



## CHAPTER lii.

An Act for conferring further powers upon the Corporation of Rotherham with reference to their tramway and electricity undertakings to authorise the construction of street works and to make better provision for the health local government and finance of the borough of Rotherham and for other purposes. [15th July 1915.] A.D. 1915.

**W**HEREAS the county borough of Rotherham (in this Act called "the borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

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

And whereas it is expedient that new tramways should be constructed for the purpose of extending the existing tramways of the Corporation and that further powers as in this Act contained should be conferred upon the Corporation in connection with their tramway undertaking and with respect to the running of motor omnibuses:

And whereas for nearly ten years by agreement between the Corporation and the lord mayor aldermen and citizens of the city of Sheffield a through service of tramcars has been run between the centre of the borough and the centre of the city of Sheffield:

And whereas the said agreement has expired and the said through service has ceased and it is expedient in the public interest that provision should be made for reviving and continuing the said service as by this Act provided:

A.D. 1915.

And whereas it is expedient to confer further powers upon the Corporation in connection with their electrical undertaking authorised by the Rotherham Electric Lighting Order 1898 and the Rotherham Corporation Act 1904:

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

And whereas the following adoptive Acts and parts of Act are in force within the borough (that it to say):—

The Infectious Disease (Prevention) Act 1890;

The Public Health Acts Amendment Act 1890 (Parts I. II. and III.);

The Public Libraries Acts 1892 and 1893; and

The Notification of Births Act 1907:

And whereas by an order of the Local Government Board dated the eighteenth day of June one thousand nine hundred and twelve the following sections of the Public Health Acts Amendment Act 1907 were declared to be in force within the borough (namely):—

Sections 16 19 22 23 24 32 and 33 comprised in Part II.;

Sections 34 36 43 48 49 50 and 51 comprised in Part III.;

Sections 52 55 56 63 and 64 comprised in Part IV.;

Part V. and section 93 comprised in Part X.:

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

For the purchase of lands for and for the construction of the new streets by this Act authorised	£ 4,310
For the construction and equipment of the tramways by this Act authorised	62,718
For or in connection with the provision and running of omnibuses by this Act authorised and the erection of accommodation therefor	9,108

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

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Rotherham Corporation Short title. Act 1915.

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

Part I.—Preliminary.

Part II.—Street Works.

Part III.—Tramways.

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

Part V.—Electricity.

Division of Act into Parts.

A.D. 1915.

Part VI.—Streets and Buildings and Sanitary Provisions.

Part VII.—Finance.

Part VIII.—Miscellaneous.

Incorporation of general Acts.

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

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

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870.

Interpretation.

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

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

“The council” means the council of the borough;

“The town clerk” “the treasurer” and “the surveyor” mean respectively the town clerk the treasurer and the surveyor of the borough;

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

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

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

“The Act of 1904” means the Rotherham Corporation Act 1904;

“The Act of 1911” means the Rotherham Corporation Act 1911;

“The new streets” means the new streets by this Act authorised;

“The tramways” means the tramways by this Act authorised; A.D. 1915.

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

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

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

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

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

A.D. 1915.

PART II.

STREET WORKS.

Power to  
construct  
new streets.

**5.** Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the new streets within the borough hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

Work No. 1 A new street being a continuation in a straight line of Parkfield Road from the south-eastern end thereof to Lister Street:

Work No. 2 A new street being a continuation of Clifton Crescent North from the north-eastern end thereof to a point in Lister Street ten yards north-east of its junction with Badsley Street:

Work No. 3 A new street being a continuation in a straight line of Middleton Road from its junction with Lister Street to Gilberthorpe Street.

Power to  
make sub-  
sidiary  
works.

**6.** Subject to the provisions of this Act and within the limits of deviation defined upon the deposited plans the Corporation in connection with and for the purposes of the new streets may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new streets and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the new streets.

Lands laid  
into new  
streets to be  
public high-  
ways.

**7.** The sites of all houses and all lands purchased by the Corporation under the powers of this Act and laid into or appropriated for or as part of a street shall when so laid or appropriated be and for ever thereafter form part of the public streets and shall be repaired and maintained in like manner and out of the like fund or rate as other streets in the borough.

Power to  
alter levels  
of road.

**8.** Subject to the provisions of this Act the Corporation may in the parishes of Bramley and Maltby in the rural district of Rotherham in the line and situation shown on the deposited plans and according to the levels shown on the deposited sections make an alteration and lowering of the levels of the Bawtry and Tinsley main road between the west side of the approach road to the Bramley goods station and the west side of the

culvert carrying the said main road over the Hellaby Brook together with all proper and necessary works and conveniences connected therewith. A.D. 1915.

9. The part of the Bawtry and Tinsley main road in the parishes of Bramley and Maltby by this Act authorised to be altered shall when altered and completed form part of the Bawtry and Tinsley main road and shall vest in the authority in whom the same was vested previously to the alteration and shall be maintained and repaired by the authority charged with the maintenance of that road. As to vesting and repair of altered road.

10. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards. Limits of deviation.

### PART III.

#### TRAMWAYS.

11. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all proper rails plates works and conveniences connected therewith or for the purposes thereof and may take up and remove so much of any existing lines of tramway as will be rendered unnecessary by the construction of the said tramways and may utilise for the purposes of Tramway No. 2 any cables wires posts poles and other necessary or convenient apparatus and equipment used by the Corporation for or in connection with the working of their trolley vehicles Provided that nothing in this Act shall 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. Power to make tramways.

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

Tramway No. 1 (Double line 2 furlongs 3·97 chains in length) wholly in the parish and county borough of

A.D. 1915.

Rotherham commencing by a junction with the existing tramways of the Corporation in Effingham Street fourteen yards or thereabouts south of its junction with Howard Street passing thence along Effingham Street Effingham Square and Frederick Street and terminating by a junction with the existing tramways of the Corporation in the last-mentioned street at or near its junction with Nottingham Street :

Tramway No. 1A (Double line 2·78 chains in length) wholly in the said parish and county borough commencing by a junction with Tramway No. 1 in Effingham Street at a point eleven yards or thereabouts south of its junction with Frederick Street and terminating by a junction with the existing tramways of the Corporation in Effingham Street at a point fifty yards or thereabouts north of the junction of that street with Frederick Street :

Tramway No. 2 (5 miles 2 furlongs 6·92 chains in length whereof 3 furlongs 5 chains will be double line and 4 miles 7 furlongs 1·92 chains will be single line) in the said parish and county borough and in the parishes of Whiston Wickersley Bramley and Maltby in the rural district of Rotherham commencing by a junction with the existing tramways of the Corporation in the Rotherham and Barnby Moor Road at a point opposite Herringthorpe Lane passing thence along the Rotherham and Barnby Moor Road and the Bawtry and Tinsley main road to the junction of that road with Grange Lane and Muglet Lane at Maltby :

Provided that if at any time before or during the construction of any portion of Tramway No. 2 the road in which such portion of tramway is authorised shall have been or be widened the said portion of tramway shall be constructed in such position in the widened road as shall be agreed between the Corporation and the road authority or as failing agreement shall be determined by arbitration in the manner prescribed by section 33 of the Tramways Act 1870 and the Corporation and the road authority may enter into and carry into effect contracts and agreements with respect thereto Provided further that the Corporation shall not under the foregoing proviso lay any portion of the said tramway so that for a distance of thirty feet or upwards a less space than nine feet and six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.



**12.** Tramways Nos. 1 and 1A shall be completed within seven years and Tramway No. 2 shall be completed within ten years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed.

A.D. 1915.  
Period for  
completion  
of tramways.

**13.** Subject to the provisions of this Act the provisions of Part II. of the Act of 1900 (except sections 5 6 9 15 16 19 21 32 33 36 and 42) and the hereinafter mentioned provisions of the Act of 1904 and of the Act of 1911 shall so far as the same are applicable extend and apply to the tramways in like manner in every respect as if the tramways formed part of the tramway undertaking authorised by the said Acts and the Rotherham Corporation Tramways Order 1914 and for the purpose of such application the expressions "the tramways" and "the Corporation tramways" in the said provisions shall be construed to include the tramways.

Incorporation of certain provisions of former Acts.

The provisions of the Act of 1904 and of the Act of 1911 hereinbefore referred to are—

The Act of 1904—

Section 31 (For protection of Postmaster-General); and

Section 33 (Attachment of brackets &c. to buildings):

The Act of 1911—

Section 12 (As to electrical works);

Section 14 (Plan of proposed mode of construction);

Section 16 (Use of tramway posts by Postmaster-General);

Section 17 (Apparatus used for mechanical power to be deemed part of tramways); and

Section 19 (Penalty for malicious damage):

Provided that section 13 of the Act of 1900 as applied by this Act shall be read and have effect as if the words "with the consent of the Board of Trade" had been inserted therein after the word "Act" where it first occurs in that section:

Provided also that nothing in this section shall authorise the attachment of brackets wires and apparatus to any house bridge or building belonging to any railway company or committee without the previous consent of such company or committee.

**14.** For the protection of the county council of the west riding of Yorkshire (in this section called "the county council")

For protection of West Riding

A.D. 1915.  
County  
Council.

the following provisions shall unless otherwise agreed in writing apply and have effect with respect to the Tramway No. 2 by this Act authorised (in this section referred to as "the tramway") (that is to say) :—

(1)—(A) Not less than two months before the Corporation shall commence to construct any portion of the tramway they shall give to the county council notice in writing of their intention so to do :

(B) As and when required by the county council upon or at any time after notice in writing to the county council by the Corporation of their intention to construct any portion of the tramway the road along which such portion of tramway is proposed by such notice to be or shall have been constructed shall be widened so that the carriageway thereof shall be of not less width than thirty-three feet in all places where the tramway is to be or shall have been constructed as a double line and of not less width than twenty-seven feet where the tramway is to be or shall have been constructed as a single line. Provided that where at any place the acquisition of any dwelling-house or of any permanent building used for industrial or business purposes is necessary for the widening as aforesaid of any road comprised in the Route No. 2 authorised for the use of trolley vehicles by the Act of 1911 or if the widening of any such road would involve the disturbance or alteration of or the interference with any railway line or railway or other bridge the Corporation shall not be required to widen the carriageway of such road to any greater extent than can be effected without such acquisition disturbance alteration or interference :

(c) A footpath of such width (not exceeding six feet) as the county council may require shall be provided in place of any existing footpath where altered in consequence of such widenings :

(2) The cost of any such widenings and street works as aforesaid shall so far as the same shall be carried out along any part of the route authorised as aforesaid for the use of trolley vehicles where the carriageway is not widened to a greater width than twenty-seven feet be paid and borne as to three

fourths thereof by the Corporation and as to one fourth thereof by the county council and in any other case such cost shall be paid and borne as to thirty per centum thereof by the Corporation and as to the remaining seventy per centum by the county council Provided that the Corporation shall not be required to contribute towards the cost of any rehousing which may be required by reason of the demolition of any houses for the working classes acquired for the purpose of any such widening Provided further that if subsequently to the twenty-sixth day of January one thousand nine hundred and fifteen and before notice as aforesaid by the Corporation of their intention to construct any portion of the tramway the county council shall have acquired any lands for the widening of any road the subject of such notice such lands shall as from the date of such notice be deemed to have been acquired for the purposes of the widening required by this section so far as such lands shall be requisite and available for such purposes and if subsequently to the said date and before such notice the county council shall have widened any road the subject of such notice so much of such widening as is required by this section shall be deemed to have been carried out thereunder and the cost properly attributable thereto respectively shall be paid and borne as in this section provided:

A.D. 1915.

- (3) The county council shall if required by the Corporation take all necessary steps by agreement or otherwise to acquire any lands which may be required for the purpose of any such widenings or execute any such works as shall be required to be carried out in pursuance of the provisions of this section and the expenditure incurred therein by the county council shall be borne in the appropriate proportions as in this section provided:
- (4) The Corporation may lower to the extent of two feet the portion of the road under the bridge carrying the South Yorkshire Joint Railway at Hellaby but so that the gradient of the road where altered shall not be at any part thereof steeper than one in forty and the Corporation shall at their own cost and to the reasonable satisfaction of the county council

A. D. 1915.

reconstruct the portion of road so altered by laying down a proper pitched foundation and macadamised surface and shall make all necessary provision for the proper drainage of the road as so altered also suitable alterations of footpaths The Corporation shall submit for the reasonable approval of the county council a plan and sections showing the manner in which such alterations and the works incidental thereto are proposed to be carried out:

- (5) Before commencing to construct any part of the tramway the Corporation shall deliver to the county council a plan showing the proposed position thereof in the road the proposed mode of construction and the proposed position of the passing places If the county council have any objection to the construction of the tramway in accordance with such plan they shall give notice thereof in writing to the Corporation and any difference arising between them in regard thereto shall be determined as in this section provided but if the county council do not give such notice within twenty-eight days after receiving the said plan they shall be deemed to have agreed thereto:
- (6) The materials with which the Corporation shall maintain and keep in good condition and repair the portion of road referred to in section 28 of the Tramways Act 1870 shall be granite or other setts or paving approved by the county council:
- (7) The position of all posts standards boxes and their several attachments erected by the Corporation in the road shall be such as the county council may reasonably approve Provided that if before the erection of any such posts standards boxes and attachments the Corporation deliver to the county council a plan showing the proposed position thereof and the county council do not within fourteen days give notice to the Corporation of any objection the county council shall be deemed to have agreed to the position of such posts standards boxes and attachments as shown by the said plan:
- (8) The Corporation shall at all times during the construction repair or renewal of the tramway or any part thereof make all necessary and suitable provisions

for the proper regulation of the ordinary traffic of the road and shall keep unobstructed so much of the road as the county council or their surveyor shall reasonably deem adequate for the free and safe passage thereon of vehicles and foot passengers and shall during such construction repair and renewal and until completion of the part of the tramway under construction maintain that portion of the road so required to be kept unobstructed in substantial repair to the reasonable satisfaction of the county council:

A.D. 1915.

- (9) All surplus paving metalling or materials removed during the construction of the tramway and not required by the Corporation for the construction thereof may be used for the repair and maintenance of any main road in the district and the Corporation shall on receiving notice from the surveyor to the county council forthwith remove the same to such place or places not more than one mile distant from the place of excavation as the said surveyor may direct and if the Corporation fail to do so the county council may remove the same at the expense of the Corporation:
- (10) The Corporation shall put down and maintain at their own cost at such places along the tramway as may be reasonably required by the county council suitable drain boxes and drains to properly drain surface water from the track to existing channels or outlets:
- (11) If the county council pave any margin less than eight feet in width of the carriageway of the road between the edge of the tramway track and the footpath kerb or (where there is no footpath) the fence or boundary of the road at either side of such track the cost of such paving in the first instance shall be borne in equal shares by the Corporation and the county council Provided that the said portions of road so paved shall thereafter be maintained by the authority liable for the maintenance of main roads in the district:

The expression "tramway track" where used in this subsection means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double lines are laid) the portion of the road between each tramway and in every case

A.D. 1915.

so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway :

(12) If in consequence of the construction existence or user of the tramway it becomes necessary within two years after the tramway is opened for traffic to raise strengthen or reconstruct with suitable foundations any portion of the road (whether metalled or unmetalled) at the sides of the tramway or to adjust in level or otherwise any such portions of the road or any footpath or other work or to strengthen any retaining wall the Corporation shall execute the work so required within one month after such work becomes necessary to the reasonable satisfaction of the said surveyor and any difference arising under this section as to whether any such work as aforesaid is necessary in consequence of the construction existence or user of the tramway or as to the reasonableness of the requirements of the said surveyor shall be settled in manner hereinafter provided :

(13)—(A) The Corporation shall not without the consent in writing of the county council execute in the construction repair or renewal of the tramway any works which interfere with or injuriously affect the structure of the bridge known as Hellaby Brook Bridge repairable by the county council If with such consent as aforesaid the Corporation intend to execute such works they shall give notice in writing to the county council of such intention and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works :

(B) Any works under this section in so far as they interfere with the structure of such bridge shall if the county council so require be executed by the county council at the reasonable expense of the Corporation The county council shall give notice accompanied in each case by sufficient plans and specifications to the Corporation of their intention so to execute such works and shall execute the same with all reasonable despatch Provided that unless the county council shall give the said notice to the Corporation within twenty-eight days after receiving

from the Corporation the notice referred to in paragraph (A) of this subsection the Corporation may themselves subject to the terms of this section proceed to execute the works:

- (c) If in consequence of the construction or working of the tramway it becomes reasonably necessary that such bridge should be strengthened the county council shall give notice accompanied by sufficient plans and specifications of the intended works to the Corporation and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the county council may recover from the Corporation in any court of competent jurisdiction all moneys reasonably expended by them in the execution thereof:
- (D) The Corporation shall not without the consent in writing of the county council place erect or attach any post or other support for any wire or any feeder box on or to the structure of such bridge:
- (14) As from the date of opening of any part of the tramway for public traffic the Corporation shall except as hereinafter provided cease to run trolley vehicles along the route of such part of the tramway and shall remove from the road all apparatus in connection therewith not required for the purpose of the tramway. Provided that the Corporation shall be entitled to use the tramway and the apparatus connected therewith for the purpose of operating such part of their trolley vehicle system as from time to time continues to be worked and also for the purpose of the passage of trolley vehicles to and from any garage or depôt:
- (15) As from the date of any such notice as is referred to in subsection (1) (A) of this section—
- (i) The provisions of this section shall supersede the provisions of subsection (1) (A) and (B) of section 41 (For further protection of West Riding County Council) of the Act of 1911 and such last-mentioned provisions shall cease to have any force or effect; and

A.D. 1915.  
—

(ii) The provisions of subsections (1) (c) and (d) (3) and (5) of the said section 41 shall extend and apply to the widenings and works required by this section and to the tramway and the works connected therewith as if such provisions had been re-enacted in this Act with respect thereto:

(16) If any difference arises between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration:

(17) If any widening or work executed under this section in relation to any road or bridge involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as if the county council or the Corporation (as the case may be) were "undertakers" within the meaning of that Act.

For protection of Great Central Hull and Barnsley and Midland Committee.

**15.** The following provisions for the protection of the Great Central Hull and Barnsley and Midland Committee (in this section referred to as "the committee") shall unless otherwise agreed in writing between the Corporation and the committee apply and have effect (that is to say):—

Section 36 of the Act of 1904 shall so far as applicable apply and have effect for the protection of the committee in relation to the construction maintenance and use of Tramway No. 2 by this Act authorised where the same passes under the railway of the committee at Hellaby as if the name of the committee were inserted in the said section 36 in place of the name of the Great Central Railway Company Provided that the said protection shall so far as the interests of the committee are concerned be in addition to and not in substitution for the provisions of section 40 of the Act of 1911 which shall continue to apply to the committee so long as the Trolley Vehicle Route No. 2 by that Act authorised continues to be worked under the said railway.



**16.**—(1) The Corporation (in this section and in the First Schedule to this Act referred to as “the Rotherham Corporation”) and the Sheffield Corporation may for the purpose of carrying passengers only or passengers with their personal luggage (not exceeding twenty-eight pounds in weight for each such passenger) run over and use with their electric tramcars propelled on the overhead trolley system and with their officers and servants all or any part of the tramways of the other forming part of the following through route of tramways (including all sidings works and conveniences and electrical or other motive power connected therewith) and may demand and take tolls and charges from such passengers :—

A.D. 1915.  
Running  
powers to  
Corporation  
and Sheffield  
Corporation.

The through route of tramways in this subsection referred to are the tramways commencing at Fitzalan Square Sheffield (or such other point in the city of Sheffield as the Sheffield Corporation may from time to time determine not being nearer to the borough than Bridge Street Sheffield) passing thence along Haymarket Waingate Wicker Savile Street Attercliffe Road Attercliffe Common Sheffield Road and the Doncaster and Tinsley Road (or such streets as may be necessary to reach such other point) in the city of Sheffield and thence in the borough to a point fourteen yards or thereabouts south of the junction of Effingham Street with Howard Street Rotherham (or such other point in the borough as the Rotherham Corporation may from time to time determine not being nearer to the city of Sheffield than the top of Main Street Rotherham) along Sheffield Road Westgate High Street College Street and Effingham Street (or such streets as may be necessary to reach such other point).

(2) The powers of this section shall unless otherwise agreed between the Rotherham Corporation and the Sheffield Corporation be exercised subject to the terms conditions and regulations set forth in the First Schedule to this Act until such time as the Board of Trade shall determine on the application of either Corporation and on any such application the Board of Trade may terminate the exercise of the said powers or alter or vary the terms conditions and regulations subject to which the said powers shall be exercised including the fares to be taken upon cars run in the exercise of such powers.

(3) The tramways of the Rotherham Corporation and of the Sheffield Corporation referred to in this section shall (so long as

A.D. 1915. — the running powers continue to be exercised) for the purpose of calculating the maximum fares rates and charges to be taken in respect of traffic conveyed thereon be deemed to be one tramway.

(4) Nothing in this Act shall affect the powers of the Sheffield Corporation to run omnibuses along the route of any tramway of the Rotherham Corporation in the city of Sheffield unless and until the Board of Trade shall otherwise determine and the said Board upon the application of the Rotherham Corporation may order that the Sheffield Corporation shall not run omnibuses along the route of any such tramway during the period for which it is vested in the Rotherham Corporation or may prescribe the terms and conditions upon which the Sheffield Corporation may run omnibuses along any such route during that period.

Further powers to run motor omnibuses.

**17.**—(1) The powers of section 23 (Power to provide and run motor omnibuses) of the Act of 1911 shall extend to enable the Corporation to provide and run motor omnibuses along the following routes outside the borough (namely):—

In the parish of Ecclesfield in the rural district of Wortley—

Route No. 1 From the borough boundary in the Rotherham and Wortley Road at or near Elder Tree Cottage Thorpe Common along that road Cowley Hill Cowley Lane and Rotherham and Penistone Road to the bridge carrying the Chapeltown branch of the Midland Railway over that road at Chapeltown:

In the parish and urban district of Greasbrough—

Route No. 2 From the borough boundary in the Rotherham and Greasbrough Road along that road Car Hill Potter Hill Main Street and Church Street to the junction of that street with Coach Road at Greasbrough:

In the parishes of Whiston and Aston-cum-Aughton in the rural district of Rotherham—

Route No. 3 From the borough boundary in the Rotherham and Pleasley Road along that road and the Attercliffe and Worksop Road to the junction of that road with Lodge Lane at Aston.

(2) The first proviso to subsection (1) of section 23 of the Act of 1911 and the Rotherham Order (No. 2) 1914 are hereby repealed.

(3) If at any time after the expiration of five years from the date of the passing of this Act the Corporation shall not provide a service of motor omnibuses reasonably sufficient to meet the needs of the public on every day excepting if the Corporation think fit Sundays Good Friday and Christmas Day on any route outside the borough on which the Corporation are authorised by the Act of 1911 or this Act to run motor omnibuses the Board of Trade may on the representation of the local authority of any district in which the route is situate order that the powers of the Corporation as regards such route or any part thereof outside the borough shall cease and on any such order being made those powers shall cease accordingly. A.D. 1915.

**18.**—(1) In this section the expression “road authority” means the West Riding of Yorkshire County Council in respect of any main road and the Greasbrough Urban District Council in respect of any district road repairable by them and the Great Central Railway Company in respect of the road repairable by them along which motor omnibuses are authorised to be run by this Act and the Rotherham Rural District Council and the Kiveton Park Rural District Council in respect of any district road repairable by them respectively along which motor omnibuses are authorised to be run by the Act of 1911. As to road maintenance.

(2) The Corporation shall pay to the road authority an annual sum equal to three eighths of a penny per car mile run by the motor omnibuses over any such road towards the cost of the maintenance by the road authority of such road. All sums of money payable to the road authority under the provisions of this section shall be deemed to be a debt due to the road authority and recoverable from the Corporation accordingly.

(3) The Corporation shall keep statements for the purposes of this section showing in proper detail the mileage run by each motor omnibus on the roads of the road authority and shall furnish copies of such statements annually to the road authority and the Corporation shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of all such motor omnibuses.

(4) In consideration of the payments to be made by the Corporation to the road authority under this section the road authority shall not under section 23 of the Highways and

A.D. 1915. Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any such road by the motor omnibuses of the Corporation.

(5) Any difference at any time arising between the road authority and the Corporation as to the sum from time to time payable under the provisions of this section shall be settled by an arbitrator to be agreed upon between the road authority and the Corporation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

#### PART IV.

##### GENERAL PROVISIONS AS TO LANDS AND WORKS.

Power to acquire lands.

**19.** Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act to which those plans respectively relate or for the purpose of providing space for the erection of buildings adjoining or near to any new street authorised by this Act.

Period for compulsory purchase of lands.

**20.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

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

**21.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter

included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

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

A.D. 1915.  
—

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

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

**22.** The following provisions of the Act of 1900 the Act of 1904 and the Act of 1911 shall so far as applicable extend

Application  
of certain  
provisions

and apply as if they were re-enacted in this Act (that is to say):—

A.D. 1915.  
of Acts of  
1900 1904  
and 1911.

The Act of 1900—

Section 51 (Correction of errors &c. in deposited plans and books of reference);

Section 54 (Persons under disability may grant easements &c.);

Section 55 (Purchase of additional lands by agreement);

Section 57 (Power to retain sell &c. lands);

Section 58 (Proceeds of sale of surplus lands); and

Section 59 (Agreements with landowners):

The Act of 1904—

Section 49 (Power to appropriate lands):

The Act of 1911—

Section 57 (As to private rights of way over lands taken compulsorily);

Section 60 (Costs of arbitration &c. in certain cases); and

Section 61 (Temporary stoppage of streets):

Provided that notwithstanding anything contained in the said section 49 of the Act of 1904 any lands vested in the Corporation for the purposes of the Education Acts 1870 to 1914 shall only be appropriated and used for other purposes in accordance with the provisions of the Education (Administrative Provisions) Act 1909.

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

Compensation in case of recently altered buildings.

## PART V.

### ELECTRICITY.

**24.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and

Attachment of brackets &c. to build-

A.D. 1915.  
ings for  
electric  
lighting.

apparatus as may be required for lighting any street with electricity Provided that—

- (1) Where in the opinion of the Corporation 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 attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

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.

For protec-  
tion of rail-  
way com-  
panies.

**25.**—(1) Nothing in the section of this Act of which the marginal note is “Attachment of brackets &c. to buildings for electric lighting” shall authorise the Corporation to affix brackets wires and apparatus to the structure of any railway bridge or viaduct belonging to any railway company without the previous consent of such company.

(2) In the case of any building of which a railway company is the owner for the purposes of the said section any question which pursuant to the said section is to be determined by a petty sessional court shall in lieu thereof be referred to and determined by an engineer to be agreed on by the parties to such question or failing such agreement to be appointed on the



application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference Any engineer to whom any such question is referred shall for the purposes of the said arbitration have all the like powers as are by the said section conferred upon a petty sessional court. A.D. 1915.

**26.** In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation. Provision in event of erroneous registration by meter in respect of supply of electricity.

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

**28.** Any expenses reasonably incurred by the Corporation in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. Power to recover charge for reconnection.

**29.** The Corporation may upon the application of any owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with electricity and may lay down take up alter relay repair or renew in across or along or out of such street or road such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Rotherham Electric Lighting Order 1898 and the Acts incorporated therewith so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section as if such Power to lay electric lines &c. in streets not dedicated to public use.

A.D. 1915. street or road were a street or road repairable by the inhabitants at large:

Provided that nothing in this section contained shall authorise the Corporation to lay electric lines or apparatus in any existing street or road belonging to and forming the approach to any station or depôt of the Midland Railway Company without the consent in writing of that company first obtained nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road.

## PART VI.

### STREETS AND BUILDINGS AND SANITARY PROVISIONS.

Develop-  
ment scheme  
may be re-  
quired in  
connection  
with new  
streets.

**30.** Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Area of  
habitable  
rooms.

**31.** Section 77 (Area of habitable rooms) of the Act of 1911 is hereby repealed and section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Removal of  
dilapidated  
and neglected  
buildings.

**32.—(1)** Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof

requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as "a neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

A.D. 1915.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

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

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

**33.**—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse

Watercourse  
not to be  
covered in  
except in  
accordance  
with ap-  
proved plan.

A.D. 1915. as to secure the free and uninterrupted passage of the water flowing in any such watercourse :

Provided that—

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted :

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation .

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

(4) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by the Midland Railway Company under the powers of any Act of Parliament.

Watercourse choked up to be a nuisance under Public Health Act 1875.

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

Orders for exclusion from sewers

**35.**—(1) Where in the opinion of the Corporation the introduction of any substance or liquid into a sewer whether directly

or through any drain or channel communicating therewith either alone or in combination with sewage does or may involve any danger or risk of injury to employees of the Corporation or their contractors or be injurious to the structure or materials of the sewers the Corporation may by order absolutely prohibit any such substance or liquid being caused or permitted either directly or indirectly to flow or enter or to be carried into any sewer.

A.D. 1915.  
of injurious  
substances  
or liquids.

(2) The Corporation may at any time cause a copy of any such order to be served upon any person who may in their opinion be acting in contravention thereof and if any such person dispute the reasonableness of any such order as applicable to himself or any works or premises under his control he shall within fourteen days after the service of any such order be entitled to appeal as by this Act provided.

(3) Any person who shall fail to comply with the terms of any such order after service thereof upon him or in the event of an appeal with the determination of the tribunal shall be liable to a penalty of not exceeding twenty pounds for every such default and to a daily penalty not exceeding five pounds.

**36.** The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide portable galvanised iron refuse bins and such bins shall be of such number material size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

Regulation  
bins for  
refuse.

## PART VII.

### FINANCE.

**37.**—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes

Power to  
borrow and  
repayment  
of borrowed  
moneys.

A.D. 1915. set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers of this subsection shall be repaid within the respective periods set forth in the fourth column of the said table (that is to say):—

Purpose.	Security.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as herein-after defined.	District fund and general district rate and borough fund and borough rate.	The sum requisite.	5 years from the passing of this Act.
(2) For the purchase of lands for and for the construction of the new streets by this Act authorised.	District fund and general district rate.	£4,400	50 years from the date or dates of borrowing.
(3) For construction of the tramways and alteration of levels of road by this Act authorised.	Tramway revenue and borough fund and borough rate.	£49,000	30 years from the date or dates of borrowing.
(4) For electrical equipment of the tramways by this Act authorised.	Tramway revenue and borough fund and borough rate.	£7,000	20 years from the date or dates of borrowing.
(5) For provision of tramway rolling stock.	Tramway revenue and borough fund and borough rate.	£7,000	15 years from the date or dates of borrowing.
(6) For or in connection with the provision and running of omnibuses by this Act authorised and the erection of accommodation therefor.	Tramway revenue and borough fund and borough rate.	£9,200	5 years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Board of Trade borrow on the security of the tramway revenue and borough fund and borough rate such further moneys as the Corporation may require for any of the purposes of Part III. (Tramways) (other than the purposes of the section of this Act whereof the marginal note is "Further powers to run motor omnibuses") of this Act and may with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that Board may prescribe such further or other moneys as the Corporation may require for any of the purposes of this Act other than those in respect of which the sanction of the Board of Trade is prescribed and all moneys borrowed under the

powers of this subsection shall be repaid within such periods not exceeding sixty years as those Boards respectively may sanction. A.D. 1915.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904.

(4) As regards any rates which may be laid under the powers of this Act to make good any loss which may be incurred in the running of motor omnibuses outside the borough the owners of any land used only as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed for such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof and the Corporation shall keep separate accounts of receipts and expenditure in connection with such motor omnibuses and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

**38.** The following provisions of the Rotherham Corporation Act 1896 and the Act of 1911 shall so far as applicable extend and apply to moneys borrowed and reborrowed by the Corporation under this Act as if they were re-enacted in this Act (that is to say):— Application of financial provisions of Acts of 1896 and 1911.

The Rotherham Corporation Act 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); and
- Section 37 (Application of moneys borrowed):

The Act of 1911—

- Section 84 (Certain provisions of Public Health Act as to borrowing not to apply);
- Section 85 (Provisions of Public Health Act as to mortgages to apply);
- Section 88 (Appointment of receiver);
- Section 90 (Audit of accounts); and
- Section 91 (Expenses of execution of Act).

A.D. 1915.

Receipt in  
case of per-  
sons not sui  
juris.

Power to use  
sinking fund  
instead of  
borrowing.

**39.** If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

**40.—(1)** Where the Corporation are authorised by any statutory borrowing power to raise moneys 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 moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

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

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904 and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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

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

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

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from



such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

A.D. 1915.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

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

**41.**—(1) The Corporation shall within three months 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 the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and at any other time when the Local Government Board (in this section referred to as “the Board”) may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and the making of any such return shall be enforceable by writ of *Mandamus* to be obtained by the Board out of the High Court.

Returns to  
Local Government  
Board as to  
sinking  
funds.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay or make any instalment or annual payment required to be paid or made or to appropriate

A.D. 1915. — any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(3) The provisions of this section are in lieu of and shall supersede any other enactment requiring the Corporation or the town clerk to make a separate return in respect of the provision made for the repayment of any loan raised otherwise than by the issue of stock under any statutory borrowing power of the Corporation.

Scheme for  
fixing  
equated  
periods.

**42.**—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect

to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction. A.D. 1915.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

**43.**—(1) The Corporation may if they think fit form a fund to be called the accident fund to provide for meeting claims upon them under the common law the Employers Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they may from time to time deem expedient and such sums shall be invested at compound interest in or upon statutory securities and accumulated until the same shall amount to the sum of ten thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount. Power to create accident fund.

(2) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Local Government Board borrow the necessary sum on the security of the revenues of the Corporation.

**44.**—(1) The Corporation before the registration in the books of the Corporation of any transfer or transmission of any mortgage may require evidence of the title of any person claiming a right to such transfer or transmission to be registered in the books of the Corporation. Evidence of title to mortgages.

(2) Such evidence shall be a statutory declaration of one or more competent persons or such other evidence as the Corporation may require.

**45.** It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial Evidence of transfer of mortgages.

A.D. 1915. — bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any mortgage except upon the production to and temporary deposit with the treasurer of the security for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security and in the case of the issue of a new security for the purpose of cancellation of the security so deposited.

Closing of transfer books.

**46.**—(1) The Corporation may as regards any portion of mortgage loans close the Corporation transfer books for such mortgage loans for a period not exceeding fifteen days immediately preceding the twenty-fifth day of March and the twenty-ninth day of September in every year.

(2) The persons who on the day of such closing are inscribed as Corporation mortgagees or other obligees shall as between them and their transferees of Corporation mortgage loans be entitled to the interest or other periodical payment next payable thereon.

Restriction on exercise of borrowing powers.

**47.** Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required for paying the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

## PART VIII.

### MISCELLANEOUS.

Power to grant gratuities in certain cases.

**48.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Provision of bands and concerts.

**49.**—(1) The Corporation may pay or contribute towards the payment of bands of music or vocal choirs and may provide or arrange for the provision of concerts and lectures in any

public park recreation ground or public building for the time being vested in the Corporation and suitable for the purpose. A.D. 1915.

(2) The Corporation may in any public park or recreation ground vested in them enclose an area for the purpose of any such concert or lecture as aforesaid or for any performances by such bands or choirs.

(3) The Corporation may make such charges as they think fit for admission to any such building or enclosure as aforesaid in connection with any such concert lecture or performance and may make regulations for securing good and orderly conduct during any such concert lecture or performance.

(4) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concert lecture or performance given in pursuance of this section.

(5) The Corporation may pay or contribute towards the cost of advertising any concerts lectures or performances given in pursuance of this section.

(6) Any moneys received by the Corporation in pursuance of this section shall be credited to the district fund and any expenses incurred by the Corporation in pursuance of this section may be paid out of the same fund.

(7) The net amount of any payments or contributions made by the Corporation for the purposes of this section after deducting any moneys received by them in pursuance of this section shall not in respect of any one year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the borough for the purposes of the general district rate.

(8) No payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the council at a meeting of the council after seven clear days' notice of such meeting and of the intention to propose such resolution.

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

A.D. 1915. same as they think fit Provided that in the event of such golf course being let the public shall be entitled to use the same on payment of such reasonable charges as the Corporation may prescribe.

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

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

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

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

Fourthly In extending and improving such golf course:

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

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

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

Use of Corporation tramways for carriage of road materials &c.

**51.** The Corporation may at such times and in such manner as they think fit (but subject to the provisions of the Acts relating to the tramway undertaking and to any byelaws for the time being in force with respect to the Corporation tramways) use the Corporation tramways (other than tramways situate in the city of Sheffield) for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls rates and charges in respect of such use and the Corporation may provide all vehicles and apparatus necessary for so doing.

**52.** The following provisions of the Act of 1904 and the Act of 1911 shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):—

A.D. 1915.  
Application  
of further  
provisions of  
Acts of 1904  
and 1911.

The Act of 1904—

- Section 181 (Persons acting in execution of Act not to be personally liable);
- Section 182 (Confirmation of byelaws);
- Section 184 (Authentication and service of notices &c.);
- Section 185 (Information &c. by whom to be laid);
- Section 186 (Compensation how to be determined);
- Section 187 (As to appeal);
- Section 188 (Recovery of penalties &c.);
- Section 190 (Damages and charges to be settled by court);
- Section 193 (Consent of Corporation to be in writing)
- Section 194 (Saving for indictments &c.); and
- Section 196 (Powers of Act cumulative):

The Act of 1911—

- Section 98 (Recovery of demands in county courts); and
- Section 99 (Inquiries by Local Government Board or Board of Trade).

**53.** Section 189 (Penalties to be paid over to treasurer) of the Act of 1904 is hereby repealed.

Repeal of section 189 of Act of 1904.

**54.** Section 96 (Judges not disqualified) of the Act of 1911 is hereby repealed and a judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any general or local Act for the time being in force in the borough by reason of his being liable to any rate.

Judges not disqualified.

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

Crown rights.

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

Costs of Act

A.D. 1915.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

RUNNING POWERS.

TERMS CONDITIONS AND REGULATIONS.

1. Before the Rotherham Corporation or the Sheffield Corporation run any cars on the tramways of the other such cars shall be subject to the reasonable approval in every respect of the general manager of the tramways to be run over.

2. The Corporation owning the tramways shall supply to the other free of cost the electric energy necessary for the running of the cars of such other Corporation over such tramways and each Corporation shall respectively at their own cost make and maintain all necessary arrangements at the junction between their tramway systems to feed through electric energy if necessary in the event of the electric energy of either Corporation being from any cause cut off from the wires of either Corporation and in the event of either Corporation taking electric energy from the other the same shall be paid for by the Corporation so taking the same at the rate of  $1\frac{1}{4}d.$  per car mile run.

3. Each Corporation shall keep a strict and accurate account of the mileage run by their cars on the tramways of the other and shall furnish to the other a weekly detailed return with regard thereto and so far as possible the mileage run by the cars of each Corporation on the tramways of the other shall be equal. Provided however that if either Corporation run any excess mileage over the tramways of the other the Corporation upon whose lines such excess mileage is run shall pay to the other the sum of  $5\frac{1}{2}d.$  for every mile of such excess mileage.

4. The cars of each Corporation shall be run over the tramways of the other in accordance with time-tables which shall be submitted to and subject to the reasonable approval of the general manager of the tramways run over. Provided that no such time-table after having been in operation shall be altered until (after fourteen days' previous notice in writing of a desire to alter such time-table has been given by the Corporation desiring such alteration to the other) a new time-table has been agreed upon by both the said general managers or failing agreement settled by arbitration as hereinafter provided.

5. The tickets to be used by each Corporation during the time their cars are running over the tramways of the other shall be supplied



by such other Corporation at the fares stated on such tickets but before any tickets are supplied as aforesaid each Corporation shall give to the other not less than twenty-one days' notice stating the number and kind of tickets required. A.D. 1915.

6. Each Corporation shall each week deliver to the other a statement showing the number of passengers carried during the preceding week by their cars over the tramways of the other and each Corporation shall pay over to the other at the expiration of each calendar month all moneys received in respect of such passengers as aforesaid which money shall be set against the tickets issued under the last preceding paragraph.

7. For the convenience of passengers desiring to travel by the cars of either Corporation as through passengers to and from the termini of the running powers referred to in the section of this Act whereof the marginal note is "Running powers to Corporation and Sheffield Corporation" through tickets shall be provided and issued to such passengers by each Corporation at a fare for adult passengers of 3*d.* per ticket and at a fare for children under ten years of age of 1½*d.* per ticket and the fares thus taken by each Corporation shall be divided between them according to the fares charged on their respective tramways and each Corporation shall pay over to the other at the expiration of each calendar month the proportion of fares collected from such through passengers and properly due to such other Corporation. Provided also that all through tickets for passengers travelling on the cars of one Corporation shall be supplied to that Corporation by the other but before any through tickets are supplied as aforesaid each Corporation shall give to the other not less than twenty-one days' notice stating the number and kind of tickets required and each Corporation shall include in the statement provided for in the last preceding paragraph details as to the number of through tickets issued to all such through passengers as aforesaid together with the total amount received for such through tickets during each week. Provided also that the through fares of 3*d.* and 1½*d.* from terminus to terminus provided for in the first part of this paragraph shall not be altered without each Corporation agreeing thereto in writing but in the event of either Corporation refusing to agree to the alteration of such through fares from terminus to terminus as aforesaid upon the request in writing of the other either Corporation shall be at liberty to put an end to the issuing of such through tickets of 3*d.* and 1½*d.* upon giving to the other one calendar month's previous notice in writing of such intention. Provided also that in case either Corporation desires to alter any of the ordinary fares charged to passengers on any part of their tramways run over by the other they shall have full right and liberty to do so without obtaining the consent of the other Corporation but before altering such last-mentioned fares each

A.D. 1915. Corporation shall give to the other one month's previous notice in writing of such their intention.

8. During the running of the cars belonging to either Corporation over the tramways of the other such cars and the employees in charge of such cars shall be subject to all byelaws rules regulations and arrangements as to traffic from time to time in force on and under the control and supervision of the general manager of the tramways on which the car on which they are employed is for the time being running and if in the opinion of either of the said general managers the work of any conductor driver or other workman or servant employed by either Corporation in the interchange of traffic under this Act is not satisfactory then either Corporation shall upon being requested so to do by the general manager of the other cease to employ such conductor driver or other workman or servant on the tramways of the Corporation making such request as aforesaid and shall not thereafter employ him on such tramways.

9. Each Corporation shall furnish to the other a sufficient number of copies of byelaws rules and regulations which it is necessary to exhibit in a conspicuous place in each of the cars of either Corporation whilst being run on the tramways of the other and each Corporation shall also furnish to the other all Board of Trade regulations and other instructions now or hereafter in force relating to their respective tramways and all cars drivers and conductors working under these terms conditions and regulations shall be duly licensed and no charges shall be made in respect thereof by either Corporation to the other in respect of such licences.

10. Immediately a car belonging to one Corporation commences to run over the tramways of the other the way bill of such car for the journey shall be marked with the starting number of each class of ticket to be issued during the remainder of such journey over the tramways of such other Corporation and during the remainder of such journey the car and the employees in charge of such car shall be subject to the control and supervision of the officials appointed by such other Corporation and each Corporation shall give to the other all necessary facilitate (A) for checking the way bills and tickets on the car (B) for the inspection of the stock of the tickets (C) for the examination of punches and (D) for the examination of records The way bills to be used by the Rotherham Corporation on their tramcars whilst engaged in the through running provided for by this Act shall be similar to those in use on the tramcars of the Sheffield Corporation.

11. In the event of it being found necessary to effect temporary repairs to any car of one Corporation whilst being run on the tramways of the other so as to enable defective cars to be taken to their respective depôts such repairs shall be done by and at the cost of the Corporation owning such car and each Corporation shall render to

the other all necessary assistance upon the happening of such events so as to enable defective cars to be returned to the depôt of the Corporation owning the same with all possible speed. A.D. 1915.

12. In the event of any damage arising from any cause whatsoever to the overhead equipment of the tramways of either Corporation the same shall be repaired and made good by the Corporation owning the same at their own cost.

13. Each Corporation shall be answerable for all accidents damages and injuries happening on the tramways of either Corporation through their own act or default or through the act or default of any person in their employment or by reason or in consequence of any defect in any of their own works or tramcars and shall indemnify and save harmless each other from all damages and costs in respect of such accidents damages and injuries.

14. All reports and complaints received by either Corporation respecting the tramways tramcars or the employees of the other shall be at once forwarded to the general manager of the tramways of such other Corporation. On receipt of any such report or complaint the general manager receiving the same shall investigate the subject matter of such report or complaint and on completion of such investigation shall forward to the other a statement showing the result of such investigation.

15. All notices and written communications from one Corporation to the other shall be deemed to have been duly served or delivered if sent by prepaid post addressed to the general manager of the tramways of the Corporation for whom such notice or written communication is intended at his office.

16. In the event of any dispute occurring between the Corporations as to the intent and meaning of this schedule or with regard to any matter or matters arising out of the same such dispute or disputes shall in the first instance be referred to a joint committee consisting of an equal number of members of the tramways committee of each Corporation and in case such joint committee shall fail to agree upon the matter or matters in dispute then the same shall be referred to the President of the Municipal Tramways Association as single arbitrator and failing him to a person to be nominated by him to act as single arbitrator whose decision shall be final and binding on both Corporations and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

---

A.D. 1915.

THE SECOND SCHEDULE.

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

Nos. on deposited Plans.	Description.
1	House yard garden and outbuildings.
3	House yard garden and outbuildings.
4	House yard garden and outbuildings.
5	Land.
6	Land.
7	Land.
12	Land and wall.

Printed by EYRE and SPOTTISWOODE, LIMITED,  
FOR  
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and  
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or  
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or  
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;  
or from the Agencies in the British Colonies and Dependencies,  
the United States of America the Continent of Europe and Abroad of  
T. FISHER UNWIN, LIMITED, LONDON, W.C.