



## CHAPTER xxxvii.

An Act to provide for the transfer of the electricity undertakings of the Mexborough and Swinton Tramways Company to the mayor aldermen and burgesses of the county borough of Rotherham to extend the area for the supply of electricity by the said mayor aldermen and burgesses to make further provision in regard to their electricity gas and water undertakings and for other purposes. A.D. 1918.

[8th August 1918.]

**W**HEREAS the mayor aldermen and burgesses of the county borough of Rotherham (in this Act called "the Corporation") supply electricity within that borough under the provisions of the Rotherham Corporation Electric Lighting Order 1898 and further powers in relation to their electricity undertaking are conferred upon them by the Rotherham Corporation Act 1904 and the Rotherham Corporation Act 1915:

And whereas the Mexborough and Swinton Tramways Company supply electricity in the urban districts of Rawmarsh and Swinton under the provisions of the Rawmarsh Electric Lighting Order 1898 and the Swinton Electric Lighting Order 1899 the powers of which were transferred to the tramway company in pursuance of provisions contained in the Rawmarsh Electric Lighting Order 1898 and the Mexborough and Swinton Tramways Acts 1902 and 1905:

And whereas in pursuance of an order made by the Board of Trade under subsection (3) of section 4 of the Electric Lighting Act 1909 the Corporation are supplying electricity in bulk to the tramway company:

And whereas by an agreement dated the fifteenth day of November nineteen hundred and seventeen and made between the tramway company of the one part and the Corporation of

A.D. 1918. — the other part a copy of which is set forth in the Second Schedule the tramway company have agreed to transfer to the Corporation the undertakings authorised by the Rawmarsh Electric Lighting Order 1898 and the Swinton Electric Lighting Order 1899 upon and subject to the terms and conditions mentioned in that agreement and it is expedient that that agreement be confirmed and that provision be made for carrying it into effect:

And whereas it is expedient to extend the Corporation's area for the supply of electricity to empower them to execute the works referred to in this Act for the purposes of their electricity undertaking and to confer further powers upon them in relation to that undertaking:

And whereas it is expedient to confer further powers upon the Corporation in connexion with their gas and water undertakings:

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

For and in connexion with the construction of the extension of the Corporation's generating station at Rawmarsh Road in the borough -	£ 120,000
For and in connexion with the equipment of the said extension - - - - -	480,000
For and in connexion with the purchase of lands for and the construction of the dam wharf and bridge authorised by this Act and works incidental thereto - - - - -	20,000
For sub-stations transformers cables and mains in connexion with and for other the purposes of or incidental to the extension of the Corporation's generating station and for other purposes of their electricity undertaking -	165,000
For the provision laying and erection of water mains and other works for supplying water under the powers of this Act - - - - -	24,000



And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years: A.D. 1918.

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

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

## PART I.

### PRELIMINARY.

1.—(1) This Act may be cited as the Rotherham Corporation Act 1918. Short and collective titles.

(2) The Acts and the Orders confirmed by Parliament mentioned in the First Schedule and this Act may be cited as the Rotherham Corporation Acts 1801 to 1918.

2. This Act is divided into Parts as follows (that is to say):— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Gas Crude Gas and Electricity.

Part IV.—Water.

Part V.—Finance.

Part VI.—Miscellaneous.

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—  
Incorporation  
of Acts.

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

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(c) All claims for compensation made upon the Corporation under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section 121 of the Lands Clauses Consolidation Act 1845;

(d) Any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party;

(2) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 with the following exceptions and modifications:—

(a) Section 83 and section 84 of the schedule are not incorporated with this Act;

(b) Sections 23 and 65 of the schedule shall apply to the undertaking of the Corporation within their area of supply outside the borough as if the Corporation were the local authority;



(3) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid; and

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(4) The provisions of the Waterworks Clauses Act 1847 with respect to mines and with respect to the breaking up of streets for the purpose of laying pipes.

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

Interpre-  
tation.

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

(a) “The borough” means the county borough of Rotherham;

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

(c) “The town clerk” means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office;

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

(e) “Daily fine” means a fine for each day on which any offence is continued by a person after conviction;

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

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- (g) "The electricity limits" means the area within which the Corporation are authorised by this or any former Act or Order to supply electricity;
- (h) "The gas limits" means the limits within which the Corporation are authorised to supply gas;
- (i) "The water limits" means the limits within which the Corporation are authorised to supply water;
- (j) "The Sheffield Corporation" means the lord mayor aldermen and citizens of the city of Sheffield;
- (k) "The tramway company" means the Mexborough and Swinton Tramways Company;
- (l) "The Electric Lighting Acts" means the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899;
- (m) "The recited Acts" means the Acts and the Orders confirmed by Parliament mentioned in the First Schedule and each of those Acts and Orders is referred to as the Act or Order of the year in which it was passed or confirmed;
- (n) "The First Schedule" "the Second Schedule" "the Third Schedule" and "the Fourth Schedule" mean respectively the First Schedule the Second Schedule the Third Schedule and the Fourth Schedule to this Act.

## PART II.

### ELECTRICITY.

Application  
of Electric  
Lighting  
Acts.

5.—(1) Subject to the provisions of this Act sections 2 and 3 of the Electric Lighting Act 1888 relating to the purchase of the undertaking by the local authority shall not apply to the Corporation or to their undertaking.

(2) The undertaking authorised by the Order of 1898 and this Part of this Act and the undertakings transferred to the Corporation in pursuance of this Part of this Act and the Corporation in respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and so much of the Order of 1898 the Rawmarsh Electric Lighting Order 1898 and the Swinton Electric Lighting Order 1899 as is inconsistent with those provisions or this Act is hereby repealed without



prejudice to anything done or suffered thereunder but such repeal of the Rawmarsh Electric Lighting Order 1898 and of the Swinton Electric Lighting Order 1899 shall not take effect until the transfer. A.D. 1918.

6.--(1) The agreement dated the fifteenth day of November nineteen hundred and seventeen and made between the tramway company of the one part and the Corporation of the other part of which a copy is set forth in the Second Schedule is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto subject to such amendments if any as may be agreed between the said parties in writing under their respective common seals. Confirmation of agreement with tramway company.

(2) The sale of the tramway company's undertakings under the said agreement shall be carried into effect by a deed which may be in the form set forth in the Third Schedule or to the like effect and on the execution of the deed by the tramway company the undertakings thereby agreed to be sold together with the rights powers and authorities which the undertakers to whom the Rawmarsh Electric Lighting Order 1898 and the Swinton Electric Lighting Order 1899 were granted had by virtue of the unrepealed provisions of those Orders and of any general or local Act of Parliament shall by virtue of the deed and of this Act be transferred to and become vested in the Corporation and such transfer and vesting are referred to in this Act as "the transfer."

7.--(1) In this section the expression "the council" means the Rawmarsh Urban District Council or the Swinton Urban District Council and the expression "the Order" means the Rawmarsh Electric Lighting Order 1898 when the powers of this section are exercised by the Rawmarsh Urban District Council and the Swinton Electric Lighting Order 1899 when they are exercised by the Swinton Urban District Council. Purchase by urban district councils of Rawmarsh and Swinton.

(2) Within six months after the expiration of any of the respective periods of twenty-one twenty-eight or thirty-five years from the thirtieth day of June nineteen hundred and five or at any time (being before the expiration of forty-two years after that date) when the part of the tramways undertaking of the tramway company within the district of the council has been purchased by or become vested in the council the council may by six months' notice in writing require the Corporation to sell and thereupon the Corporation shall sell to the council giving

A.D. 1918. — such notice the undertaking authorised by the Order together with all lands buildings works materials and plant of the Corporation suitable to and used by them for the purposes of the undertaking within the district of the council subject to the payment of such a sum and upon such terms and conditions as may be agreed between the Corporation and the council or as in the event of disagreement may be settled by arbitration. Provided that the arbitrator in making his award shall take into consideration—

(a) the average profits of the undertaking under the Order for the seven years immediately preceding the arbitration;

(b) the fair market value as a going concern at the time of the purchase of the works plant machinery and appliances taken over.

(3) The Board of Trade may determine any question which arises as to the purchase and which is not to be determined by arbitration and in default of agreement as to the date on which the purchase is to take effect may fix that date.

(4) From the date on which the purchase takes effect the undertaking shall vest in the council purchasing the same freed from all debts mortgages or other similar obligations of the Corporation or attaching to the undertaking and the powers of the Corporation in relation to the supply of electricity under the Order or the principal Act (as defined in the Order) shall absolutely cease and determine and shall vest in the council purchasing the same who shall thereafter be the undertakers under the Order.

(5) The power of purchase given by this section shall be in addition to and not in derogation of the power of the council to purchase the undertaking under section 2 of the Electric Lighting Act 1888.

Application  
of deed of  
transfer of  
Rawmarsh  
undertaking.

8. The provisions of the indenture dated the seventeenth day of April nineteen hundred and seven and made between the Rawmarsh Urban District Council of the one part and the tramway company of the other part (being the deed of transfer to the tramway company of the powers duties and liabilities of the said council under the Rawmarsh Electric Lighting Order 1898) which are set forth in the Fourth Schedule shall as from the transfer be binding upon the Corporation and the said council and in the application thereof "the transferors" shall



mean the said council and "the transferees" shall mean the Corporation but the other provisions of that indenture shall not apply to the Corporation. A.D. 1918.  
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**9.** Subsections (11) (12) (13) (14) (19) and (21) of section 76 (Company to carry out Swinton Electric Lighting Order) of the Mexborough and Swinton Tramways Act 1902 shall as from the transfer apply to the Corporation as if they were therein mentioned instead of the tramway company but the other provisions of that section and the provisions of section 21 (Power for company to make money payment to Swinton Council in lieu of obligation to remove dust) of the Mexborough and Swinton Tramways Act 1905 shall not apply to the Corporation but nothing herein contained shall relieve the tramway company of any obligations other than those imposed upon the Corporation. Application  
of Mex-  
borough and  
Swinton  
Tramways  
Acts.

**10.** All electricity supplied by the Corporation to consumers under this Act in the urban districts of Greasbrough Rawmarsh and Swinton shall be supplied at the same price or prices on the same terms and subject to the same conditions as those at upon and subject to which a corresponding supply of electricity is furnished by the Corporation under similar circumstances to consumers in the borough. Terms for  
supply of  
electricity in  
Greasbrough  
Rawmarsh  
and Swinton.

**11.**—(1) There shall be added to the area of supply for the purposes of the of Order 1898— Added area  
of supply.

- (a) the urban district of Greasbrough;
- (b) so much of the parish of Brinsworth in the rural district of Rotherham as is coloured red on the map hereinafter mentioned;
- (c) so much of the parish of Ecclesfield in the rural district of Wortley as is coloured blue on the said map;  
and
- (d) as from the transfer the urban districts of Rawmarsh and Swinton;

and the Corporation may within or in respect of the said areas exercise all or any of the powers in relation to their electricity undertaking conferred upon the Corporation by the Order of 1898 and subsequent Acts.

(2) The map hereinbefore referred to is signed in triplicate by Sir William Middlebrook the Chairman of the Committee of the House of Commons to whom the Bill for this Act was

A.D. 1918. referred one of which has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office.

(3) Copies of the said map deposited with the town clerk or extracts therefrom certified by him to be correct shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the correctness thereof.

Compulsory works.

**12.** The parts of streets throughout which the Corporation are to place suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the passing of this Act as mentioned in section 21 (Mains &c. to be laid down in streets specified in special order and in remainder of area of supply) of the schedule to the Electric Lighting (Clauses) Act 1899 are—

In the urban district of Greasbrough—

Main Street from its junction with Scrooby Street to the schools;

Church Street from its junction with Main Street to the church.

Areas may be supplied from various generating stations.

**13.**—(1) The whole or any part of the electricity limits may be supplied with electrical energy from all or any of the generating stations of the Corporation within those limits and for that purpose the Corporation may by means of electric lines make connexions between any part of such limits and any such generating station.

(2) Provided that nothing in this section shall be deemed to authorise the Corporation to execute any works or to do any act or thing in the city of Sheffield as from time to time constituted without the previous consent of the Sheffield Corporation under their common seal.

Overhead wires.

**14.** The consent of a local authority to the placing of electric lines above ground under section 14 of the Electric Lighting Act 1882 and paragraph (b) of section 10 of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade.

Power to construct works.

**15.** Subject to the provisions of this Act the Corporation may construct and maintain in the lines and according to the



levels shown on the deposited plan and sections the works hereinafter described in the borough with all proper and convenient roads approaches landing places steps slips embankments sidings and other works and conveniences connected therewith and may enter upon take hold and use the lands delineated on that plan and described in the deposited book of reference relating thereto (that is to say):—

- (a) Work No. 1 A wharf to be situate on the north-west bank of the River Don commencing at a point adjoining or near to the north-west abutment of the Don Bridge and extending in a south-westerly direction along the said bank and terminating at a point three hundred and sixty yards or thereabout from the said north-west abutment of the said bridge:
- (b) Work No. 2 A dam across the River Don commencing at a point on the north-west bank of the said river two hundred and twelve yards or thereabout measured in a north-easterly direction from the north-east abutment of the bridge carrying Drummond Street over the said river and terminating at a point on the south-east bank of the said river two hundred and ten yards or thereabout measured in a north-easterly direction from the south-east abutment of the said bridge:
- (c) Work No. 3 A bridge across the canal or cut of the Sheffield and South Yorkshire Navigation Company together with approaches thereto.

**16.** In constructing the works authorised by this Act the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically from the levels shown on the deposited sections—

Power to deviate.

- (1) in the case of the wharf to any extent downwards and to any extent not exceeding three feet upwards;
- (2) in the case of the dam to any extent downwards; and
- (3) in the case of the bridge to any extent upwards.

**17.**—(1) The Corporation may so far as may be necessary for constructing maintaining obtaining access to and using the wharf authorised by this Act execute works of dredging or excavation in or on any part of the bed and banks of the River Don between Jail Bridge and the junction of the Rotherham Cut with the said river at the Lower Lock.

Power to dredge.

A.D. 1918.

(2) Provided that the Corporation shall not deposit within the channel of the River Don any matter dredged or excavated under the powers of this section.

Period for completion of works.

18. If the works authorised by this Act and shown on the deposited plan are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Abstraction of water from the Don.

19.—(1) The Corporation may take water from the River Don for the purposes of their electrical generating station situate at Rawmarsh Road in the borough and shall either return to that river or discharge into the canal of the Sheffield and South Yorkshire Navigation Company all water taken under the powers of this subsection.

(2) The water discharged by the Corporation into the river or the canal in pursuance of this section shall be discharged at temperatures the average of which in any day reckoned from midnight to midnight shall not exceed ninety degrees Fahrenheit.

(3) Provided that nothing contained in this section shall enlarge the rights of the Corporation to prevent or interfere with the abstraction or utilisation of water from the said river by the Sheffield Corporation or shall otherwise prejudicially affect the rights of the Sheffield Corporation in relation to that river.

Period for compulsory purchase of lands.

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

As to private rights of way over lands taken compulsorily.

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

Agreements with navigation and

22. The Corporation may enter into and carry into effect agreements with the Sheffield and South Yorkshire Navigation



Company the Great Central Railway Company and the Midland Railway Company with respect to the execution maintenance and user of the works authorised by and the exercise of the powers contained in this Part of this Act affecting the undertakings of those companies respectively but nothing in this section shall authorise the Corporation to supply electricity for use outside the electricity limits.

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railway companies.

**23.** The works authorised by this Part of this Act shall form part of the electricity undertaking of the Corporation.

Works to form part of electricity undertaking.

### PART III.

#### GAS CRUDE GAS AND ELECTRICITY.

**24.**—(1) The Corporation and any person within the area mentioned in subsection (4) of this section may enter into and carry into effect contracts and agreements for and in relation to all or any of the following purposes (namely):—

Purchase by Corporation of gas and electricity.

(a) The supply by such person to the Corporation of gas for the purposes of their gas undertaking:

(b) The supply by such person to the Corporation of gas produced in coke ovens and other gas the illuminating value of which is less than that required by the recited Acts in respect of gas supplied by the Corporation thereunder:

(c) The supply of steam or waste heat by such person to the Corporation:

(d) The supply by such person to the Corporation of electricity:

(e) The sale or lease by the Corporation to such person of part of the Corporation's electrical plant.

(2) The Corporation may use any gas steam heat or electricity supplied to them under the provisions of this section for any purpose for which they may require it and may supply such gas or electricity under and subject to the Acts for the time being authorising them to supply gas and electricity.

(3) For the purposes of this section the Corporation may lay down erect place repair alter renew and remove mains pipes culverts electric lines works and conveniences within the area

A.D. 1918. mentioned in subsection (4) of this section and the following provisions (namely):—

- (a) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid;
- (b) The provisions of the Electric Lighting Acts relating to the construction of works subject as regards generating stations to section 2 (Construction of generating station on land acquired by agreement) of the Electric Lighting Act 1909;
- (c) The provisions contained in the Electric Lighting Acts and in Part II. (Electricity) of this Act relating to the execution of works (including the construction of street boxes) in over under and along streets;

shall with the necessary alterations extend and apply to and for the purposes of this section within that area.

(4) The area hereinbefore referred to comprises—

- (a) The borough and the urban districts of Greasbrough Rawmarsh and Swinton;
- (b) The rural district of Rotherham except the parish of Brampton-Bierlow; and
- (c) That part of the rural district of Doncaster comprising the southern portions of the parishes of Tickhill Stainton and Conisbrough and the whole of the parish of Braithwell which is situate on the south-westerly and southerly side of a line drawn along the north-easterly and northerly sides of the following roads (namely) Blythe Gate Lane commencing at the point where the Doncaster and Worksop main road adjoins the north-easterly boundary of the parish of Maltby Claycroft Hill Limekiln Lane through the village of Stainton Raw Lane Hirst Lane Cockhill Lane Carr Lane and Clifton Hill to its junction with Doncaster Road and Doncaster Road to the point where it intersects the boundary of the parish of Hooten Roberts in the rural district of Rotherham at Hill Top.

(5) The provisions of section 16 (Electric lines &c. let on hire though fixed to premises to remain the property of the undertakers) of the Electric Lighting Act 1909 shall extend to



any plant of the Corporation leased in pursuance of this section. A.D. 1918.

(6) Any party to any contract or agreement entered into under the provisions of this section and any works constructed for the purposes of such contract or agreement shall be subject to all the provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electric Lighting Acts.

**25.** Except so far as may be agreed between the Yorkshire Electric Power Company and the Corporation the powers of the section of this Act whereof the marginal note is "Purchase by Corporation of gas and electricity" so far as they relate to the supply to the Corporation of electricity or the sale or lease by the Corporation of electrical plant or the laying down of electric lines or other works or conveniences connected with the supply of electricity shall not be exercised outside the electricity limits. Restriction on exercise of electricity powers.

**26.**—(1) The Corporation may by agreement supply to any person within the gas limits any gas supplied to the Corporation under paragraph (b) of subsection (1) of the section of this Act whereof the marginal note is "Purchase by Corporation of gas and electricity" (in this Act called "crude gas"). Supply of crude gas.

(2) None of the provisions of the recited Acts or any Act incorporated therewith with respect to the purity pressure testing or price of the gas supplied by the Corporation shall apply to any crude gas supplied under the provisions of this section by means of mains or pipes through which other gas is not supplied but nothing in this section shall deprive any person within the gas limits of any right which he may possess under the recited Acts of requiring a supply of gas of the purity and pressure prescribed by the recited Acts and any incorporated enactment.

(3) For the purposes of this section the Corporation may lay down repair take up alter relay and renew mains pipes and culverts within the area mentioned in subsection (4) of the section of this Act whereof the marginal note is "Purchase by Corporation of gas and electricity" and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable for the purposes

A.D. 1918. — of this section extend and apply with the necessary alterations to and for such purposes throughout the said area.

(4) Nothing in this section shall authorise the Corporation nor except as provided by the section of this Act whereof the marginal note is "Supply of crude gas in bulk" shall the Corporation be under any liability to supply gas to any person or premises outside the gas limits.

Conditions  
as to quality  
of crude gas.

**27.**—(1) It shall not be lawful for the Corporation at any time to supply crude gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Corporation shall be liable to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively.

(4) Provided that no proceedings shall be taken against the Corporation by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Regulations  
as to supply  
of crude gas.

**28.**—(1) The Secretary of State for the Home Department may at any time either before or after the Corporation shall have commenced to give a supply of crude gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply.

(2) The Corporation shall not under the powers of this Act supply or continue to supply crude gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force.



(3) If in the opinion of the Corporation compliance with any such regulations terms and conditions would render the supply or continued supply of crude gas by them unremunerative or impracticable it shall be lawful for the Corporation upon giving to all consumers of crude gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Corporation shall not be under any obligation to supply or to continue to supply crude gas to any person.

(4) For every contravention of this section the Corporation shall be liable to a fine not exceeding fifty pounds.

(5) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of crude gas."

**29.**—(1) If any local authority or company supplying gas in any parish outside the gas limits in which the Corporation shall have laid gas mains under this Part of this Act shall request the Corporation to supply them with crude gas the Corporation shall subject as hereinafter provided supply them with such gas and for that purpose shall permit such authority or company to connect the necessary pipes and apparatus with the Corporation's said mains Provided that—

Supply of  
crude gas in  
bulk.

(a) Such connexion and the works incidental thereto shall only be executed in such manner as shall be approved by the Corporation and under the supervision of their engineer and all expenses of such connexion and incidental works including any expenses reasonably incurred by the Corporation in regard thereto shall be paid by the authority or company making the connexion:

(b) The Corporation shall not be bound to supply any crude gas to any such authority or company unless a sufficiency remains to satisfy the requirements of the Corporation and the demands for crude gas within the gas limits.

(2) The price to be paid by any such authority or company for any crude gas supplied to them shall as nearly as may be

A.D. 1918. — be equal to the price paid to the Corporation for crude gas supplied in similar quantities within the gas limits regard being had to the circumstances and conditions under which such gas is supplied.

(3) Nothing in this section shall be deemed to authorise the Corporation or any local authority or company as aforesaid to lay mains or pipes or to break up or interfere with any road or impose upon the Corporation any obligation to lay mains or pipes for the purpose of affording a supply of crude gas to any such authority or company but this subsection shall not prejudice or affect any of the powers authorities or obligations with regard to laying mains or pipes or breaking up or interfering with roads conferred or imposed upon the Corporation by this Act or upon them or any such local authority or company by any general or local Act.

Provision as to general Acts relating to crude gas.

**30.** Nothing in this Act contained shall exempt the Corporation from the provisions of any general Act relating to the manufacture or supply of crude gas passed before or after the passing of this Act or from any regulations which may be made under such general Act.

Supply of gas in bulk.

**31.** The Corporation and any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the gas limits may enter into and carry into effect contracts for the supply by one of the contracting parties to the other of gas in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or interfere with any street beyond their limits for the supply of gas.

#### PART IV.

##### WATER.

Supply of water for trade purposes.

**32.—**(1) The Corporation may by agreement supply water under this section to any person within the water limits for any purposes other than domestic purposes.

(2) None of the provisions of the recited Acts or of any Act incorporated therewith with respect to the quality pressure or price of water supplied by the Corporation shall apply to any water supplied under the provisions of this section but nothing



in this section shall deprive any person within the water limits of any right which he may possess under the recited Acts of requiring a supply of water thereunder. A.D. 1918.

(3) For the purposes of this section the Corporation may lay down repair take up alter relay and renew mains pipes and culverts within the water limits and the provisions of the Waterworks Clauses Act 1847 with respect to mines and with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable for the purposes of this section extend and apply with the necessary alterations to and for such purposes throughout the said limits.

PART V.

FINANCE.

**33.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the fourth column thereof (namely) :— Power to borrow.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For and in connexion with the purchase of the tramway company's electricity undertakings.	£ 46,000	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Twenty years from the date or dates of borrowing.
(b) For and in connexion with the construction of the extension of the Corporation's generating station at Rawmarsh Road in the borough.	120,000	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Forty years from the date or dates of borrowing.

[Ch. xxxvii.] *Rotherham Corporation Act, 1918.* [8 & 9 GEO. 5.]

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1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(c) For and in connexion with the equipment of the said extension.	£ 480,000	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Twenty years from the date or dates of borrowing.
(d) For and in connexion with the purchase of lands for and the construction of the dam wharf and bridge authorised by this Act and works incidental thereto.	20,000	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Twenty-five years from the date or dates of borrowing.
(e) For sub-stations transformers cables and mains in connexion with and for other the purposes of or incidental to the extension of the Corporation's generating station and for other purposes of their electricity undertaking.	165,000	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Thirty years from the date or dates of borrowing.
(f) For the provision laying and erection of water mains and other works for supplying water under the powers of this Act.	24,000	The revenue of the Corporation's water undertaking and the district fund and the general district rate.	Thirty years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	The revenue of the Corporation's electricity undertaking the district fund and the general district rate.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Local Government Board.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the



prescribed period”) as may be prescribed by the Local Government Board. A.D. 1918.

(3) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904.

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

**35.** The provisions of sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 which relate to the rating of owners instead of occupiers shall apply to any hereditament in the borough the rateable value whereof does not exceed ten pounds and that Act shall accordingly have effect as if ten pounds were mentioned in the said section 3 instead of eight pounds. Rating of owners to poor rate instead of occupiers.

## PART VI.

### MISCELLANEOUS.

**36.**—(1) No person shall—

- (a) cover over or erect any building over;
- (b) alter the course of;
- (c) alter or interfere with (except to repair) the banks or embankment walls of;
- (d) obstruct the flow of; or
- (e) drive piles in the bed of

so much of the River Don within the borough as is not comprised in the navigation of the Sheffield and South Yorkshire Navigation Company without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit.

(2) Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

Restriction on placing works in the Don.

A.D. 1918.

(3) Any person deeming himself aggrieved by the withholding of any consent of the Corporation under the provisions of this section or by the terms and conditions subject to which any consent is given to him may appeal to the court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

(4) Nothing in this section contained shall prejudice or affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1916.

(5) The provisions of this section shall not apply to any part of the River Don which is in front of or adjoining any lands which may now be owned or occupied by the Sheffield Corporation and used for any municipal or public purpose so long as such lands shall be so owned or occupied and used.

Informations  
&c. by whom  
to be laid.

**37.** Save as expressly provided by any general or local Act for the time being in force in the borough all informations and complaints under or for the breach of any of the provisions of any such Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Incorporation  
of sections from  
existing  
Acts.

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

The Rotherham Corporation Act 1896—

Section 30 Mode of repayment of moneys borrowed ;

Section 32 Protection of lender from inquiry ;

Section 34 Corporation not to regard trusts ;

Section 35 Power to borrow under Local Loans Act 1875 ; and

Section 37 Application of moneys borrowed :

The Rotherham Corporation Act 1900—

Section 51 Correction of errors &c. in deposited plans and book of reference ;

Section 52 Owners may be required to sell parts only of certain lands and buildings ;

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



- Section 55 Purchase of additional lands by agreement;      A.D. 1918.  
Section 57 Power to retain sell &c. lands; and  
Section 58 Proceeds of sale of surplus lands:

The Rotherham Corporation Act 1904—

- Section 181 Persons acting in execution of Act not to  
be personally liable;  
Section 183 Inquiries by Local Government Board;  
Section 184 Authentication and service of notices &c.;  
Section 186 Compensation how to be determined;  
Section 188 Recovery of penalties &c.;  
Section 190 Damages and charges to be settled by  
court;  
Section 193 Consent of Corporation to be in writing;  
Section 194 Saving for indictments &c.; and  
Section 196 Powers of Act cumulative:

The Rotherham Corporation Act 1911—

- Section 60 Costs of arbitration &c. in certain cases;  
Section 84 Certain provisions of Public Health Act as  
to borrowing not to apply;  
Section 85 Provisions of Public Health Act as to mort-  
gages to apply;  
Section 88 Appointment of receiver;  
Section 90 Audit of accounts;  
Section 91 Expenses of execution of Act; and  
Section 98 Recovery of demands in county courts:

The Rotherham Corporation Act 1915—

- Section 23 Compensation in case of recently altered  
buildings; and  
Section 39 Receipt in case of persons not sui juris.

(2) Provided that—

- (a) the said section 52 of the Act of 1900 shall for  
the purposes of this Act apply in respect of the  
premises numbered 1 2 3 4 5 6 7 8 9 10 11 12  
13 and 14 on the deposited plan;  
(b) the said section 23 of the Act of 1915 shall for the  
purposes of this Act have effect as if the twentieth

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day of November nineteen hundred and seventeen were therein mentioned instead of the thirtieth day of November one thousand nine hundred and fourteen.

For protection of West Riding county council.

**39.** In executing the works and exercising the powers authorised by this Act with regard to gas crude gas water and electricity so far as such works and powers affect any main road or county bridge (which expression shall in this section mean and include any bridge which is for the time being a county or main road bridge and the approaches to such bridge) repairable by the county council of the West Riding of Yorkshire (in this section called "the county council") the following provisions for the protection of the county council shall have effect unless otherwise agreed in writing between the county council and the Corporation (that is to say):—

- (1) All mains pipes or works to be laid in or along any such main road or in upon or across any such county bridge shall so far as is reasonably practicable be constructed and laid in such position at the side of the road as the county council shall by writing under the hand of their surveyor reasonably direct or (if the said surveyor agrees) under the footpath provided that this subsection shall not apply to service pipes:
- (2) Except in cases of emergency and except when the works consist of service pipes fourteen days' notice shall be given of the intention to open any main road or bridge and the Corporation shall deliver to the county council or their surveyor for approval a plan of the proposed works not less than twenty-one days before the Corporation commence to open or break up any main road or bridge for the purpose of executing the works:
- (3) All works shall be executed by the Corporation so as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road or county bridge:
- (4) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches



thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the county council may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation may and when requested by the said surveyor shall remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the said surveyor of the county council and any reasonable expense incurred by the Corporation in pursuance of a request by the said surveyor shall be repaid to them by the county council Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of gas crude gas water or electricity as the case may be:

- (5) Notwithstanding anything in this Act contained if any difference arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be determined by arbitration by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either of the parties in difference and any difference between

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the Corporation and the county council under the provisions of the Gasworks Clauses Act 1847 or the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall be determined in like manner instead of in the manner provided for by those provisions.

For protection of Rotherham Rural District Council.

40. The provisions contained in the section of this Act whereof the marginal note is "For protection of West Riding county council" shall so far as applicable apply and have effect for the protection of the Rotherham Rural District Council in relation to roads and bridges vested in or repairable at the cost of that council as if those roads and bridges were referred to in the section instead of main roads and county bridges and as if the district council were therein referred to instead of the county council of the West Riding of Yorkshire.

For protection of Sheffield and South Yorkshire Navigation Company.

41. For the protection of the Sheffield and South Yorkshire Navigation Company (in this section called "the company") and the canal known as the Rotherham Cut (in this section called "the canal") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

(1) Notwithstanding anything shown upon the deposited plan or contained in this Act the Corporation shall not except by agreement with the company purchase or take any lands or property of the company for the purposes of the bridge authorised by this Act (in this section referred to as "the bridge") but the Corporation may purchase and the company if so required by the Corporation shall sell to the Corporation such easements or rights over so much of the lands and property of the company as may be necessary for the purpose of constructing maintaining and using the bridge and the works and conveniences connected therewith authorised by this Act The provisions of this Act and of the enactments incorporated therewith shall apply to such easements or rights as if they were lands:

(2)—(a) The Corporation shall construct the bridge where it crosses the canal and towing-path of one span with a clear width of one hundred and five feet between the piers or abutments thereof (which shall be parallel



with each other) and a clear headway at the centre of the bridge of twenty feet six inches above the present ordinary water level of the canal where crossed by the bridge:

- (b) The Corporation shall at all times maintain the bridge of the headway hereinbefore specified:
  - (c) The foundations of the piers or abutments of the bridge shall be carried down to such depths below the ordinary level of the surface of the water in the canal and shall be placed in such positions as shall be reasonably approved by the engineer of the company:
- (3) If at any time hereafter all of the other bridges existing at the passing of this Act across the company's navigation between Tinsley and Stainforth shall be raised or converted into opening bridges and the company shall apply to Parliament for power at their own expense to convert the bridge into an opening bridge the Corporation shall not oppose such application except for the purpose of securing protection for their interest in the bridge and their rights of user thereof. And the Corporation shall after the conversion of the bridge at their own expense maintain the same and work and manage the same as an opening bridge for the passage through the same of vessels which cannot with safety to the vessels or without risk of damage to the cargo therein lower their masts or funnels and the bridge shall be so worked according to such regulations restrictions and arrangements as the Board of Trade may from time to time on the application of either the Corporation or the company prescribe:
- (4) The Corporation as well during the construction as during any repairs of the bridge shall so far as practicable leave the navigable waterway and towing-path free and uninterrupted except so far as may be agreed between the company and the Corporation:
- (5) The Corporation shall during such construction exhibit every night from sunset to sunrise a light or lights which shall be kept burning by and at the expense of the Corporation for the guidance of vessels using the canal. Such light or lights shall be of such

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description and be so used and placed as the company in writing shall reasonably require :

- (6) All works crossing or affecting the canal shall be executed in accordance with detailed plans sections and specifications to be previously submitted to and reasonably approved in writing by the engineer of the company Provided that if such engineer do not signify his approval or disapproval of the same within one month after their submission to him he shall be deemed to have approved them :
- (7) Every work executed in pursuance of this Act crossing or affecting the canal shall be carried on uninterruptedly when commenced unless such carrying on is prevented by circumstances for which the Corporation are not responsible and shall be completed with all reasonable despatch and all scaffolding piling and materials affecting the waterway or towing-path shall be removed as soon as the work for which they are required has been completed and in the meantime shall be kept in proper repair and well and sufficiently lighted :
- (8) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by the company of a sufficient number of inspectors and watchmen to watch the canal during the construction of the bridge and the works connected therewith and for preventing any such obstruction or interference as aforesaid or any danger or accident from the acts or default of the Corporation or their contractors or the servants workmen or other persons in their respective employ :
- (9) The Corporation shall at all times at their own expense maintain the bridge and the said works connected therewith in good and substantial repair and condition to the reasonable satisfaction of the company and so as not to cause any obstruction to the canal and in default thereof the company after giving reasonable notice to the Corporation may as well on the lands of the Corporation as on their own lands do all such works and things as may be reasonably requisite in that behalf and the reasonable cost thereof shall on demand be paid by the Corporation to the company :



- (10) If by reason of the execution or maintenance of the bridge or any of the said works or any act or omission of the Corporation or their contractors or of any officer servant or workman or other person employed by the Corporation or such contractors the canal or any of the works thereof be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own cost and in default thereof the company may make good the same and recover the reasonable cost thereof:
- (11) The Corporation shall indemnify the company for any loss or damage they may suffer and for any compensation they may be required to pay for any such obstruction interruption or interference with the traffic of the canal or any accident which shall have been occasioned by any such act or default as in this section is mentioned:
- (12) If in the exercise of the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Abstraction of water from the Don" they shall abstract water from that river the company shall from time to time have reasonable access to the new generating station of the Corporation to inspect the condensing plant therein for the purpose of ascertaining that the water taken under the powers of that section is returned to the river:
- (13) Water taken from the river in pursuance of the section of this Act whereof the marginal note is "Abstraction of water from the Don" shall not be discharged into the canal except with the company's consent:
- (14) If any difference shall arise between the Corporation and the company as to anything to be done or not to be done under this section or any money to be paid thereunder (except by way of compensation or indemnity as in this section provided or as consideration for the grant of any such easements or rights as aforesaid) such difference shall be determined by an engineer to be appointed (unless otherwise agreed on) on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and

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the provisions of the Arbitration Act 1889 shall apply to any such arbitration:

- (15) The Corporation and the company may agree to any variation or alteration of the works in this section provided for or to the manner in which the same shall be executed.

For protection of certain gas companies.

**42.** Notwithstanding anything in this Act contained the Corporation shall not supply gas or crude gas within or for use within—

- (1) The limits for the supply of gas of the Dinnington and District Gas Company Limited as defined by the Dinnington and District Gas Order 1910 except with the consent in writing of that company; or
- (2) The parish of Aston-cum-Aughton in the rural district of Rotherham so long as the Beighton and District Gas Company Limited shall be supplying gas within that parish or the parishes of Maltby and Bramley in the said rural district so long as the Maltby and Bramley Gas Company Limited shall be supplying gas within those parishes except with the consent in writing of those companies respectively as the case may be or except to any local authority or company hereafter authorised under statutory powers to supply gas in such parishes or any of them.

For protection of Rotherham Forge and Rolling Mills Company Limited.

**43.** For the protection of the Rotherham Forge and Rolling Mills Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plan and sections the Corporation shall not construct the dam referred to in the section of this Act of which the marginal note is "Power to construct works" or any structure work or convenience connected therewith at such level or in such manner as to diminish the rapidity of the flow of water from the tailgoits of the company or of the flow of water in the River Don past the works of the company or to raise the level of the water in the said river to such a height as to prevent or injuriously affect the working by the



water power of the said river of any water wheels or turbines for the time being used for the purpose of obtaining power for use at the said works: A.D. 1918.

(2) If notwithstanding the foregoing provision of this section there shall be by reason or in consequence of the construction of the said dam or any such structures works or conveniences as aforesaid any such diminution as aforesaid or any such prevention or injurious affection of the working of any such water wheels or turbines as aforesaid the Corporation shall make compensation to the company for all loss damage or injury suffered by the company by reason or in consequence of such diminution prevention or injurious affection :

(3) Nothing contained in the section of this Act of which the marginal note is "Restriction on placing works in the Don" shall prevent the company from executing all such works as may be reasonably necessary either on their own lands or in the bed of the River Don or on the island situate in the said river opposite to the works of the company for the purpose of increasing and accelerating the flow of water through their wheelraces and tailgoits Provided that nothing in this section shall be construed as authorising the company to damage or imperil the safety of the wall or embankment erected by the Corporation on the right bank of the said river and situate between the weir adjoining the works of the company and Jail Bridge or to flood any lands of the Corporation :

(4) If any difference shall arise between the company and the Corporation under the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

44. The following provisions for the protection of the railway company as defined in this section shall unless otherwise

For protection of certain railway companies.

A.D. 1918. — agreed between the Corporation and the railway company in writing under their respective common seals apply and have effect:—

(1) In this section "the railway company" means each of the following companies and committees (namely) the Great Central Railway Company the Hull and Barnsley Railway Company the Midland Railway Company the Sheffield District Railway Company the South Yorkshire Junction Railway Company the Great Central Hull and Barnsley and Midland Joint Committee the Great Central and Midland Joint Committee the Hull and Barnsley and Great Central Railways Joint Committee the South Yorkshire Joint Line Committee:

(2)—(a) If having regard to the proposed position of any overhead lines of the Corporation erected under the provisions of this Act when considered in relation to the position of any works of the railway company at any point where the wires of the railway company will be situate alongside of over or under any such overhead lines of the Corporation it is advisable in order to guard against any danger which might arise from such lines breaking or falling that the electric telegraphic telephonic or signal wires or apparatus belonging to the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation:

(b) Any difference as to whether it is advisable that any alteration should be made in accordance with this subsection or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work shall unless otherwise agreed be referred to the Board of Trade for their determination or at the option of that Board to the arbitration of a person nominated by that Board:

(3) If at any time hereafter the railway company shall be desirous of extending widening or altering their railway or works over or under which the Corporation shall have placed overhead lines under the provisions



of this Act the Corporation shall give the railway company all proper and reasonable facilities for that purpose and any additional cost which the railway company may be put to in such extension widening or alteration by reason of the existence of the overhead lines of the Corporation shall be from time to time repaid to the railway company by the Corporation :

- (4) In executing and maintaining the works authorised by this Act where the same will cross over or under or otherwise affect any railway or any part of the works or property of the railway company the Corporation shall be subject to the following conditions:—

(a) All such works shall be executed and maintained at the expense of the Corporation under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the railway company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Corporation of his objections thereto he shall be deemed to have approved thereof;

(b) If within twenty-eight days after the receipt of any such plans and drawings the railway company give to the Corporation notice that they themselves desire to execute any part of the work (other than the actual laying down of the works which shall be done by the Corporation) which will cross over or under any railway or work belonging to them the railway company may themselves execute such part of the work and recover the reasonable costs thereof from the Corporation;

(c) All works which the Corporation may execute under this section shall be so constructed as to cause no avoidable injury to the railway works and property of the railway company and no interruption to the passage or conduct of traffic over the

A.D. 1918.

same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Corporation shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided;

(d) The Corporation shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the execution or maintenance of the work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and signalling the same with reference to and during the execution or maintenance of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors but nothing herein contained shall alter or affect any liability to which the Corporation may be subject for any accident which may be occasioned by the works or operations or by the acts or defaults of the Corporation or of their contractors servants or workmen or any of them;

(e) Any additional expense which the railway company may reasonably and properly incur in the exercise of their existing powers in effecting any repair renewal widening alteration or extension of their railway bridges and works by reason of the existence of any mains or pipes of the Corporation laid under the powers of this Act across over or under such bridges or works shall be paid by the Corporation :

- (5) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an



engineer or other fit person to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of the railway company or the Corporation and the provisions of the Arbitration Act 1889 shall apply to any such arbitration: A.D. 1918.

- (6) The section of this Act whereof the marginal note is "Restriction on placing works in the Don" shall not apply to property of the railway company.

**45.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1918. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

RECITED ACTS.

Title or Short Title.	Session and Chapter.
An Act for enlarging and improving the Market Place within the town of Rotherham in the West Riding of the county of York and for widening and rendering more commodious the streets and avenues leading thereto and for cleansing lighting and regulating the streets and other public passages and places within the said town.	41 Geo. III. c. lxvi.
Order relating to Rotherham and Kimberworth confirmed by the First Public Health Supplemental Act 1852.	15 & 16 Vict. c. xlii.
The Rotherham Gaslight Act 1855 - -	18 Vict. c. xxxii.
The Rotherham and Kimberworth Local Board of Health Act 1863.	26 & 27 Vict. c. cxvii.
The Rotherham and Kimberworth Local Board of Health Act 1870.	33 & 34 Vict. c. cxxxiv.
The Rotherham Corporation Act 1875 - -	38 Vict. c. lxx.
The Rotherham Corporation Act 1877 - -	40 Vict. c. xxiv.
The Rotherham Borough Extension and Sewerage Act 1879.	42 & 43 Vict. c. cxci.
Order relating to Rotherham confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.	43 & 44 Vict. c. clxxviii.
The Rotherham Corporation Act 1882 - -	45 & 46 Vict. c. ccxxxvii.
Order relating to Rotherham confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1890.	53 & 54 Vict. c. lxxxiv.
The Rotherham Corporation Act 1896 - -	59 Vict. c. xxvi.
The Rotherham Corporation Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1898.	61 & 62 Vict. c. xxxviii.
The Rotherham Order 1899 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899.	62 & 63 Vict. c. cx.
The Rotherham Corporation Act 1900 -	63 & 64 Vict. c. cliii.
The Rotherham Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1902.	2 Edw. 7. c. lxx.
The Borough of Rotherham Order (No. 2) 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1902.	2 Edw. 7. c. cex.



Title or Short Title.	Session and Chapter.
The Rotherham Corporation Act 1904 - -	4 Edw. 7. c. cexxxii.
The Rotherham Order 1910 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910.	10 Edw. 7. and 1 Geo. 5. c. lxxxiv.
The Rotherham Order (No. 2) 1910 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910.	
The Rotherham Corporation Act 1911 - -	1 & 2 Geo. 5. c. cxvi.
The Rotherham Corporation Tramways Order 1914 confirmed by the Tramways Order Confirmation Act 1914.	4 & 5 Geo. 5. c. lxxv.
The Rotherham Order (No. 1) 1914 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1914.	4 & 5 Geo. 5. c. cxxxix.
The Rotherham Order (No. 2) 1914 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1914.	
The Rotherham Corporation Act 1915 - -	5 & 6 Geo. 5. c. lii.

THE SECOND SCHEDULE.

Referred to in Section 6.

AN AGREEMENT made the fifteenth day of November one thousand nine hundred and seventeen between the MEXBOROUGH AND SWINTON TRAMWAYS COMPANY (hereinafter referred to as "the Company") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF ROTHERHAM (hereinafter referred to as "the Corporation") of the other part.

WHEREAS the Rawmarsh Urban District Council were authorised by the Rawmarsh Electric Lighting Order 1898 (hereinafter referred to as "the Rawmarsh Order") confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1898 to supply electrical energy within the area of their district subject to the provisions of the said Order and (inter alia) by section 59 thereof with the consent of the Board of Trade by deed to be approved by the Board of Trade to transfer their powers duties liabilities and works to any company or person as in such section provided :

And whereas the Swinton Urban District Council were authorised by the Swinton Electric Lighting Order 1899 (hereinafter referred to as "the Swinton Order") confirmed by the Electric Lighting

A.D. 1918. Orders Confirmation (No. 10) Act 1899 to supply electrical energy within the area of their district subject to the provisions of the said Order :

And whereas by sections 75 and 76 of the Mexborough and Swinton Tramways Act 1902 (hereinafter referred to as "the Act of 1902") provision was made as to the transfer and assignment to the Company of the Swinton Order subject to the sanction and approval of the Board of Trade and upon and subject to the terms provided in the said section 76 :

And whereas the said provisions of the said section 76 were amended by sections 20 and 21 of the Mexborough and Swinton Tramways Act 1905 (hereinafter referred to as "the Act of 1905") and as so amended (inter alia) provided for the transfer and assignment last before referred to to be for a period of forty-two years from the date of the commencement of the Swinton Order subject to provision for an earlier determination in certain events therein mentioned and by section 18 of the Act of 1905 it is provided that the commencement of the Rawmarsh Order and the Swinton Order respectively shall be deemed to mean the date of the passing of that Act i.e. the thirtieth day of June one thousand nine hundred and five :

And whereas by an indenture bearing date the seventeenth day of April one thousand nine hundred and seven and made between the urban district council of Rawmarsh of the one part and the Company of the other part and approved by the Board of Trade the powers duties liabilities and works of such council under the Rawmarsh Order were for the consideration and upon and subject to the exceptions and modifications and upon the terms in such indenture specified transferred to the Company for a period of forty-two years from the thirtieth day of June one thousand nine hundred and five :

And whereas by an indenture bearing date the eighteenth day of July one thousand nine hundred and six and made between the urban district council of Swinton of the one part and the Company of the other part the Swinton Order as amended by section 18 of the Act of 1905 was transferred and assigned to the Company for the period and subject to the terms and conditions prescribed in section 76 of the Act of 1902 as amended and modified by sections 20 and 21 of the Act of 1905 :

And whereas by the Act of 1902 the Act of 1905 and the Mexborough and Swinton Tramways (Railless Traction) Act 1913 the Company were authorised to construct and work and have constructed and are working certain tramways and trolley vehicle routes in the said Acts described which tramways and trolley vehicle routes together with the lands carsheds workshops storerooms offices cars and other premises and properties held by the company for and in



connexion with their tramways and trolley vehicles are hereinafter referred to as "the Company's tramway undertaking": A.D. 1918.

Now it is hereby agreed by and between the Company and the Corporation as follows:—

1. The Company shall sell and transfer to the Corporation and the Corporation shall purchase and take over from the Company free from encumbrances the respective undertakings of the Company under the Rawmarsh Order and the Swinton Order respectively including—

- (1) The lands delineated on the plans hereto annexed and numbered 1 and 2 and thereon coloured red together with the piece of land shown on the said plan numbered 1 and hatched red subject however to any right or interest in respect thereof that may be vested in the local authority for the purpose of using such land for the widening and improvement of Dale Road:
- (2) The generating station and other buildings of the company upon the said lands and the works machinery mains and plant belonging to the Company and held by them for the purposes of their undertakings under the Rawmarsh Order and the Swinton Order as the same now exist with any additions that may be made thereto before the day of transfer hereinafter mentioned but excluding movable stores not charged to capital:
- (2A) A right of way with horses vehicles agents workmen servants implements and articles from and to Dale Road over the land coloured blue on the said plan No. 1:
- (3) The benefit (subject to the obligations) of all contracts with consumers or others to which the Company shall be parties at the said day of transfer so far as the same relate to the said undertakings:
- (4) All rights privileges and powers which at the said day of transfer shall be vested in the Company in relation to the said undertakings.

The reserve fund of the Company in connexion with the said undertakings amounting to the sum of three thousand four hundred pounds shall be retained by the Company Provided that nothing herein contained shall be deemed to exclude from application to the Corporation the provisions of the Rawmarsh Order specified in clause 2 of the said indenture bearing date the seventeenth day of April one thousand nine hundred and seven and the provisions of the Swinton Order specified in subsection (3) of section 76 of the Act of 1902 Provided also that the provisions of subsections (9) and (10) of section 76 (Company to carry out Swinton Electric Lighting Order) of

[Ch. xxxvii.] *Rotherham Corporation Act, 1918.* [8 & 9 GEO. 5.]

A.D. 1918. the Act of 1902 as amended by section 21 of the Act of 1905 shall not apply to or affect the Corporation.

2. The Corporation shall as consideration for the said sale and purchase pay to the Company the sum of forty-five thousand pounds and shall supply to the Company electrical energy for the purposes of the Company's tramway undertaking upon terms hereinafter provided.

3. The date for the transfer of the premises hereby agreed to be sold (herein called "the day of transfer") shall be such day as shall be agreed between the Company and the Corporation or failing agreement shall be the first day of January the first day of April the first day of July or the first day of October which shall first occur after the passing of the Act confirming this agreement and the Corporation shall be entitled to possession of the premises and they shall be transferred to the Corporation on the day of transfer whether the amount of the purchase money of forty-five thousand pounds shall then be paid or not but if the amount is not then paid it shall be paid within one calendar month after the Corporation shall have obtained any sanctions to the borrowing of the money the necessity for which may be imposed by Parliament and in the meantime the Corporation shall pay to the Company interest thereon at the rate of five and a half per centum per annum from the day of transfer until actual payment of the said amount.

4. The Company shall be entitled to all revenues and receipts from the said premises until the day of transfer and shall bear and discharge and indemnify the Corporation against all outgoing claims liabilities and obligations in connexion with the said premises and shall duly and properly maintain the said premises to the day of transfer and for this purpose all necessary apportionments of any charges for electricity supplies or other revenues and receipts and any outgoing shall be made on a day to day basis The Corporation shall bear and discharge and indemnify the Company against all outgoing claims liabilities and obligations in connexion with the said premises in respect of the period after the day of transfer.

5. The Company may with the consent of the Corporation sell any machinery or plant used in connexion with their respective undertakings under the Rawmarsh Order and the Swinton Order and the sums received from any such sale shall be retained by the Company and deducted from the said purchase money of forty-five thousand pounds.

6. The Corporation shall supply to the Company and the Company shall take from the Corporation all electrical energy required by the Company for the purposes of the Company's tramway undertaking from and after the day of transfer and during such period as the Corporation shall be and continue to be the undertakers under the



Rawmarsh Order and the Swinton Order or either of such Orders or in the event of the powers for the purchase of the Company's tramway undertaking by the local authorities under and in accordance with the provisions contained with respect thereto in section 73 of the Act of 1902 being exercised during the said period then until the exercise and putting into force of such provisions at the price of .75 of one penny per unit for the first seven million two hundred thousand units so required by the Company and supplied by the Corporation under this agreement and for all electrical energy supplied after the first seven million two hundred thousand units at 1.25 of one penny per unit Provided that—

A.D. 1918.

- (a) In respect of the supply in any quarter ending on the last day of March June September or December if the average cost of the Corporation for coal delivered into bunkers at their generating stations in the said borough of Rotherham during such quarter exceeds seventeen shillings and sixpence per ton by one shilling or more or is less than fourteen shillings and sixpence per ton by one shilling or more an addition or deduction shall be made to or from the said price of .75 of one penny or 1.25 of one penny per unit (as the case may be) equal to .02 of one penny for each complete shilling by which such average cost exceeds seventeen shillings and sixpence or is less than fourteen shillings and sixpence:
- (b) If at the day of transfer the apparatus of the Corporation is not sufficient to enable them to give a supply at the sub-station at Swinton as hereinafter provided the Corporation shall as soon as possible instal and complete the necessary apparatus for that purpose and until the supply at such sub-station commences the prices hereinbefore mentioned shall not begin to operate and the said seven million two hundred thousand units shall not begin to be reckoned and the electrical energy supplied shall be paid for at the price of .75 of one penny per unit but if the average cost of the Corporation for coal delivered into bunkers at their generating stations in the said borough of Rotherham during any quarter ending on the last day of March June September or December exceeds sixteen shillings per ton by one shilling or more an addition shall be made to the said price of .75 of one penny equal to .02 of one penny for each complete shilling by which such average cost exceeds sixteen shillings:
- (c) If the said powers of the local authorities to purchase the Company's tramway undertaking under section 73 of the Act of 1902 shall be exercised before the Company have taken as many as seven million two hundred thousand



A.D. 1918.

units hereunder the Corporation shall thereupon forthwith pay to the Company a sum of money calculated at the rate of one halfpenny per unit on a number of units equal to the difference between the number actually taken by the Company and the said seven million two hundred thousand units.

7. The electrical energy so to be supplied by the Corporation to the Company under the last preceding clause shall be regularly and efficiently supplied by them at the Company's generating station at Rawmarsh and as soon as the necessary apparatus has been installed and completed at their existing sub-station at Swinton as required by the Company and shall be supplied in the form of direct current at a pressure of from five hundred to five hundred and fifty volts.

8. Should the Corporation fail to maintain a constant supply of current at the said voltage the Corporation shall be liable for and shall pay to the Company as compensation for such failure the sum of ninepence in respect of every car mile which the Company are unable to run upon their tramways and trolley vehicle routes owing to such failure based on the full number of car miles for any period being equal to the average number of car miles run in a corresponding period on the same days of the week during the previous month and the said compensation shall be recoverable by the Company from the Corporation as liquidated damages or the same may be deducted by the Company from any amount payable by them to the Corporation under this agreement. Provided that no such compensation as aforesaid shall be payable unless the interruption of supply is for more than a period of fifteen minutes and unless the total aggregate periods of interruption in any one day is for more than thirty minutes nor shall such compensation be payable if the failure is caused by any act or default of the Company or is the result of any defect in the mains or apparatus of the Company or is due to acts of King's enemies operations of aircraft strikes or lock-outs of workmen or servants or to an act of God or to some cause wholly beyond the control of the Corporation. The act neglect or default of any of the employees of the Corporation want of funds the non-provision of a reasonable amount of spare plant or the failure of the generating plant or mains of the Corporation (except through force majeure or other inevitable accident) shall not be considered as being beyond the control of the Corporation. The Corporation shall also in the event of any such failure to maintain a constant supply at the said voltage recommence the supply or restore the voltage as the case may be at the earliest possible moment. Except as provided by this clause the Corporation shall not be liable to pay compensation or damages to the Company for any failure to supply energy in accordance with this agreement.

9. The electrical energy to be supplied by the Corporation to the Company under this agreement shall be measured by three meters



which shall be provided and fixed by the Corporation at the said generating station at Rawmarsh and by three meters which shall be provided and fixed by the Corporation at the said sub-station at Swinton. The said meters shall be maintained and kept in proper working order by the Corporation and shall be at all reasonable times open to inspection by the company's officers. In the event of the readings of any meter varying by more than five per cent. from the mean of the other two meters at the same station whose readings are the closest then the reading of the third meter shall be disregarded and such third meter shall be disconnected and repaired and recalibrated at the standardising institution of the Board of Trade or at some other recognised and agreed standardising institution at the expense of the Corporation and in the meantime the quantity of the supply shall be determined by the mean of the readings of the other two meters. The Corporation shall render an account to the Company of all moneys due from the Company to the Corporation in respect of each quarter ending on the last day of March June September and December and the balance of each such account shall be paid within one calendar month after the rendering thereof.

A.D. 1918.

10. The Corporation as from the day of transfer shall grant to the Company for such period as the Corporation shall remain the undertakers under the Rawmarsh Order or until the Company shall sell their tramways undertaking whichever shall be the shorter period and at a rent of one pound per annum the use of the offices (except the room adjoining that now occupied by the Company's manager) and storerooms at the generating station at Rawmarsh now occupied by the Company or at the option of the Corporation they shall erect other equally convenient offices and storerooms for the Company upon land adjoining the Company's tramway depôt to be provided by the Company free of charge and the Company shall maintain and keep the premises used by them in pursuance of this clause in good order and repair (fair wear and tear excepted) and in such order and repair shall deliver up the same at the end or sooner determination of their tenancy.

11. Until the day of transfer the Company shall be at liberty to expend such capital as shall be necessary in the ordinary course of business for the carrying on and development of the undertakings the subject of such sale and purchase and the Corporation upon such completion shall repay all such capital so properly expended as aforesaid after the date of the execution of this agreement provided that no expenditure which in any single instance shall involve a greater amount than fifty pounds shall be incurred by the Company without the consent of the Corporation which consent shall not be unreasonably withheld.

12. This agreement is made subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein

A.D. 1918. and the Corporation shall seek and shall take all necessary steps to enable them to obtain such approval in the next ensuing session of Parliament or if Parliament for reasons connected with the present war shall refuse to allow the promotion of the Bill in the next ensuing session then in the first session of Parliament in which such promotion shall be allowed and the Company shall at the request of the Corporation give to the Corporation all such assistance therein as lies in their power provided that if the Committee of either House of Parliament to whom the Bill shall be referred shall make any material alteration in this agreement it shall be competent to either party to withdraw the agreement by giving notice to the other party before the Bill is read the third time in the second House of Parliament In the event of any difference arising as to whether any such alteration is material such difference shall be determined by arbitration in manner hereinafter provided.

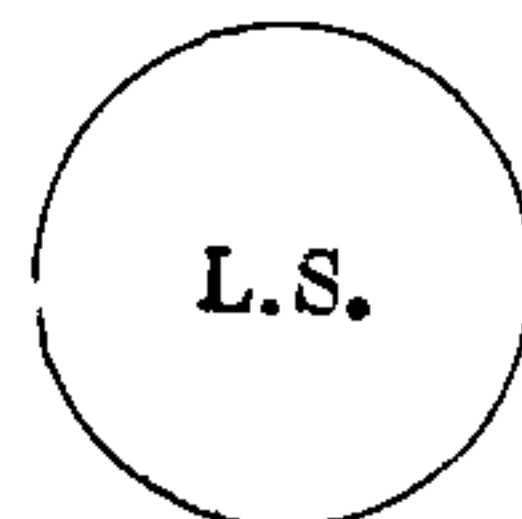
13. The costs charges and expenses of the Company in respect of the negotiation preparation and execution of this agreement and in respect of the promotion of the said Bill not exceeding the sum of one hundred guineas shall be paid by the Corporation to the Company whether or not this agreement shall be confirmed by Parliament.

14. Any question difference or dispute between the parties hereto touching the construction or effect of this agreement or any matter or thing arising thereon shall be determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Electrical Engineers and save as aforesaid the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to any such arbitration.

In witness whereof the Company and the Corporation have hereunto caused their respective common seals to be affixed the day and year first above written.

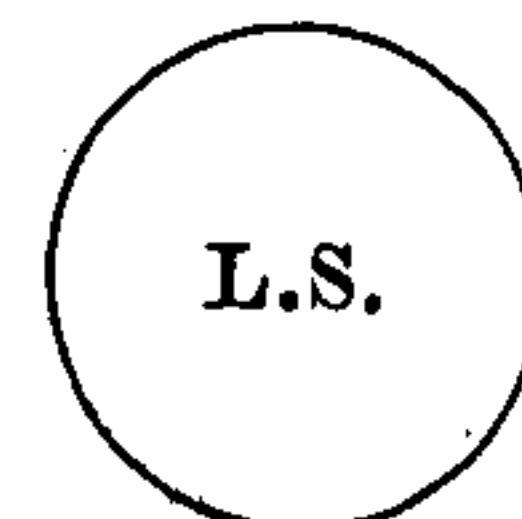
The common seal of the Mexborough and Swinton  
Tramways Company was affixed hereto pursuant to  
an order of the board of directors in the presence  
of

W. B. COWNIE }  
JAS. T. JERVIS } Directors.  
L. D. H. JACOBS Secretary.



The common seal of the mayor aldermen and burgesses  
of the county borough of Rotherham was hereunto  
affixed in the presence of

CHAS. L. DES FORGES Town Clerk.





THE THIRD SCHEDULE.

A.D. 1918.

Referred to in Section 6.

FORM OF DEED OF TRANSFER OF TRAMWAY COMPANY'S  
ELECTRICITY UNDERTAKINGS.

Pursuant and subject to the provisions of the Rotherham Corporation Act 1918 and in consideration of \_\_\_\_\_ pounds the Mexborough and Swinton Tramways Company hereby grant convey and assign to the mayor aldermen and burgesses of the county borough of Rotherham their undertaking under the Rawmarsh Electric Lighting Order 1898 and their undertaking under the Swinton Electric Lighting Order 1899 including—

- (1) The lands delineated on the plans hereto annexed and numbered 1 and 2 and thereon coloured red together with the piece of land shown on the said plan numbered 1 and hatched red subject however to any right or interest in respect thereof that may be vested in the local authority for the purpose of using such land for the widening and improvement of Dale Road :
- (2) The generating station and other buildings of the company upon the said lands and the works machinery mains and plant belonging to the company and held by them for the purposes of their undertakings under the Rawmarsh Electric Lighting Order 1898 and the Swinton Electric Lighting Order 1899 but excluding movable stores not charged to capital :
- (2A) A right of way with horses vehicles agents workmen servants implements and articles from and to Dale Road over the land coloured blue on the said plan numbered 1 :
- (3) The benefit (subject to the obligations) of all contracts with consumers or others to which the company shall be parties at the date hereof :
- (4) All rights privileges and powers which at the date hereof shall be vested in the company in relation to the said undertakings :

To hold the same unto and to the use of the said mayor aldermen and burgesses their successors and assigns And the said mayor aldermen and burgesses do hereby accept the same accordingly In witness whereof the parties hereto have hereunto affixed their respective common seals the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_

A.D. 1918.

THE FOURTH SCHEDULE.

Referred to in Section 8.

If the transferors shall at any time during the lighting period desire a supply of electrical energy for light or power or other purposes they shall take the same from the transferees.

The Fourth Schedule to the Order shall have effect as though the prices mentioned in this clause were substituted for the prices mentioned in that schedule as the prices which may be charged by the transferees :—

(a) For energy supplied for public lighting the sum of  $2\frac{3}{4}d.$  per unit :

(b) For current supplied for private lighting—

(1) the sum of  $7d.$  per unit for an average consumption for one hour every day during any one quarter of the maximum demand at any time during such quarter and  $3d.$  per unit for all other energy consumed during such quarter ; or

(2) on the flat rate system the sum of  $5d.$  per unit :

(c) For energy supplied for power cooking or heating or purposes other than public lighting or private lighting the sum of  $3d.$  per unit for an average consumption for one hour every day during any one quarter of the maximum demand at any time during such quarter and  $1\frac{1}{4}d.$  per unit for all other energy consumed during such quarter.

The expense of replacing any globes used for the purpose of lighting streets and other public places within the district of the transferors and maliciously damaged by any person and of prosecuting any such person shall be borne by the transferors.

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