

[21 & 22 GEO. 5.] *Public Works* [Ch. lxxii.]
Facilities Scheme (Rotherham Corporation)
Confirmation Act, 1931.



CHAPTER lxxii.

An Act to confirm a Scheme made by the Minister of Health under the Public Works Facilities Act 1930 relating to the Rotherham Corporation. A.D. 1931.
—
[31st July 1931.]

WHEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Health has made a Scheme which needs confirmation by Parliament :

Be it therefore 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. The Scheme of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Rotherham Corporation) Confirmation Act 1931. Short title.

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SCHEDULE.

ROTHERHAM CORPORATION.

*Rotherham
Corporation
Scheme.*

Scheme under the Public Works Facilities Act 1930 empowering the mayor, aldermen and burgesses of the county borough of Rotherham to construct street and other works and for other purposes.

WHEREAS the mayor, aldermen and burgesses of the county borough of Rotherham (hereinafter called "the Corporation") are desirous of providing constructing and carrying out the works authorised by this Scheme :

And whereas the powers contained in this Scheme are required by the Corporation for the purpose of enabling them to execute such works :

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Scheme authorised, and such estimates are as follows :—

For the purchase of lands, minerals and permanent rights - - - - -	£ 1,100
For the construction of buildings - - - - -	5,200
For and in connection with street improvements -	7,360

And whereas the Minister of Health is satisfied—

- (a) that such works will materially contribute to the relief of unemployment; and
- (b) that the relief of unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on local authorities by local Acts; and
- (d) that the powers so conferred will not enable the Corporation to undertake functions of a different nature from those already within their statutory powers :

Now therefore the Minister of Health in pursuance of the powers given to him by section 1 of the Public Works Facilities

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Act 1930 and of all other powers enabling him in that behalf hereby orders as follows :— A.D. 1931.

1.—(1) This Scheme may be cited as the Rotherham Corporation Scheme 1931.

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Rotherham Corporation Scheme.

(2) This Scheme shall come into force upon the date upon which the Act which confirms this Scheme is passed and that date is in this Scheme referred to as “the commencement of this Scheme.”

Short title and commencement.

2.—(1) The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Scheme) are hereby incorporated with and form part of this Scheme (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845).

Incorporation of Acts.

(2) For the purposes of such incorporation the expression “special Act” in the said Acts shall mean this Scheme and the expression “the Company” shall mean the Corporation as hereinafter defined.

3.—(1) In this Scheme the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

(2) In this Scheme unless the subject or context otherwise requires :—

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

“The borough” means the county borough of Rotherham ;

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the clerk of the county council of the West Riding of Yorkshire in respect of this Scheme ;

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

“The Minister” means the Minister of Health ;

“The church authorities” means the Reverend Harold Dunbar Morgan or other the vicar for the time being of the parish of All Saints Rotherham the churchwardens for the time being of the said parish and the parochial church council of the said parish ;

“The agreements” means the agreement dated the fifteenth day of December nineteen hundred and thirty and made

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between the Reverend Harold Dunbar Morgan of the first part William Elmhirst Harry Green and Edward Cecil France of the second part and the Corporation of the other part and the agreement dated the thirteenth day of January nineteen hundred and thirty-one and made between the said Reverend Harold Dunbar Morgan of the first part the said William Elmhirst Harry Green and Edward Cecil France of the second part the Corporation of the third part and the parochial church council of the said parish of All Saints of the fourth part and each of those agreements is referred to in this Scheme as the agreement of the year in which it was made;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“Revenues of the Corporation” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1915;

“The Act of 1896” “the Act of 1900” “the Act of 1904” “the Act of 1911” “the Act of 1915” “the Act of 1921” and “the Act of 1924” mean respectively the Rotherham Corporation Act 1896 the Rotherham Corporation Act 1900 the Rotherham Corporation Act 1904 the Rotherham Corporation Act 1911 the Rotherham Corporation Act 1915 the Rotherham Corporation Act 1921 and the Rotherham Corporation Act 1924.

Power to take land by agreement and to construct works.

4.—(1) The Corporation may acquire by agreement such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of the works hereinafter mentioned or for other purposes of this Scheme.

(2) Subject to the provisions of this Scheme and notwithstanding anything in the Disused Burial Grounds Act 1884 or any other Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the following works together with all necessary works and conveniences connected therewith or incidental thereto (that is to say):—

Work No. 1 A public convenience or public conveniences commencing at a point 36 yards or thereabouts and terminating at a point 8 yards or thereabouts measured respectively in a westerly direction from the north-western corner of the premises known as No. 16 College Street in the borough;

Work No. 2 A widening and improvement of Church Street and All Saints Square on the southerly sides thereof respectively commencing in Church Street at a point

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8 yards or thereabouts measured in a north-westerly direction from the north-western corner of the Rotherham parish church and terminating at the north-western corner of the said premises known as No. 16 College Street.

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(3) The Corporation may also construct upon the lands acquired by them under this Scheme a public shelter or waiting room to be situate over or adjoining the site of Work No. 1 hereinbefore described.

(4) When so much of the said lands as forms part of the churchyard or burial ground of the church known as All Saints church in Rotherham shall have been acquired by the Corporation and when all human remains found therein shall have been removed therefrom the same shall be freed and discharged from all trusts uses obligations disabilities and restrictions which may affect the same by reason of its being a disused burial ground and from all other trusts uses obligations disabilities and restrictions whatsoever heretofore attaching thereto under ecclesiastical law or otherwise as part of the former churchyard or burial ground of the said church.

5. In the construction of the works authorised by this Scheme the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Limits of deviation.

6.—(1) Subject to the provisions of this Scheme and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Scheme and as part of the works to be executed under the powers of this Scheme may execute or do any of the following works or things (namely):—

Power to make subsidiary works.

- (a) Make junctions and communications with any existing streets footpaths or steps intersected or interfered with by or contiguous to the works authorised by this Scheme or any of them and divert widen or alter the line or alter the level of any existing street footpath or steps for the purpose of connecting the same with any of such works or otherwise;
- (b) Execute any works for the protection of any adjoining land or buildings;
- (c) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining lands or buildings; and
- (d) Raise lower alter divert stop up or otherwise interfere with any tramway drain sewer channel or gas or

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water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage in any drain sewer or channel or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter divert stop up or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

For protec-
tion of
church
authorities.

7. The exercise of the powers conferred upon the Corporation by this Scheme shall be subject in all respects to the provisions of the agreements except so far as may be otherwise agreed between the Corporation and the church authorities and except so far as those provisions are inconsistent with or rendered unnecessary by the provisions of this Scheme and the church authorities may in accordance with the agreements sell to the Corporation for the purposes of this Scheme any lands belonging to the church authorities which are situate within the limits of deviation shown upon the deposited plans and which are required by the Corporation for those purposes.

Removal of
human
remains.

8.—(1) If and when the Corporation shall acquire any portion of the burial ground of the church known as All Saints church in Rotherham they shall before applying or using any part of such portion for any of the purposes of this Scheme remove or cause to be removed the remains of all deceased persons interred in the portion so acquired of such burial ground.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the portion of the burial ground so acquired may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop

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of the diocese of Sheffield to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

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(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Sheffield who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Corporation may without any faculty for the purpose remove the remains of the deceased person and cause them to be re-interred in the same or such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the borough as the said bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough.

9.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the

Power to
borrow.

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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 Scheme referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands	£ 1,100	Sixty years.
(b) The construction of the works and public shelter or waiting room authorised by this Scheme.	12,560	Thirty years.
(c) The payment of the costs charges and expenses of this Scheme.	The sum requisite.	Five years from the commencement of this Scheme.

(2) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Scheme.

(3) In order to secure the repayment of any money borrowed under this Scheme and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(4) Any money borrowed under this Scheme with the consent of the Minister shall be repaid within such period (in this Scheme referred to as "the prescribed period") as may be prescribed by the Minister.

Incorporation of sections from existing Acts.

10. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Scheme and be incorporated with and form part of this Scheme (that is to say) :—

The Act of 1896—

- Section 30 (Mode of repayment of moneys borrowed);
- Section 32 (Protection of lender from inquiry);
- Section 34 (Corporation not to regard trusts);
- Section 35 (Power to borrow under Local Loans Act 1875);
- Section 37 (Application of moneys borrowed).

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The Act of 1900—

- Section 51 (Correction of errors &c. in deposited plans and book of reference);
Section 54 (Persons under disability may grant easements &c.);
Section 57 (Power to retain sell &c. lands);
Section 58 (Proceeds of sale of surplus lands);
Section 59 (Agreements with landowners).

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The Act of 1904—

- Section 49 (Power to appropriate lands);
Section 181 (Persons acting in execution of Act not to be personally liable);
Section 183 (Inquiries by Local Government Board);
Section 184 (Authentication and service of notices &c.);
Section 186 (Compensation how to be determined);
Section 196 (Powers of Act cumulative).

The Act of 1911—

- Section 61 (Temporary stoppage of streets);
Section 85 (Provisions of Public Health Act as to mortgages to apply);
Section 88 (Appointment of receiver);
Section 91 (Expenses of execution of Act).

The Act of 1915—

- Section 39 (Receipt in case of persons not sui juris).

The Act of 1921—

- Section 7 (Extinction of private rights of way);
Section 17 (Power to alter steps areas pipes &c.).

The Act of 1924—

- Section 10 (Application of road materials excavated in construction works);
Section 11 (Land laid into streets to form part thereof):

Provided that—

- (1) Section 51 of the Act of 1900 in its application to this Scheme shall be read and have effect as if the words "the town clerk" were therein substituted for the words "the clerk of the peace for the county" and "the clerk of the peace";
- (2) Subsection (2) of section 183 of the Act of 1904 in its application to this Scheme shall be read and have effect as if the words "five guineas" were therein substituted for the words "three guineas."

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For protection
of Postmaster-
General.

Costs of
Scheme.

11. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.

12. All the costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and confirming this Scheme and otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenues of the Corporation or out of the moneys to be borrowed under this Scheme for that purpose.

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