 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 connexion with the maintenance and reconstruction or alteration of the said bridges :
- (11) If any difference arises under this section between the Council and the company the same shall unless other-

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wise 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.

Power to
convert
trolley car
system into
tramways.

29. The Council may at any time with the consent of the Board of Trade and subject to the provisions of the Order of 1903 regulating the construction of the tramways construct and lay down all proper rails plates works and conveniences and do all necessary acts for the purpose of converting into tramways any part or parts of the trolley car system situate in any route along which the tramways were authorised to be constructed by the Order of 1903 and after such conversion the Order of 1903 shall apply to the tramways resulting therefrom as if they had been originally constructed under the powers of that Order.

Power to
lease railless
routes.

30.—(1) The Council may enter into an agreement or agreements with any authority company or person for a lease (not exceeding twenty-one years) to such authority company or person of the trolley car system when completed together with the right of user of the same and of taking and demanding the fares rates and charges authorised in respect thereof for such period at such rent and upon such other terms and conditions as they may think fit Provided that in any such lease the amount to be paid to the Council by way of rent shall in no case be less than a sum sufficient to pay the interest on all moneys required to be borrowed for the purpose of the construction of the trolley car system or of the part or parts so leased as aforesaid and the provision of trolley cars for working the same and also sufficient to provide the requisite appropriations instalments or sinking fund payments in relation to the said moneys as provided by the section of this Act the marginal note of which is "Mode of payment off of money borrowed."

(2) So soon as the Council have completed the trolley car system so agreed to be leased as aforesaid and have demised the trolley car system together with the right of user and of taking and demanding fares rates and charges as aforesaid the powers of the Council to work the trolley car system shall be suspended during the continuance of such lease.

(3) All moneys received by the Council by way of rent under this section shall be treated as railless traction revenue and applied in manner provided by the section of this Act

the marginal note whereof is "Application of railless traction A.D. 1912. revenue."

31.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any part of the trolley car system for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to any trolley car;

For providing that trolley cars shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the trolley cars and the protection of passengers from the machinery used for drawing or propelling such carriages;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the trolley car system by exhibition of the same in some conspicuous place on the trolley cars and elsewhere.

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

32. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the trolley car system shall not authorise the Council to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but such byelaws may restrict the rate of speed to a lower rate than that so authorised.

Amendment of Tramways Act 1870 as to byelaws by local authority.

33. 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 trolley car system for the time being belonging to and worked by the Council be made by the Council alone.

Regulations.

34. The Council may appoint the stations and places from which the trolley cars used on the trolley car system shall start or at which they may stop for the purpose of taking up or

Council may appoint stopping and starting places.

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A.D. 1912. setting down passengers and may make regulations for fixing the time during which such trolley cars shall be allowed to remain at any such place and for enforcing order at any such place.

Shelters or waiting rooms.

35. The Council may erect and maintain shelters or waiting rooms for the accommodation of passengers and may with the consent of the road authority use for that purpose portions of the public streets or roads.

Penalty for malicious damage.

36. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any trolley car system of the Council anything which is calculated to obstruct or interfere with the working of such trolley car system 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 with respect to any trolley car system of the Council shall be liable to a penalty not exceeding twenty pounds.

Orders of Board of Trade.

37. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Power to provide omnibuses.

38.—(1) The Council may provide maintain work and run but shall not manufacture omnibuses within the district—

(a) On any railless traction route pending the construction of the overhead equipment and running of trolley cars thereon; and

(b) In connexion with any railless traction routes of the Council or when the running of trolley cars is impracticable or during the construction alteration or repair of the overhead equipment or any part thereof or in prolongation of any railless traction route or for testing the amount of traffic along any such route or between any particular points.

(2) The Council may demand take and recover tolls and fares for the use of such omnibuses.

(3) The Council may purchase by agreement take on lease and hold lands and buildings and may provide such plant appliances and conveniences as may be necessary or expedient for the establishment running and equipment of such omnibuses

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but the Council shall not create or permit a nuisance on any such lands. A.D. 1912.

(4) The Council may make byelaws for regulating the travelling and for the prevention of nuisances in or upon any omnibus belonging to them Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) All expenses and receipts incurred in or arising from the exercise of the powers of this section shall be deemed to be part of the expenses and receipts of the undertaking of the Council.

39. The times limited by the Order of 1903 as extended by an Order of the Board of Trade dated the fifth day of August one thousand nine hundred and eleven for (a) the substantial commencement of the works and (b) the completion of the tramways and the opening thereof for public traffic are hereby extended to the expiration of periods of two years and three years respectively from the passing of this Act. Extension
of periods
under Order
of 1903.

40. The Council shall apply all money from time to time received by them in respect of the undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):— Application
of railless
traction
revenue.

First In maintaining the trolley car system and any works or apparatus connected therewith and any trolley car systems leased or worked by the Council:

Secondly In payment of all working and other expenses of the undertaking properly chargeable to revenue:

Thirdly In payment of the interest on the moneys borrowed by the Council for the purposes of the undertaking:

Fourthly In providing the requisite instalments appropriations annual repayments or sinking fund in respect of moneys borrowed by the Council for the purposes of the undertaking:

Fifthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts

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to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on the undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to the prescribed maximum.

As to deficiency in receipts.

41. Any deficiency in the revenue of the undertaking shall be made good out of the general district rate within twelve months after the deficiency is ascertained.

Separate accounts.

42. The Council shall keep the accounts in respect of the undertaking separate from all their other accounts distinguishing therein capital from revenue.

Power to borrow.

43.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

Purpose.	Amount.	Period for Repayment.
(A) For the provision of overhead equipment and the construction of other works necessary for working trolley cars.	£ 8,350	Twenty years from the date or dates of borrowing.
(B) For the provision of trolley cars	4,500	Ten years from the date or dates of borrowing.

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Purpose.	Amount.	Period for Repayment.
(c) For the construction of electricity works.	£ 3,200	Twenty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act as herein-after provided.	The sum requisite.	Five years from the passing of this Act.

(2) The Council may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of this Act and any money so borrowed shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by that Board.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards money borrowed for purposes (A) (B) and (C) herein-before mentioned and as regards money borrowed with the consent of the Board of Trade the revenue of the undertaking and the district fund and general district rate or either of those securities ;

As regards money borrowed for purpose (D) the district fund and general district rate :

Provided that in the event of the conversion of the trolley car system or any part thereof into tramways in pursuance of the section of this Act whereof the marginal note is "Power to convert trolley car system into tramways" any loans which are outstanding when such conversion is completed and are charged upon the revenue of the undertaking in pursuance of this section shall together with the interest thereon be deemed thereafter to be charged upon the revenue of the tramway undertaking of the Council in addition to the other securities upon which they are charged :

The provisions of this subsection shall not limit the powers conferred upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

44. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in

Certain regulations of Public

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Health Act
as to bor-
rowing not
to apply.

Provisions
as to mort-
gages.

section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

45. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Council under this Act (other than mortgages granted under the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") as if they were with necessary modifications re-enacted in this Act.

Appoint-
ment of
receiver.

46.—(1) Any mortgagee of the Council 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:

The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection
of lenders
from inquiry.

47. A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Mode of
payment off
of money
borrowed.

48. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking
fund.

49.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the

sinking fund is formed A sinking fund so formed is herein-after called "a non-accumulating sinking fund"; or

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- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)--(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking

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A D. 1912. fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

50.—(1) The clerk 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 of the moneys raised by the Council in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk 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 Local Government Board shall require and in the event of his failing to make such return the clerk 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 Local Government Board out of the High Court.

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Return
respecting
sinking fund
to Local
Government
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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 any 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 Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the

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A.D. 1912. 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 Local Government Board out of the High Court.

Power to borrow under Local Loans Act 1875.

51.—(1) The Council 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.

(2) 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.

(3) Every such loan shall be discharged within the prescribed period.

(4) The section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided by the Council for the repayment of any moneys borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Application of money borrowed.

52. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Council not to regard trusts.

53. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given 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 Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council 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

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register and the Council 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. A.D. 1912.

54.—(1) Where the Council 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. Power to use one form of mortgage for all purposes.

(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 the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(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 Council.

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

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of 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 clerk or other person having the custody of the same and refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form in the Second Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Council 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 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 the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) 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 and administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

Power to
use sinking
fund instead
of borrow-
ing.

55.—(1) Where the Council 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 Council 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 Council 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 re-borrowing 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.

(4) The Council 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.

56.—(1) The Council shall have power—

- (A) to borrow for the purpose of paying off any moneys previously borrowed by them 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

Power to
re-borrow.

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applied from other funds of the Council in repaying moneys previously borrowed by them under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) 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.

(3) The Council 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.

(4) The Council 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.

Consents not to be unreasonably withheld.

57. Where the consent or approval of any local or road authority or company body or person is by this Act required before the exercise of any powers by the Council 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 unless otherwise specially provided be referred to arbitration.

Inquiries by Local Government Board and Board of Trade.

58.—(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

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of inquiries directed by that Board under the Public Health Act 1875. A.D. 1912.

(2) The Council 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.

59. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts. Audit of accounts.

60. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such expenses as may be payable out of borrowed moneys or paid out of railless traction revenue in pursuance of the provisions of this Act) shall be paid out of the district fund and general district rate. Expenses of executing Act.

61. Any penalty under this Act or under any byelaws made in pursuance of this Act may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

62. Where under this Act or under the provisions of the Tramways Act 1870 incorporated therewith any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and shall be subject to the provisions of the Arbitration Act 1889. As to arbitration.

63.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices &c.

(2) 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 district 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

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A.D. 1912. delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Crown
rights.

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

Costs of
Act.

65. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate but ultimately if the Council so determine out of money borrowed under this Act.

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

THE FIRST SCHEDULE.

A portion of certain lands situate in the urban district of Ramsbottom on the easterly side of Stubbins Lane belonging to the Council and containing 10,950 square yards or thereabouts bounded on the east by land belonging to the Lancashire and Yorkshire Railway Company on the north by a bridge leading to the railway sidings on the west by Stubbins Lane and Factory Street and on the south by land and buildings belonging to the Calico Printers' Association and being the portion of such lands adjoining the eastern boundary thereof and being 95 yards distant from the said bridge and having a frontage of 50 feet and a total area of 278 square yards or thereabouts.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

THE URBAN DISTRICT OF RAMSBOTTOM.

By virtue of the Ramsbottom Urban District Railless Traction Act 1912 and of any other powers in that behalf then enabling the Ramsbottom Urban District Council (herein-after called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum of _____ pounds so paid 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 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 thirtieth day of June and the thirty-first day of December in each year And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the office of the Council at Ramsbottom on the day of _____ one thousand nine hundred and _____ :

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

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A.D. 1912. rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council 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 Council have caused their common 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 the 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

FORM OF TRANSFER OF MORTGAGE.

I (the within-named of) in consideration of the sum of pounds paid to me by of (herein-after 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 Ramsbottom Urban District Council 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 administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

Printed by EYRE and SPOTTISWOODE, Ltd.

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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