



## CHAPTER lxi.

An Act to authorise the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board to construct additional tramways to extend their area for the supply of electricity and for other purposes. A.D. 1915.

[29th July 1915.]

**W**HEREAS by the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1901 (in this Act referred to as "the Act of 1901") the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board (in this Act referred to as "the Board") consisting of representatives of the corporations of Stalybridge Hyde Mossley and Dukinfield were incorporated for the purpose of constructing and working tramways and supplying electrical energy within the boroughs of Stalybridge Hyde Mossley and Dukinfield (in this Act referred to as "the boroughs") and for other purposes: 1 Edw. 7.  
c. cxcv.

And whereas under the powers of the Act of 1901 the Board have constructed and are working tramways within the boroughs and it is expedient that the Board should be empowered to construct the new tramways by this Act authorised in extension of their existing tramways:

And whereas in pursuance of the Act of 1901 the Board are supplying electricity within the boroughs and it is expedient that their area of supply should be extended and that further powers in regard to the supply of electricity and their electricity undertaking should be conferred upon the Board as in this Act contained:

And whereas it is expedient that the other provisions contained in this Act be enacted:

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

	£
(a) For and in connection with the construction of the tramways authorised by this Act -	42,240
(b) For and in connection with the electrical equipment of the tramways authorised by this Act and for the general purposes of the tramway undertaking -	20,000
(c) For and in relation to the purchase of lands for a generating station or stations -	5,500

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 in relation to the promotion of the Bill for this Act the requirements of section 164 (Powers to apply to Parliament) of the Act of 1901 have been observed and the approval of the Local Government Board has been obtained:

And whereas plans and sections showing the lines situation and levels of the tramways by this Act authorised and a book of reference to such plans have been deposited with the clerk of the peace for the west riding of the county of York with the clerk of the peace for the county of Chester and with the clerk of the peace for the county of Derby and are in this Act referred to as the deposited plans sections and book of reference:

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 Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1915 and

Short and collective titles.

this Act and the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1901 may be cited together as the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Acts 1901 and 1915. A.D. 1915.

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

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Electricity.

Part IV.—Financial.

Part V.—Miscellaneous.

Division of  
Act into  
Parts.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely) :— Incorporation of Acts.

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement) :

(2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 (except section 43 thereof) Provided that the said section 19 shall be read and have effect as if the words “but nothing “ in this Act contained shall authorise any local “ authority to place or run carriages upon such “ tramway and to demand and take tolls and charges “ in respect of the use of such carriages” were omitted from that section.

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

“The Act of 1901” means the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1901 ;

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

- “The Board” means the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board ;
- “The clerk” means the clerk to the Board ;
- “The boroughs” means the boroughs of Stalybridge Hyde Mossley and Dukinfield ;
- “The new tramways” means the tramways by this Act authorised ;
- “The tramways” means the tramways constructed or acquired by the Board under the Act of 1901 and this Act ;
- “The tramway undertaking” means the tramway undertaking of the Board for the time being authorised ;
- “The electricity undertaking” means the electricity undertaking of the Board for the time being authorised ;
- “The undertaking” means the tramway undertaking and the electricity undertaking ;
- “The area of supply” means the area within which the Board are for the time being authorised to supply electrical energy ;
- “Tramway revenue” and “electricity revenue” mean and include all moneys received by the board from or in relation to the tramway undertaking and the electricity undertaking respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital ;
- “Revenues of the Board” means the tramway revenue the electricity revenue and the moneys receivable by the Board from the councils of the boroughs and all rates and moneys which they are authorised to levy and collect within the districts of the councils of the boroughs under the powers of the Act of 1901 and this Act ;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect 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 :

A.D. 1915.

And in this Act and for the purposes of this Act in the Tramways Act 1870 and the incorporated Acts the expression "local authority" shall mean in reference to a rural district the district council of that district :

"The Saddleworth district" means the urban district of Saddleworth ;

"The Saddleworth Council" means the council of the Saddleworth district.

## PART II.

### TRAMWAYS.

5.—(1) Subject to the provisions of this Act the Board may make form lay down work use and maintain the new tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

Power to  
make new  
tramways.

(2) The new tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1—(1 mile 1 furlong 6·70 chains in length whereof 7 furlongs 1·02 chains is single line and 2 furlongs 5·68 chains is double line) wholly in the parish and urban district of Saddleworth in the west riding of

[Ch. lxi.] *Stalybridge, Hyde, Mossley and [5 & 6 GEO. 5.]  
Dukinfield Tramways and Electricity Board Act, 1915.*

A.D. 1915.  
—

the county of York commencing in Ridge Hill Lane at the boundary of the borough of Mossley by a junction with the existing tramway of the Board passing thence in a north-easterly direction along the said Ridge Hill Lane across the main road leading from Stalybridge to Uppermill thence along the Greenfield and Shepley Road locally known as Horsforth Road in a north-easterly and easterly direction and terminating in the said Horsforth Road at a point 1·5 chains or thereabouts to the east of the south-easterly corner of the Clarence Hotel Greenfield:

Tramway No. 2—(1 mile 7 furlongs 9·6 chains in length whereof 1 mile 4 furlongs 9·1 chains is single line and 3 furlongs 0·5 chain is double line) commencing in the parish of Matley in the rural district of Tintwistle in the county of Chester in Mottram Road at the boundary of the borough of Stalybridge by a junction with the existing tramway of the Board proceeding in a south-easterly direction along Mottram Road into the parish and urban district of Mottram-in-Longdendale thence in a south-easterly direction along Backmoor thence in an easterly direction along Mottram Moor to the Gun Inn into the parish and urban district of Hollingworth thence in a south-easterly direction along Woolley Lane to Cross Street thence in an easterly direction along the said Woolley Lane over the bridge over the River Etherow at Woolley Bridge into the borough of Glossop in the county of Derby and terminating by a junction with the tramway of the Urban Electric Supply Company Limited in Brookfield Road in the said borough of Glossop opposite to the Spread Eagle Inn at Woolley Bridge:

Tramway No. 2A—(Single line 1·2 chains in length) wholly in the borough of Glossop in the county of Derby commencing by a junction with Tramway No. 2 at a point 0·5 chain measured in an easterly direction from the easterly abutment of the bridge over the River Etherow at Woolley Bridge and terminating by a junction with the tramway of the Urban Electric Supply Company Limited in Woolley Bridge Road at a point 1·7 chains measured in a north-easterly direction from the easterly abutment of the said bridge:

Tramway No. 3—(1 mile 3 furlongs 6·5 chains in length whereof 1 mile 2 furlongs 0·6 chain is single line and 1 furlong 5·9 chains is double line) wholly in the county of Chester commencing in the said parish of Matley in Mottram New Road at the boundary of the borough of Hyde by a junction with the existing tramway of the Board thence proceeding in an easterly and in a north-easterly direction along the said Mottram New Road into and through the parish of Hattersley thence along Hyde Road in the parish and urban district of Mottram-in-Longdendale across Stalybridge Road and along Mottram Moor and terminating by a junction with Tramway No. 2 in Mottram Moor Mottram-in-Longdendale at a point 4·5 chains measured from the south-easterly corner of Mottram Police Station: A.D. 1915.

Provided always that no part of Tramway No. 2 so far as the same is intended to be made in the county of Derby and no part of Tramway No. 2A shall be constructed without the consent in writing of the Derbyshire County Council.

6. If the Board shall construct Tramway No. 2 they shall at the same time construct Tramway No. 3 so that both tramways shall be opened for traffic at the same time. Tramways Nos. 2 and 3 to be constructed simultaneously.

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

8. Subject to the provisions of this Act the new tramways shall be deemed for all purposes part of the tramway undertaking of the Board and the following provisions of the Act of 1901 shall so far as the same are applicable and are not inconsistent with the provisions of this Act extend and apply with any necessary modifications to and in relation to such tramways (namely):— New tramways to be part of tramway undertaking of Board and Act of 1901 to apply thereto.

Section 35 (Correction of errors and omissions in plans and books of reference);

Section 36 (Gauge of tramways);

Section 37 (Rails of tramways);

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

- Section 38 (Plan of proposed mode of construction);
- Section 39 (Penalty for not maintaining rails and roads);
- Section 40 (Tramways to be kept on level of surface of road);
- Section 42 (Power to make additional crossings &c.);
- Section 43 (Alteration of tramways);
- Section 44 (Temporary tramways may be made where necessary);
- Section 46 (Application of road materials excavated in construction of works);
- Section 47 (Junctions with tramways which can be worked in connection with tramways);
- Section 48 (Local authority to have access to sewers);
- Section 54 (Provisions as to motive power);
- Section 55 (Special provisions as to use of electrical power);
- Section 57 (Power to execute street works);
- Section 59 (For protection of gas and water mains);
- Section 60 (For protection of Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee);
- Section 61 (Apparatus used for mechanical power to be deemed part of tramway);
- Section 62 (Attachment of brackets to buildings);
- Section 63 (Byelaws);
- Section 64 (Power to Board to work tramways);
- Section 65 (Regulations);
- Section 66 (Inspection by Board of Trade);
- Section 68 (Rates for passengers);
- Section 69 (Passengers' luggage);
- Section 70 (Board not bound to carry goods);
- Section 71 (Heavy traffic confined to certain hours);
- Section 72 (Animals and goods);
- Section 73 (As to fares on Sundays or holidays);



Section 74 (Cheap fares for labouring classes);

A.D. 1915.

Section 75 (Periodical revision of rates and charges);

Section 76 (Byelaws by local authority);

Section 77 (Penalty for malicious damage);

Section 85 (Orders &c. of Board of Trade);

Section 86 (Provision as to general Tramway Acts):

Provided that in the exercise of the powers of section 57 (Power to execute street works) of the Act of 1901 with reference to the new tramways no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

Provided also that the Board shall not exercise the powers of section 42 (Power to make additional crossings &c.) of the Act of 1901 with reference to the new tramways without the sanction of the Board of Trade:

9. The Board may increase the roadway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet six inches between the outside of the footpath on each or either side of such street or road and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street or road. Provided that no footpath shall be reduced in width without the consent of the local authority and the road authority or other person in whom it is vested nor to such an extent as to be less than six feet wide.

Board may reduce foot-path for constructing tramways.

10.—(1) The Board during the construction of the new tramways may temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house or station or other premises of any railway company in the street from passing along and using the same. Provided that the Board shall not temporarily stop up any main road without the consent of the road authority expressed in writing by the clerk of such authority.

Temporary stoppage of streets.

(2) The Board shall provide reasonable access for persons bonâ fide going to or returning from any such house station or other premises.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

Cross-overs to be constructed in certain cases.

**11.**—(1) Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Board shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

(2) Section 41 (Passing places to be constructed where less than nine feet six inches width left between footway and tramway) of the Act of 1901 is hereby repealed.

For protection of London and North Western Railway Company.

**12.** In constructing and maintaining Tramway No. 1 and works connected therewith where the tramway or works are intended to cross any bridge carrying any road over any railway canal towing path or works belonging to the London and North Western Railway Company (herein-after referred to as “the North Western Company”) or to pass in front of the approaches to any passenger or goods station of the North Western Company the following provisions shall have full force and effect:—

(1) Before commencing any works which may affect the structure of any such bridge the Board shall give fourteen days’ notice in writing to the North Western Company of their intention to execute such works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the intended works for the reasonable approval of the principal engineer of the North Western Company and the said works shall be constructed in conformity only with such plans and sections and to the reasonable satisfaction of the principal engineer of the North Western Company:

(2) The Board shall not in any way vary alter or interfere with the structure of any such bridge or of the approaches thereto and in the construction and maintenance of the tramway and works over such bridge and approaches the Board shall not injuriously affect the said structure:

(3) In the event of any injury being caused to such bridge or approaches by the construction maintenance

repairing user or removal of the said tramway and works the North Western Company may at the expense of the Board restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Board shall indemnify the North Western Company against all sums costs and expenses which they may reasonably pay or be put to in repairing or maintaining so much of the road over such bridge or approaches as the Board are liable to maintain and repair under section 28 of the Tramways Act 1870 and the North Western Company may recover from the Board all such sums costs and expenses :

A.D. 1915.

- (4) Whenever and so often as the North Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give to the Board one month's notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Board and under the superintendence of their engineer if such engineer give such superintendence but only for so long as shall be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

[Ch. lxi.] *Stalybridge, Hyde, Mossley and [5 & 6 GEO. 5.]  
Dukinfield Tramways and Electricity Board Act, 1915.*

A.D. 1915.  
—

- (5) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by mechanical power the North Western Company shall before effecting the same give to the Board fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Board who shall also pay to the North Western Company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith :
- (6) All works which may be necessary in constructing and maintaining any tramway or for working the tramways by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Board and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the North Western Company or the Board :
- (7) During the construction of the said tramway and works the Board shall bear and on demand pay to the North Western Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Board or their contractors or any person or persons in the employment of the Board or their contractors with reference thereto or otherwise :
- (8) In the event of the said tramway being worked by electricity on the overhead system no stays posts

wires or other apparatus shall without the previous consent in writing of the North Western Company be attached to any bridge or other work of that company :

A.D. 1915.

(9) Where the said tramway will pass in front of the entrances to the Friezland Goods and Passenger Stations of the North Western Company no additional crossing passing place siding junction or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the principal engineer of the North Western Company and without such consent no carriage used on the tramway shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Board have no control :

(10) If any difference shall arise between the Board and the North Western Company or their respective engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section such difference shall be referred to and be determined by an arbitrator to be agreed upon between the Board and the North Western Company as the case may be or failing agreement to be appointed by the Board of Trade on the application of either of the parties and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

(11) The Board and the North Western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

**13.**—(1) The Board may enter into and carry into effect contracts and agreements with the Hyde Corporation and the Denton and Audenshaw Urban District Councils or either of

Purchase of tramways in Hyde Denton and Audenshaw.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. — them for and with respect to the sale and transfer to and purchase by the Board of any tramways and works now owned by the Hyde Corporation or purchaseable by such corporation or the said urban district councils under the provisions of the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 and upon the completion of any such sale transfer and purchase the tramways and works so purchased shall vest in the Board in all respects as if the purchase had been made by the Board as the local authority under section 43 of the Tramways Act 1870.

(2) The sale and transfer to and purchase by the Board of any tramway or works under the powers of this section shall not take away prejudice or affect the right of the local authority in whose district such tramway or works is or are situate to purchase the same under section 43 of the Tramways Act 1870 save that in the application of the said section to such tramway or works the period of twenty-one years mentioned in such section shall be reckoned from the date of the completion of such sale transfer and purchase.

Working  
agreements.

14.—(1) The Board on the one hand and the Oldham Ashton and Hyde Electric Tramway Limited the Hyde Corporation the Urban Electric Supply Company Limited or any local authority company body or person owning or working any tramways contiguous to or which may now or hereafter be connected with any tramways of the Board on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

- (A) The formation of junctions between the tramways of the contracting parties:
- (B) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom:
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants:

- (D) The supply of motive power Provided that no electrical energy shall be supplied or shall continue to be supplied under this provision in any district in which any local authority company or person shall be supplying electrical energy under statutory authority without the consent in writing of such local authority company or person : A.D. 1915.
- (E) The payments to be made and the conditions to be performed with respect to the matters aforesaid :
- (F) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties :
- (G) The issue of through tickets available over all or any of the tramways of the contracting parties and the fixing of through fares and charges as between the tramways of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for conveyance over the tramways of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.

(3) In this section the word "tramways" includes light railways.

(4) Section 78 (Working agreements) of the Act of 1901 is hereby repealed.

(5) Section 45 of the Act of 1901 shall not apply to any tramway leased to the Board under the provisions of this section.

**15.** Nothing in the section of this Act the marginal note whereof is "Working agreements" or in any agreement to be made thereunder shall take away abridge or prejudicially affect any right power or privilege of the lord mayor aldermen and citizens of the city of Manchester (in this section called "the

For protection of corporation of Manchester.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and [5 & 6 GEO. 5.]  
Dukinfield Tramways and Electricity Board Act, 1915.*

A.D. 1915. Manchester Corporation") under two agreements respectively dated the eighteenth day of November one thousand eight hundred and ninety-eight one of which agreements is made between the urban district council of Audenshaw in the county of Lancaster of the one part and the Manchester Corporation of the other part and the other of which agreements is made between the urban district council of Denton in the county aforesaid of the one part and the Manchester Corporation of the other part and which agreements were confirmed and made binding by section 5 of the Manchester Corporation Tramways Act 1899.

As to  
purchase  
of new  
tramways  
by local  
authorities.

**16.** Section 43 of the Tramways Act 1870 shall not apply to the new tramways and in lieu thereof the following provisions shall have effect with regard to the new tramways (that is to say):—

- (1) The local authority in whose district the new tramway number 1 is situate if by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 they so decide may within six months after the expiration of a period of twenty-five years from the opening of the tramway for public traffic or within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade by notice in writing require the Board to sell and thereupon the Board shall sell to them so much of their tramway undertaking as is within the said district in respect of the said new tramway number 1 upon the terms mentioned in subsection (4) of this section :
- (2) The local authorities in whose districts the new tramways numbers 2 2A and 3 are situate if each local authority respectively by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 so decide may within six months after the expiration of a period of twenty-five years from the opening of the said tramways for public traffic or within six months after the expiration of every subsequent period of seven years by notice in writing require the Board to sell and thereupon the Board shall sell to them so much of their tramway undertaking as is within the said districts in respect of the said new tramways



numbers 2 2A and 3 upon the terms mentioned in subsection (4) of this section Provided that any such notice shall not be valid or effectual unless within six months after service thereof on the Board or such further period as may be allowed by the Board of Trade a contract for sale containing provisions for vesting in each local authority so much of the said portion of the tramway undertaking as is situate in their district and a scheme or schemes for the future maintenance management and working of the said new tramways shall have been approved by the Board of Trade :

A.D. 1915.

- (3) If valid notice requiring the Board to sell the new tramways numbers 2 2A and 3 under subsection (2) of this section shall not previously have been given the mayor aldermen and burgesses of the borough of Glossop (in this subsection referred to as "the corporation") may on the twenty-second day of June one thousand nine hundred and forty-two by giving six months notice in writing expiring on such date or on the expiration of every subsequent period of seven years thereafter by giving six months similar notice in writing require the Board to sell and thereupon the Board shall sell to the corporation so much of their tramway undertaking as is within the said borough in respect of the said new tramways 2 and 2A upon the terms mentioned in subsection (4) of this section and the provisions of subsection (2) of this section shall not apply to any such purchase Upon the completion of any sale and purchase under this subsection subsection (2) of this section shall be read and have effect as if the new tramways so purchased by the corporation were excluded from the operation of that subsection :

- (4) The terms upon which the Board may be required to sell the said portions of their tramway undertaking shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade

[Ch. Ixi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

on the application of either party and the expense of the reference to be borne and paid as the referee directs :

- (5) When any such sale has been made all the rights powers and authorities of the Board in respect to the undertaking sold shall be transferred to vested in and may be exercised by the authority or authorities to whom the same has been sold in like manner as if such tramway or tramways were constructed by such authority under the powers conferred upon them by a provisional order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters within the meaning of the said Act:
- (6) The local authorities (other than any rural district council) may pay the purchase money and all expenses incurred by them under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a provisional order obtained by them under the Tramways Act 1870 and any expenses incurred by a rural district council under this section shall be defrayed in manner directed by the Public Health Act 1875 with respect to expenses incurred in the execution of that Act either as general or special expenses within the meaning of that Act as the Local Government Board may require.

For protection of Postmaster-General.

**17.**—(A) Notwithstanding anything in this Act or in the Act of 1901 contained if any of the works authorised to be executed by this Act or the Act of 1901 involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway and the hedges or banks which form the boundary of the highway) without his consent.

(B) In the event of any tramways of the Board being worked by electricity the following provisions shall have effect:—

A.D. 1915.

- (1) The Board shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Board as to compliance with this subsection shall be determined by arbitration:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Board of their electric lines and works or by the working of the tramway undertaking of the Board the Board shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Board or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Board and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Board as to any requirement so made shall be determined by arbitration:

[Ch. lxi.] *Stalybridge, Hyde, Mossley and [5 & 6 GEO. 5.]  
Dukinfield Tramways and Electricity Board Act, 1915.*

A.D. 1915.

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Board is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Board's works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Board enter any of the Board's works for the purpose of inspecting the Board's plant and the working of the same and the Board shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Board pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Board or their agents the Board shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Board or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster - General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether

through induction or otherwise in any manner affected by such act or work or by any use made of such work : A.D. 1915.

- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Board or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Board by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Board" includes their lessees and any person owning working or running carriages on any of the tramways of the Board :
- (13) Section 58 (For protection of Postmaster-General) of the Act of 1901 is hereby repealed.

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

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

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

- (B) The Postmaster-General shall give to the Board not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided :
- (c) Unless otherwise agreed between the Postmaster-General and the Board the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Board or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (E) Unless otherwise agreed no telegraphs shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time

inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair : A.D. 1915.

- (G) The Postmaster-General shall make good to the Board and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Board their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Board and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Board or failing agreement determined as herein-after provided :
- (I) The Board shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Board of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Board their officers or servants :
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Board the value of the same Provided that if the Board or the body having the control of the

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Board from using their posts standards or brackets for the support of any of their electric wires and apparatus in connexion with their tramways or shall take away any existing right of the local authority of using the posts standards or brackets of the Board in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "the Board" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Posts are not to be used for advertisements.

**19.** The Board shall not exhibit or permit the exhibition of advertisements on any posts of the Board erected in any street other than advertisements relating to the service of the tramways or for the exhibition of which no consideration is paid In case of any contravention of the provisions of this section the Board shall be liable to a penalty not exceeding five pounds.

For protection of Saddleworth Council.

**20.** For the protection of the Saddleworth Council the following provisions shall have effect unless otherwise agreed in writing between the Board and the Saddleworth Council:—

(1) The Saddleworth Council may cleanse any street or road without reference to the tramway being laid therein but whatever cleansing owing to snow impeding the traffic may be deemed requisite by the Board for the proper working of the tramway shall be executed by the Board at their own cost who shall in such



cleansing' remove the snow from off the tramway track with all possible despatch: A.D. 1915.

- (2) If any dispute or difference under this section shall arise between the Board and the Saddleworth Council such dispute or difference shall be settled in the manner prescribed by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

**21.** The following provisions for the protection of the county council of the west riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect with respect to the construction of Tramway No. 1 (herein-after referred to as "the tramway") :—

For protec-  
tion of West  
Riding  
County  
Council.

- (1) Before constructing the tramway the Board shall widen the Ridge Hill Lane Main Road and the Greenfield and Shepley Main Road between the points (measured from the commencement of the tramway along the centre line thereof as marked on the deposited plans) specified in the next following table by adding thereto any available roadside waste now part of the highway so that the metalled carriageway of such roads when so widened shall be of not less width than twenty-seven feet where a single line is to be laid and not less width than thirty-three feet where a double line is to be laid. Such widenings shall be carried out to the reasonable satisfaction of the surveyor of the county council:

From	To
(a) 1 furlong	1 furlong 3·7 chains
(b) 1 furlong 7·5 chains	2 furlongs 1·7 chains
(c) 2 furlongs 2·5 chains	5 furlongs 4·8 chains
(d) 6 furlongs 8 chains	7 furlongs 2 chains
(e) 1 mile 0 furlongs 2 chains.	1 mile 0 furlongs 8 chains.

- (2) Notwithstanding anything in this Act contained or shown on the deposited plans the Board shall not without the consent of the county council construct the tramway upon the bridge carrying Horsforth Road over Chew Brook in the urban district of Saddleworth:

[Ch. lxi.] *Stalybridge, Hyde, Mossley and [5 & 6 GEO. 5.]  
Dukinfield Tramways and Electricity Board Act, 1915.*

A.D. 1915.

- (3) Where the tramway is shown on the deposited plans as a single line the same shall not thereafter be doubled until such widening (if any) of the metalled carriage-way of the road shall have been effected as is practicable (up to a width not exceeding thirty-three feet) by adding thereto any available roadside waste now part of the highway :
- (4) At the same time as they lay before the Board of Trade the plan required by the section of the Act of 1901 whereof the marginal note is "Plan of proposed mode of construction" the Board shall deliver to the county council a copy of the said plan and the county council shall be at liberty within a period of one month from the receipt by them of such plan to make such representations to the Board of Trade with reference thereto as they think fit :
- (5) The Board shall pave the portion of the road referred to in section 28 of the Tramways Act 1870 with such granite or other sett paving material as may be agreed upon between the engineer of the Board and the surveyor of the county council or as failing agreement may be determined as herein-after provided :
- (6) The Board shall put down at their own cost at such places along the tramway as may be reasonably required by the county council suitable grids or drain boxes and drains (not exceeding ten yards in length) to prevent the accumulation of water on the tramway :
- (7) The Board shall at all times during the construction repair or renewal of the tramway or any part thereof in the said roads make all necessary and reasonable provisions for the proper regulation of the ordinary traffic of the roads and shall keep unobstructed so much of the roads as the surveyor of the county council shall reasonably deem adequate for the free and safe passage thereon of vehicles and foot passengers and shall during such construction repair and renewal maintain that portion of the roads so required to be kept unobstructed in substantial repair :

(8) The position of all posts standards boxes and their several attachments erected by the Board in a main road shall be such as the county council may reasonably approve Provided that—

A.D. 1915.

(a) If before the erection of any such posts standards boxes and attachments the Board 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 Board of any objection the county council shall be taken to have agreed to the position of such posts standards boxes and attachments as shown by the said plan;

(b) If any post box or overhead wire becomes owing to any road improvement or to the construction of any new road or otherwise in the opinion of the county council an obstruction the Board shall alter the position thereof in such manner as the county council direct but the Board may appeal against such direction to the Board of Trade and the decision of the Board of Trade shall be final:

(9) If in consequence of the construction or working of the tramway it becomes necessary within two years from the construction of the tramway to raise strengthen or reconstruct with suitable foundations any portions of such roads whether metalled or unmetalled at the sides of the tramway or to adjust in level or otherwise any such portions of such roads or any footpath or other work or to strengthen any retaining wall the cost of executing such work shall be borne by the Board:

(10) If any difference arises between the Board and the county council under this section such difference shall be determined by arbitration by an arbitrator to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

For protection of  
Cheshire  
County  
Council.

**22.** The following provisions for the protection of the county council of the administrative county of the county palatine of Chester (in this section respectively called "the county council" and "the county") and the inhabitants of the county shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Board apply and have effect:—

(1) If before or within a period of one year after the opening for public traffic of Tramway No. 3 by this Act authorised the Mottram-in-Longdendale Urban District Council (in this section called "the urban council") shall have widened Hyde Road and Stalybridge Road at the junction thereof and Mottram Moor and Market Street at the junction thereof or either of the said junctions the Board shall on the opening of the said tramway for public traffic or on the completion of the said widenings whichever shall be the later repay to the urban council one-third of the cost incurred by the urban council in acquiring any land or property for the purposes of such widening and in making up the widened portion of the road or the sum of eight hundred pounds whichever shall be the less:

(2) The Board shall before constructing Tramway No. 3 by this Act authorised give notice to the urban council of their intention to construct the same and if within three months from the receipt of such notice or within one year from the date of the passing of this Act whichever shall be the later the urban council shall inform the Board in writing that they intend to execute works of street widening in Hyde Road and Stalybridge Road at the junction thereof and Mottram Moor and Market Street at the junction thereof or either of those junctions the Board shall lay the portions of the said tramway to be constructed in the said roads to be so widened as aforesaid in such positions in the said roads as the Board of Trade after considering any representations of the urban council shall approve:

(3) If before or within a period of one year after the opening for public traffic of Tramway No. 2 at the western

approach to Woolley Bridge the county council shall have widened such approach or any part thereof the Board shall on the opening of such tramway for public traffic on the said approach or on the completion of the said widening whichever shall be the later repay to the county council one-third of the cost of acquiring any land or property for the purposes of such widening and in making up the widened portion of the road or the sum of two hundred pounds whichever shall be the less: A.D. 1915.

- (4) The Board shall before constructing Tramway No. 2 by this Act authorised give notice to the county council of their intention to construct the same and if within three months from the receipt of such notice or within one year from the passing of this Act whichever shall be the later the county council shall inform the Board in writing that they intend to widen the western approach to Woolley Bridge or any part thereof the Board shall lay the portion of the said tramway to be constructed in any part of the said approach to be so widened as aforesaid in such position on the said approach as the Board of Trade after considering any representations of the county council shall approve:
- (5) The Board shall at their own expense and to the reasonable satisfaction of the county council pave and maintain so much of any main road in the county whereon any of the new tramways shall be laid as lies between the rails of the tramway and (where two lines of tramway are laid in any such road) the portion of the road between such two lines of tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway with such granite cubes or setts or other paving as the county council or their surveyor may reasonably approve and in all cases where a double line is laid and the nearest rail of the tramway is less than seven feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening space between the rail and the footpath or boundary of the carriageway shall be paved

[Ch. Ixi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

in like manner to the reasonable satisfaction of the county council or their surveyor but the Board shall not be under any obligation to maintain such last-mentioned paving to a greater extent than eighteen inches beyond any such rail:

(6) Nothing in this Act contained shall tend to lessen or control any right power or authority now vested in the county council for altering widening or rebuilding any culvert or drain vested in or maintainable by the county council but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the county council shall not be liable to make any compensation whatever for any damage or injury to the new tramways by the alteration widening or rebuilding any such culvert or drain and any additional expense which the county council may incur or be put to in altering widening or rebuilding any such culvert or drain by reason of the existence of any of the new tramways shall be borne by the Board and be paid to the county council on demand Provided that in altering or rebuilding any such culvert or drain the county council may require the Board to alter the new tramways in such manner as the circumstances of the case may reasonably require but nothing shall be done to impede or interfere with such tramways for any greater length of time than may be reasonably necessary for the execution of the works of the county council:

(7) The Board shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the structure of any such culvert or drain as aforesaid and shall on receiving three months' notice in writing (which notice shall not be given unreasonably) remove any post or support which shall be so placed erected or attached as aforesaid:

(8) If the Board shall at any time find it necessary or desirable to remove snow impeding the traffic on the new tramways where laid along any such main road

the Board shall at their own cost remove the snow to the side of the road but so as not to impede or obstruct the drainage of the road or the ordinary traffic using the road: A.D. 1915.

(9) If any difference shall arise under this section between the Board and the county council the matter in difference shall unless otherwise agreed be referred to and determined by a person to be nominated failing agreement by the Board of Trade on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference:

(10) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the county council or the inhabitants of the county.

**23.** If any work executed by a county council or other road authority under the provisions of this Act shall involve any alteration of a telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if the county council or other road authority were "undertakers" within the meaning of the said Act. For further protection of Postmaster General.

**24.—**(1) The position of all posts standards boxes and their several attachments erected by the Board in any main road in the county of Chester in which any of the new tramways are constructed shall be such as the road authority may reasonably approve Provided that— As to erection of posts &c. in main roads in county of Chester.

(A) If before the erection of any such posts standards boxes and attachments the Board deliver to the road authority a plan showing the proposed position thereof and the road authority do not within fourteen days give notice to the Board of any objection the road authority shall be taken to have agreed to the position of such posts standards boxes and attachments as shown by the said plan:

(B) If any post box or overhead wire becomes owing to any road improvement or to the construction of any new

A.D. 1915.

road or otherwise in the opinion of the road authority an obstruction the Board shall alter the position thereof in such manner as the road authority direct but the Board may appeal against such direction to the Board of Trade and the decision of the Board of Trade shall be final.

(2) If any difference shall arise under this section between the Board and any such road authority such difference shall unless otherwise agreed be referred to and determined by a person to be nominated failing agreement by the Board of Trade on the application of either of the parties in difference and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of corporation of Glossop.

**25.** Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Glossop (in this section called "the corporation" and "the borough" respectively) shall apply and have effect unless otherwise agreed in writing between the corporation and the Board (that is to say):—

- (1) The Board shall at the same time as they lay before the Board of Trade the plan and statement referred to in section 38 of the Act of 1901 incorporated with this Act lay before the corporation a copy of so much of such plan and statement as relates to roads and streets within the borough and the corporation shall be at liberty within a period of one month from the receipt by them of such plan to make representations to the Board of Trade with reference thereto:
- (2) The Board shall not under the powers of the section of this Act the marginal note whereof is "Temporary stoppage of streets" temporarily stop up any road in the borough without the consent of the corporation:
- (3) The corporation may use any post or standard erected by the Board at the side of any road within the borough for the support of any public lamp on such terms as may be agreed between the Board and the corporation or as failing agreement may be determined by arbitration as herein-after provided:



- (4) The Board shall not use trailer carriages and coupled carriages on the tramways in the borough without the consent of the corporation: A.D. 1915.
- (5) The corporation shall be entitled to require the Board at their own expense to put down at such places along the route of the tramways in the borough as may be necessary suitable grids and drains communicating with the sewers or other receptacles to prevent the accumulation of water on the tramway:
- (6) If any difference shall arise between the corporation and the Board with reference to the works to be done by the Board under this section or otherwise under or in relation to the provisions of this Act affecting the tramways in the borough and in respect of which no penalty can be recovered such difference shall be referred to an arbitrator appointed (failing agreement) by the Board of Trade and the Arbitration Act 1889 shall apply to such arbitration:
- (7) In the event of the corporation purchasing the tramways of the Urban Electric Supply Company Limited in the borough in accordance with the provisions of section 40 of the Glossop Electric Tramways Order 1901 nothing in the section of this Act whereof the marginal note is "Working agreements" shall prejudice or in any way affect the corporation in respect of such purchase.

**26.** The Board may appoint stages upon any of their tramways and may demand and take for every passenger travelling upon any such stage such reasonable fares rates or charges not exceeding the fares rates and charges authorised to be taken in respect of the tramways (as the case may be) as may be determined by the Board. Power to appoint stages.

**27.** The Board may appoint the stations and places from which the carriages on their tramways shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such carriages shall be allowed to remain at any such place. Board may appoint stopping and starting places.

**28.**—(1) The Board may attach to any pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways of the Board signs or Attachment of signs indicating stopping places.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. directions indicating the position of stopping places for tramways  
— Provided that in cases where the Board are not the owners of such pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such pole standard or similar erection by such attachment and the Board shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

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

Shelters  
and wait-  
ing rooms.

**29.** The Board may erect and maintain shelters or waiting rooms for the accommodation of passengers in connexion with the tramway undertaking and may with the consent of the local and road authority use for that purpose portions of the public streets or roads :

Provided that no shelters or waiting rooms shall be erected or maintained in any street or road so as to cause interference with or render less convenient the access to or exit from any station of the London and North Western Railway Company or the Lancashire and Yorkshire Railway Company and no shelter or waiting room shall be erected or maintained on any bridge carrying any street or road over any railway or canal of either company without the consent of the company.

Lost  
property.

**30.** Any property found in any tramcar of the Board or in any shelter or waiting room in connexion with their tramway undertaking shall forthwith be handed to the conductor of the tramcar or taken to a place to be appointed for the purpose by the Board and if the same be not claimed within six months after the finding thereof it shall vest in the Board and may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the credit of the tramway revenue or may be otherwise disposed of in such manner as the Board may think fit,

**31.**—(1) The Board may with the consent of the Board of Trade provide maintain work and use trailer carriages and coupled carriages on the tramways on such routes and at such times as the Board of Trade may approve and for such periods and on such terms and conditions as may be expressed in such approval and the Board of Trade may revoke any such approval or alter the terms and conditions of any such approval.

A.D. 1915.  
Power to use trailer and coupled carriages.

(2) The trailer carriages and coupled carriages used by the Board under the provisions of this section shall be fitted with such brakes and safety appliances as the Board of Trade may approve and no trailer carriage or coupled carriage shall be used by the Board unless the design thereof has been approved by the Board of Trade.

(3) Except so far as the Board of Trade may otherwise allow the number of carriages or vehicles which may be used or run attached together shall not in any case exceed two.

**32.**—(1) Notwithstanding anything contained in any Act to the contrary the Board may on any special occasion run and reserve cars on any of the tramways for any special purpose which the Board may consider necessary or desirable and the Board may make byelaws and regulations for prohibiting the use of any such cars by any persons other than those for whose conveyance the same are reserved.

Power to reserve cars for special purposes.

(2) The provisions of the Tramways Act 1870 as to byelaws shall apply to any byelaws made under this section.

(3) The restrictions contained in the Act of 1901 as to tolls or charges for passengers shall not extend to any special cars run upon the tramways and in respect thereof the Board may demand and take such tolls or charges as they shall think fit Provided that the running of such cars shall in no way curtail the ordinary service of cars.

**33.** Notwithstanding any provision to the contrary contained in the Act of 1901 the Board may run through cars along any routes of the tramways or any specified portion thereof and the Board may demand and take from all passengers by such through cars irrespective of their destination a fare or charge not exceeding the maximum fare which the Board are empowered to charge for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car

Through cars.

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. Provided that the running of such cars shall in no way curtail the ordinary service of cars.

Trees overhanging highways.

**34.**—(1) Where any tree overhangs any highway along the routes of the tramways which may in any way interfere with the construction or working of the trolley wires or with the clear and safe passage of the tramcars and the passengers thereon the Board may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or interference and in default of compliance the Board may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Board under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Board under this section.

Removal of obstructions.

**35.** If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Board may so remove the vehicle or load and may remove any other obstruction to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and the Board shall in removing such obstruction conform to the reasonable requirements of the police.

Payment of fares rates and charges.

**36.** The fares rates and charges authorised by this Act and the Act of 1901 or by the provisions incorporated herewith shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Board may by notice to be annexed to the lists of fares rates and charges appoint.

PART III.

A.D. 1915.

ELECTRICITY.

**37.**—(1) It shall be lawful for the Board to supply electrical energy for public and private purposes within the following districts and parishes (that is to say):—

Extension of area of supply.

In the county of Chester—

The urban districts of Compstall Hollingworth and Mottram-in-Longdendale;

The parishes of Hattersley and Matley in the rural district of Tintwistle; and

So much of the parish of Tintwistle in the rural district of Tintwistle as lies to the west of an imaginary line drawn due south from the extreme easterly point of the borough of Mossley; and

In the west riding of the county of York—

The urban districts of Saddleworth and Springhead;

and those districts and parishes and portions thereof shall be added to the area of supply for the purposes of the Act of 1901 and subject to the provisions of subsection (2) of this section the provisions of the Act of 1901 relating to the supply of electricity shall extend and apply to the said area of supply as so extended.

(2) Sections 2 and 3 of the Electric Lighting Act 1888 shall extend and apply to so much of the electricity undertaking as is within the districts and parishes and portion thereof mentioned in subsection (1) of this section.

**38.** If at the expiration of three years from the passing of this Act the Board shall not have laid down distributing mains for the purposes of supply in the Saddleworth district and in the urban district of Mottram-in-Longdendale and if within five years after the passing of this Act the Board shall not have laid down distributing mains for the purposes of supply in any other urban district or parish included in the area of supply under this Act the Board of Trade may if they think fit order that the powers of the Board in regard to the supply of electricity shall cease as to any district or parish where such mains shall not have been laid down and on any such order being made those powers shall cease accordingly.

Revocation of powers where mains not laid.

A.D. 1915.

Purchase of portion of electricity undertaking in Saddleworth district.

**39.**—(1) The Saddleworth Council may if they think fit (in addition to and not in derogation of the power of that council to purchase under section 2 of the Electric Lighting Act 1888 as the local authority within the meaning of that section) at the expiration of twenty-five or thirty-five years from the commencement of the supply of electricity in the Saddleworth district under this Act on giving to the Board six months' previous notice in writing require the Board to sell and thereupon the Board shall sell to the Saddleworth Council so much of the electricity undertaking as is within the Saddleworth district (including all lands buildings works materials and plant within the said district suitable to and used by the Board for the purposes of the electricity undertaking within the said district).

(2) The Saddleworth Council shall pay to the Board a sum equal to the fair market value of the said portion of the electricity undertaking as a going concern regard being had in fixing that sum to any loss occasioned by severance.

(3) If any question arises as to the price to be paid as aforesaid the same shall be determined by arbitration.

(4) The Board of Trade may determine any other question which may arise in relation to such purchase and in default of agreement as to the date from which the purchase is to take effect may fix that date.

For protection of Mottram-in-Longdendale Urban District Council.

**40.** For the protection of the Mottram-in-Longdendale Urban District Council (in this section called "the council") the following provisions shall except so far as may be otherwise agreed in writing between the Board and the council apply and have effect (that is to say):—

The provisions contained in the section of this Act whereof the marginal note is "Purchase of portion of electricity undertaking in Saddleworth district" shall apply for the protection of the council as if those provisions were repeated in this section with the substitution of the "Mottram-in-Longdendale urban district" for the "Saddleworth district" and of the "Mottram-in-Longdendale Urban District Council" for the "Saddleworth Council."

For protection of west riding of Yorkshire and Cheshire

**41.**—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the west riding of Yorkshire County Council or of the Cheshire County Council (each of which councils is in this section referred to as "the county

council") to rebuild alter widen or repair the structure of any bridge upon which any work authorised by this Part of this Act shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Act.

A.D. 1915.  
County  
Councils.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking authorised by this Part of this Act they shall prior to the commencement of such works give the Board one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Board of electrical energy it is in the opinion of the county council necessary to temporarily remove the mains and other electrical appliances belonging to the Board from such bridge then the Board shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Board shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Board with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

**42.**—(1) The Board may purchase and acquire by agreement and may hold and use for the purposes of their undertaking the lands described in the First Schedule to this Act or any part of those lands and the Board may thereon erect maintain work and use a station or stations for producing and generating transforming storing and distributing electricity with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and supply such electricity accordingly.

Power to  
purchase  
lands and  
erect gene-  
rating  
station.

(2) The Board may appropriate and use for the said purposes any other lands acquired by them but they shall not use any

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. such lands for the purpose of constructing a generating station except with the consent of the Board of Trade and the Board of Trade shall not in any case give such consent except subject to and in accordance with the provisions of section 2 of the Electric Lighting Act 1909.

Fittings not to be subject to distress &c.

**43.** Any lamps meters motors electric lines fittings apparatus and things (all of which are in this section referred to as "fittings") let for hire under the provisions of section 100 (Power to supply electric fittings) of the Act of 1901 shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Board as the actual owners thereof.

Power to lay electric lines &c. in private streets.

**44.** The Board may on the application of the owner or occupier of any premises within the area of supply abutting on or erected or being erected in any street or road laid out but not repairable by the inhabitants at large or not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across 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 Act of 1901 the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 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 Board under the powers of this section.

Power to construct electrical sub-stations under streets.

**45.** The Board may with the consent of the local and road authority which shall not be unreasonably withheld construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

No sub-station transforming station or other works shall be constructed within a distance of twenty-five yards of any property



of the London and North Western Railway Company or the Lancashire and Yorkshire Railway Company except with the consent in writing of the company which consent shall not be unreasonably withheld. Any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1915.

**46.**—(1) The consent of the local authority within the extended area of supply described in the section of this Act of which the marginal note is "Extension of area of supply" to the placing of electric lines above ground by the Board under section 14 of the Electric Lighting Act 1882 and section 10 (B) of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld. As to over head wires

(2) If any question arises between the Board and any such local authority as to whether such consent is unreasonably withheld that question shall be decided by the Board of Trade on the application of either party after notice in writing to the other.

**47.**—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Board shall not include any supply of energy taken only on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Board in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882. As to maximum power which may be demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Board under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

**48.**—(1) If any consumer of electricity supplied by the Board under the terms of any agreement uses the energy supplied to him by the Board in any manner contrary to the terms of such agreement the Board may if they think fit discontinue to supply electrical energy to such consumer until they are Provisions as to supply of electricity by agreement.

A.D. 1915. satisfied that any energy so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Board shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the energy is used contrary to the terms of such agreement.

(2) A consumer supplied with electrical energy by the Board under the terms of any agreement shall be deemed to be a person to whom the Board may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Board under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Board fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Board. Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Board under the terms of any agreement existing at the date of this Act of any right to which he would be entitled but for the said provisions.

Period of error in defective meters.

**49.**—(1) 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.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Board shall be paid by or to the Board 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 Board.

Notice to discontinue supply of electricity.

**50.**—(1) A notice to the Board from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Board or be given by the consumer personally at the office of the electrical engineer to the Board.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electricity. A.D. 1915.

**51.** The Board may refuse to supply electrical energy to any person whose payments for the supply of electricity or meter rent are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Board in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises. Power to refuse to supply electrical energy in certain cases.

**52.** The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Board to any premises having a supply of motive power other than electricity. Extending section 15 of Electric Lighting Act 1909.

**53.** Any expenses reasonably incurred by the Board 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 Board in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. Power to recover charge for re-connection.

**54.--**(1) Any person who shall hinder an officer appointed by the Board from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers conferred by that section shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings. Further powers as to entry upon premises.

(2) Where any premises which the Board are entitled to enter in pursuance of the said section 24 are unoccupied the Board may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

**55.** The Board may in connexion with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid. As to offices showrooms &c.

A.D. 1915.

PART IV.

FINANCIAL.

Power to borrow.

**56.**—(1) The Board may from time to time borrow at interest any sum or sums of money for the purposes following (that is to say):—

- (A) For and in connexion with the construction of the new tramways the sum of forty-two thousand two hundred and forty pounds;
- (B) For and in connexion with the electrical equipment of the tramways authorised by this Act the sum of twelve thousand pounds;
- (C) For tramway rolling stock the sum of eight thousand pounds;
- (D) For and in relation to the purchase of lands for a generating station or stations the sum of five thousand five hundred pounds;
- (E) For paying the costs charges and expenses of this Act the sum requisite for that purpose:

And with the approval of the Board of Trade such further moneys as the Board may require for the purposes of the tramway undertaking and for any of the purposes of the section of this Act of which the marginal note is "Purchase of tramways in Hyde Denton and Audenshaw" and with the approval of the Local Government Board such further moneys as the Board may require for the purposes of the electricity undertaking and for any of the other purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenues of the Board.

Periods for discharge of loans.

**57.** The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) in the said section mentioned within twenty years from the date or dates of borrowing the same; A.D. 1915.

As to moneys borrowed for the purpose (C) in the said section mentioned within fifteen years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (D) in the said section mentioned within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (E) in the said section mentioned within five years from the passing of this Act;

As to moneys borrowed with the approval of the Board of Trade or the Local Government Board as the case may be within such periods as they may respectively think fit to sanction.

**58.** The mortgages issued by the Board the endorsements thereon and transfers thereof may be in the form contained in the Second Schedule to this Act or in forms to the like effect. Form of mortgage.

**59.** The Board may at any time apply the whole or any part of any sinking fund as follows:— Alternative application of sinking fund.

Where the Board are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of a sinking fund (not being a sinking fund in respect of loans raised under the Local Loans Act 1875) as shall be available for the repayment of moneys borrowed by the Board and not shown by the deed to be raised in exercise of a particular borrowing power specified therein Provided that when exercising this power the Board 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;

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

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

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the moneys equal to the sum withdrawn from the 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 repayment and re-borrowing shall apply thereto accordingly.

The Board 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 the Local Government Board shall require.

Power to  
re-borrow.

**60.**—(1) The Board shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any

instalment or making any annual payment which has or may become due in respect of borrowed moneys. A.D. 1915.

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

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 113 (Power to re-borrow) of the Act of 1901 is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

**61.** Notwithstanding anything in this Act the Board shall not under the powers of this Act borrow any money other than money required for the payment of the costs charges and expenses of this Act as herein-after provided during the continuance of the present war and two years thereafter unless the consent of the Treasury has been previously obtained. Board not to borrow during continuance of war.

## PART V.

### MISCELLANEOUS.

**62.** The following provisions of the Act of 1901 shall with any necessary modifications and subject as regards mortgages granted under the provisions of the section of this Act whereof the marginal note is "Form of mortgage" to the provisions of that section extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):— Application of financial and miscellaneous provisions of Act of 1901.

- Section 105 (Mode of raising money);
- Section 106 (Provisions of Public Health Act as to mortgages to apply);
- Section 108 (Mode of payment off of money borrowed);
- Section 109 (Sinking fund);
- Section 110 (Protection of lender from inquiry);
- Section 111 (Board not to regard trusts);
- Section 112 (Appointment of receiver);

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915.

Section 115 (Application of money borrowed);

Section 116 (Application of moneys arising from sale &c. of land);

Section 160 (Inquiries by Local Government Board);

Section 162 (As to prosecution for offences and recovery of penalties);

Section 165 (Agreements with Postmaster-General).

Returns to  
Local  
Government  
Board as to  
sinking  
funds.

**63.**—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any of the moneys raised by the Board in pursuance of any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by the Local Government Board and if required by that Board verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Local Government 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 and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or



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

(3) Section 114 (Annual return to Local Government Board) of the Act of 1901. is hereby repealed.

**64.** In addition to the other lands which the Board are by the Act of 1901 and this Act authorised to acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding in the whole ten acres which the Board may from time to time require but the Board shall not create or permit a nuisance on any such lands nor use the same for the erection of a station for generating electricity except subject to and in accordance with the provisions of section 2 of the Electric Lighting Act 1909. Purchase of lands by agreement.

**65.** The Board may purchase or take on lease dwelling-houses for persons employed by them and offices and other buildings for the purposes of the undertaking and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of the undertaking upon any lands for the time being belonging to the Board and (subject to the terms of the lease) upon any lands for the time being leased to the Board. Dwelling-houses for persons in Board's employment and other buildings.

**66.** The Board shall not proceed with the construction of any of the tramways authorised by this Act or with any works for the supply of electrical energy within the area described in the section of this Act of which the marginal note is "Extension of area of supply" except in pursuance of a resolution passed at a meeting of the Board after previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of the Board are usually given nor unless two-thirds of the members of the Board concur in the resolution. As to construction of works.

A.D. 1915.  
Penalties to be paid over to treasurer.

**67.** All penalties recovered on the prosecution of the Board or any officer of the Board on their behalf under this Act or the Act of 1901 or under any byelaw thereunder shall be paid to the Board and carried to the credit of the revenues of the Board.

Judges not disqualified.

**68.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of Act cumulative.

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

Crown rights.

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

Expenses of Act.

**71.** The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Board out of the revenues of the Board or out of moneys to be borrowed by the Board under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1915.

---

## FIRST SCHEDULE.

### LANDS FOR GENERATING STATION.

A piece of land situate in the borough of Stalybridge in the county of Chester bounded on the east by the River Tame on the west in part by the London and North Western Railway in other part by the properties known as Heyrod Hall and Heyrod Hall Farm and which properties are numbered 51 and 138 on the  $\frac{1}{2500}$  Ordnance map Cheshire Sheet III. 6 (edition of 1910) and in the remaining part by the property known as Springbank numbered 29 on the said Ordnance map and the property numbered 27 on the said Ordnance map and on the south by the Hartshead Print Works numbered 137 on the said Ordnance map and on the north by an imaginary line drawn due west from a point on the River Tame 140 feet south of the northernmost point of the inclosure numbered 31 on the said Ordnance map.

---

## SECOND SCHEDULE.

### FORM OF MORTGAGE.

#### STALYBRIDGE HYDE MOSSLEY AND DUKINFIELD TRAMWAYS AND ELECTRICITY BOARD.

By virtue of the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act 1915 and of other their powers in that behalf them enabling the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board (herein-after referred to as "the Board") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the Board by \_\_\_\_\_ herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenue of the tramway undertaking of the Board and of the revenue of the electricity undertaking of the Board and of the moneys receivable by the Board from their constituent authorities that is to say the mayor aldermen and burgesses of the borough of Stalybridge the mayor aldermen and burgesses of the borough of Hyde the mayor aldermen and burgesses of the borough of Mossley and the mayor aldermen and burgesses of the borough of Dukinfield and of all rates

[Ch. lxi.] *Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1915.* [5 & 6 GEO. 5.]

A.D. 1915. and moneys which the Board are authorised to levy and collect within the districts of the said constituent authorities under the powers of the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Acts 1901 to 1915 as the said sum of

pounds doth or shall bear to the whole sum which is or shall be charged on the said security To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid to [him] with interest for the same (subject as hereinafter provided) after the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum Such interest to be paid half-yearly [on the day of and the day of in each year]:

And it is hereby agreed that the said principal sum of pounds shall be repaid at the offices of the Board at [(subject as herein-after provided) on the day of one thousand nine hundred and ] [by ] [upon notice being given requiring to repay or to have repaid the said principal sum]:

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

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

Passed under the common seal of the Board in the presence of

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated this day of one thousand nine hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1915.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

Witness

FORM OF TRANSFER OF MORTGAGE.

STALYBRIDGE HYDE MOSSLEY AND DUKINFIELD TRAMWAYS AND ELECTRICITY BOARD.

I [the within-named] A.B. [of \_\_\_\_\_] in consideration of the sum of \_\_\_\_\_ pounds paid to me by \_\_\_\_\_ of \_\_\_\_\_ (herein-after called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number \_\_\_\_\_ of the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board at the yearly rate of \_\_\_\_\_ in the hundred bearing date the \_\_\_\_\_ day of \_\_\_\_\_] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

---

Printed by EYRE and SPOTTISWOODE, 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, FETER 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 and other Foreign Countries of  
T. FISHER UNWIN, LIMITED, LONDON, W.C.