



## CHAPTER xlix.

An Act to confer upon the Corporation of the City of Sheffield further powers for the construction of waterworks street improvements and tramways and for other purposes. A.D. 1919.  
[15th August 1919.]

**W**HEREAS the city of Sheffield (hereinafter called "the city") is a municipal borough under and subject to the Municipal Corporations Act 1882 and is also a county borough under the Local Government Act 1888 and the lord mayor aldermen and citizens of the city (hereinafter called "the Corporation") are the sanitary authority for the city and are also the local authority for the city within the meaning of the Tramways Act 1870:

And whereas the Corporation are under statutory enactments in that behalf empowered to supply and are supplying water within the city and other places in the west riding of the county of York and the county of Derby:

And whereas the supply of water from the existing waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants within the limits of water supply of the Corporation and it is expedient that for the purpose of enabling the Corporation to conserve their supply of water for domestic and other purposes they should be empowered to make and maintain the additional waterworks by this Act authorised and that such further powers in relation to their waterworks undertaking as are in this Act contained should be conferred upon the Corporation:

And whereas it is expedient that the Corporation should be empowered to construct the street improvements in this Act respectively mentioned:

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And whereas it is expedient that the tramways by this Act authorised should be constructed for the purpose of extending and improving the existing tramways of the Corporation :

And whereas it is expedient that the Corporation should be empowered to erect a public hall in the city and to acquire lands for such purpose and that such further powers should be conferred upon the Corporation as are contained in this Act :

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

For the purchase of lands and easements for and the construction of the waterworks by this Act authorised - - - - -	£ 324,743
For the purchase of lands for and for the construc- tion of the street improvements by this Act authorised - - - - -	46,790
For the construction and equipment of the tram- ways by this Act authorised and for the general purposes of the tramways undertaking - - -	238,986
For the purchase of lands for and for the erection of a public hall - - - - -	200,000

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

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

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

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

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

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PART I.

PRELIMINARY.

1. This Act may be cited as the Sheffield Corporation Act 1919 and this Act and the Sheffield Corporation (Consolidation) Act 1918 may be cited together as the Sheffield Corporation Acts 1918 and 1919.

Short and collective titles.

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

Division of Act into Parts.

Part I. Preliminary.

Part II. Water.

Part III. Street Improvements.

Part IV. Tramways.

Part V. General Provisions as to Works and Lands.

Part VI. Financial Provisions.

Part VII. Miscellaneous.

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

Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts;

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

Provided always that notwithstanding anything contained in the said Act of 1845 any question of disputed compensation under this Act or any

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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;

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks by this Act authorised and "the centre of the railway" means the boundaries of the intake chambers pumping stations and reservoir or balancing tank respectively by this Act authorised; and

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

Interpreta-  
tion.

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

"The city" means the city of Sheffield;

"The Corporation" means the lord mayor aldermen and citizens of the city;

"The council" means the council of the city;

"The Rivers Board" means the West Riding of Yorkshire Rivers Board;

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

"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 city; A.D. 1919.

“The waterworks” means the waterworks by this Act authorised;

“The Act of 1918” means the Sheffield Corporation (Consolidation) Act 1918;

“Associated Millowners” has the meaning assigned to that expression by the Act of 1918;

“The street improvements” means the street widenings and alterations of streets and works in connexion therewith by this Act authorised;

“The tramways” means the tramways by this Act authorised.

## PART II.

### WATERWORKS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the following waterworks and may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference in relation to the waterworks (that is to say):— Power to construct waterworks.

Work No. 1 An intake with chamber and pumping station partly on the south bank of the River Don in the enclosure numbered 568 on the  $\frac{1}{2500}$  Ordnance map of the parish of Rotherham (2nd edition 1905) sheet No. 289-10 and partly in the said river at a point fifteen chains or thereabouts measured in an easterly direction along the south bank of the said river from the weir across the said river known as Steel Peech and Tozer's Weir:

Work No. 2 A line or lines of pipes commencing by a junction with the intake with chamber and pumping station (Work No. 1) and terminating in the pumping station (Work No. 3) hereinafter described:

Work No. 3 A pumping station and chamber in the enclosure numbered 672 on the  $\frac{1}{2500}$  Ordnance map of the parish of Rotherham (2nd edition 1905) sheet No. 289-13:

Work No. 4 A line or lines of pipes commencing in the pumping station (Work No. 3) and terminating by a

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junction with the reservoir or balancing tank (Work No. 5) hereinafter described :

Work No. 5 A reservoir or balancing tank in the field or enclosure numbered 1387 on the  $\frac{1}{2500}$  Ordnance map of the parish of Bradfield (2nd edition 1903) sheet No. 288-13 :

Work No. 6 A line or lines of pipes commencing by a junction with the reservoir or balancing tank (Work No. 5) and terminating in the enclosure numbered 1411 on the said Ordnance map of the parish of Bradfield :

Work No. 7 A line or lines of pipes commencing by a junction with the line or lines of pipes (Work No. 4) at the point of junction of the Loxley Road with the Loxley New Road and terminating at the Havelock Steel and Wire Mills Dam.

In addition to the foregoing works the Corporation may upon the said lands make and maintain all proper dams embankments bridges ways fences wells basins gauges filters filter-beds sluices waste weirs inlets screens outfalls shafts aqueducts catchwaters channels conduits pipes junctions washouts chambers telegraphs telephones engines apparatus approaches buildings works plant and conveniences connected therewith or incidental thereto or necessary for obtaining conducting storing ~~intercepting~~ filtering softening or cleansing water or repairing maintaining or managing the said works.

As to certain easements.

6. Notwithstanding anything contained in this Act the Corporation may purchase and acquire an easement or right of constructing in accordance with the deposited plans and sections and maintaining and using the waterworks over the River Don and under or across the Great Central Railway and in or under the properties whereof the whole or any part is described in the First Schedule to this Act without the Corporation being obliged or compellable to purchase any greater interest in such river railway or properties.

Abstraction and use of water from River Don.

7.—(1) Subject to the provisions of this Act the Corporation may by means of the waterworks abstract take and impound water from the River Don and when the same has been treated for the purpose of making the same comply with the standard specified in the section of this Act of which the marginal note is "Standard for treated water" (in this Part of this Act called "the treated water") may subject to the provisions of this section

convey and discharge the same in part satisfaction of the obligation which the Corporation shall for the time being be under to discharge compensation water into the Rivers Rivelin and Loxley or into either of the said rivers Provided that on each occasion on which any treated water shall be so discharged the same shall exceed by ten per centum the quantity of compensation water from the Rivelin Reservoirs or the Damflask Reservoir in the place of which the same shall be so discharged and that in no case shall any treated water be so discharged into the River Rivelin or the River Loxley unless at the same time at least an equal volume of water shall be discharged into such river from the Rivelin Reservoirs or the Damflask Reservoir Provided also that the Corporation shall not under the powers of this section on any day abstract take or impound from the River Don any greater quantity of water than the quantity of water which they are authorised by section 61 (Power to pump water from River Don) of the Act of 1918 to pump back on that day to their Blackburn Sewage Works and that any water abstracted taken or impounded under the powers of this section shall to the extent of the quantity abstracted taken or impounded be deemed to be in exercise and discharge wholly or partially (as the case may be) of the powers conferred by the said section 61 which section shall be read and have effect accordingly.

(2) The Corporation in addition to any other gauges which they are by the Act of 1918 required to maintain in or upon the Rivers Rivelin and Loxley shall provide and maintain self-recording gauges at the following points:—

(A) At the points of discharge of the treated water into the River Rivelin and the River Loxley for measuring the quantity of treated water discharged into those rivers respectively :

(B) At the outfall of the Blackburn Sewage Works of the Corporation for measuring the quantity of effluent discharged from those works into the River Don under the requirement in that behalf in this section :

and all the said gauges and the records thereof shall at all times be open to the inspection and examination of the Rivers Board and the said gauges mentioned in paragraph (A) of this subsection shall be subject to the provisions of sections 55 56 and 57 of the Act of 1918.

(3) Any treated water discharged as in this section provided shall to the extent of ten-elevenths of the quantity thereof be

A.D. 1919. deemed to satisfy any obligation of the Corporation to discharge the like quantity of compensation water from the Rivelin Reservoirs or the Damflask Reservoir and any statutory provisions relating to the supply of compensation water by the Corporation shall be read and construed accordingly Provided always that any water so discharged shall subject to the provisions of this section be discharged over or through the same gauge or gauges and in the same manner and under the same conditions as are prescribed by the Act of 1918 for the discharge of the compensation water in satisfaction of which the treated water is discharged.

(4) If and so long as the Corporation supply the treated water under the provisions of this section the Corporation shall discharge daily at the Blackburn Sewage Works into the River Don not less than five million gallons of sewage effluent.

(5) Unless and until Parliament shall otherwise allow or until the Corporation shall obtain a further supply of water from works to be hereafter constructed by the Derwent Valley Water Board the Corporation shall not if and so long as they supply the treated water under the provisions of this section sell or dispose of to any local authority company or person for use outside the limits of the Corporation for the supply of water as defined by section 42 of the Act of 1918 any water in excess of the quantity which the Corporation may be so selling or disposing of at the passing of this Act but nothing in this section shall be deemed to prevent the Corporation fulfilling any agreement or obligation for the supply of water by them which may be in force at such date.

(6) The powers conferred by this section shall absolutely cease and determine if and so soon as the Corporation shall cease to discharge sewage effluent from their Blackburn Sewage Works into the River Don at a point or points between Jordan Weir and the intake (Work No. 1) by this Act authorised.

8. The following provisions shall apply and have effect (that is to say):—

(1) No water abstracted by the Corporation from the River Don under the powers of this Act shall be discharged as compensation water until it shall have been so treated that it shall comply with the following standard (that is to say):—

(A) Such water shall not on any occasion contain more than two parts by weight of suspended matters

Standard  
for treated  
water.



per one hundred thousand parts of water and shall not on any occasion with its suspended matters included take up from  $\frac{N}{80}$  potassium permanganate solution in four hours at a temperature of eighty degrees Fahrenheit more than one part by weight of oxygen per one hundred thousand parts of water nor on the average of three consecutive days more than decimal 75 of a part by weight of oxygen per one hundred thousand parts of water;

(B) The hardness of the treated water as determined by soap solution shall not exceed the equivalent of eight parts by weight of calcium carbonate per one hundred thousand parts of water;

(c) For the purpose of ascertaining whether the treated water complies with the foregoing standard an analysis shall be commenced not less than twelve nor more than thirty-six hours after the sample to be analysed has been taken:

(2) In the event of the Corporation making default in complying with the provisions of subsection (1) of this section the Corporation shall be liable to a penalty not exceeding ten pounds for every day on which such default shall occur and such penalty shall be recoverable by the Rivers Board or by the Associated Millowners in a court of summary jurisdiction:

(3) (A) The Rivers Board may appoint and authorise any person (who shall when required produce his authority) to take samples of the treated water at any point at which the same is discharged into the Rivers Rivelin and Loxley or either of them and such person may at all reasonable times enter on the property of the Corporation so far as may be necessary for such purpose;

(B) On each occasion on which any sample of the treated water is taken under the powers of this subsection the person taking the same shall leave a duplicate sample of such water at the house of the keeper of the Damflask Reservoir of the Corporation.

9. If at any time after the expiration of four years from the date when the treated water is first discharged under the

Revision of  
standard  
for treated  
water.

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— powers of this Act it appears to the Local Government Board on the representation of the Corporation or the Rivers Board or the Associated Millowners or any other body or person appearing to the Local Government Board to have a substantial interest in the subject-matter that the standard prescribed by this Act for the treated water or that any terms and conditions thereby prescribed with respect to the use of the treated water should be varied the Local Government Board may by provisional order made under and in accordance with section 297 of the Public Health Act 1875 vary the standard prescribed by this Act and the said terms and conditions or any of them or any standard or terms and conditions which may for the time being be in force or any of them.

Limits of deviation.

**10.** In the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans thereof and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections thereof to any extent not exceeding five feet upwards and to any extent downwards Provided always that except for the purposes of crossing over a stream or railway no part of the lines of pipes by this Act authorised shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of waterworks.

**11.** If the waterworks are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the lines of pipes authorised by this Act lay down additional lines of pipes as the case may be as and when occasion may require.

Waterworks Clauses Act 1847 to apply to waterworks.

**12.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the waterworks and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which

they are hereby authorised to erect or lay down for the purposes of their waterworks undertaking. A.D. 1919.

**13.** Any telephone or telegraph posts wires conductors or apparatus erected laid down made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869. For protection of Postmaster-General.

**14.** The waterworks shall for all purposes be deemed part of the waterworks undertaking of the Corporation. Waterworks to be part of waterworks undertaking.

**15.**—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Easements for waterworks.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

**16.** The Corporation may on all or any of the lands for the time being held by them in connexion with their waterworks undertaking execute for the purposes of or in connexion with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847. Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands nor erect Exercise of powers of section 12 of Waterworks Clauses Act 1847.

A.D. 1919. any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connexion with their waterworks undertaking.

For protection of Rotherham Corporation.

17.—(1) The Rivers Board shall forthwith after being requested so to do by the Rotherham Corporation cause to be inspected by a competent officer the gauges provided by the Corporation for measuring the respective quantities of treated water and water from the Rivelin Reservoirs and the Damflask Reservoir discharged into the Rivers Rivelin and Loxley or either of them and the quantity of sewage effluent discharged at the Blackburn Sewage Works into the River Don under the provisions of the section of this Act of which the marginal note is "Abstraction and use of water from River Don" or such of the said gauges as the Rotherham Corporation shall specify and shall cause a record to be made of the quantity of water from the Rivelin Reservoirs or the Damflask Reservoir or treated water or sewage effluent found on such inspection to be flowing through or over the said gauges or gauge inspected and shall deliver to the Corporation and the Rotherham Corporation copies of such record certified to be correct by the officer making the same within twenty-four hours after the time of such inspection.

(2) The Rivers Board shall if requested at any time so to do by the Rotherham Corporation cause samples of the treated water discharged by the Corporation under the provisions of the said section of this Act to be taken forthwith after receipt of such request and to be analysed for the purpose of ascertaining whether the same comply with the standard for the time being prescribed for such treated water by this Act or by any provisional order made by the Local Government Board in pursuance of this Act and the Rivers Board shall furnish the Corporation and the Rotherham Corporation with copies of the analysis of such treated water certified to be correct by an officer of the Rivers Board within twenty-four hours after the completion of such analysis.

(3) The Rotherham Corporation may in the event of failure by the Corporation to comply with any of the provisions of the sections of this Act of which the marginal notes are "Abstraction and use of water from River Don" and "Standard for treated water" institute proceedings in their own name against the Corporation in the High Court for a mandamus to compel the Corporation to comply with such provisions or for an

injunction to restrain any breach thereof and in any such proceedings a copy of the record of an inspection of any gauges of the Corporation or of any analysis of treated water certified to be correct by an officer of the Rivers Board shall be *prima facie* evidence of the facts stated in such record or analysis. A.D. 1919.

**18.** For the protection of the Duke of Norfolk and his sequels in estate (in this section included in the term "the owner") and of the Sheffield Gas Company the following provisions shall unless otherwise agreed in writing between the owner and the Corporation and between the said company and the Corporation have effect (that is to say):—

For protection of Duke of Norfolk and Sheffield Gas Company.

(1) Notwithstanding anything contained in this or in any other Act or in any agreement made in pursuance of the powers conferred by section 99 of the Act of 1918 the total quantity of water to be supplied and caused to flow by the Corporation down the Rivers Rivelin and Loxley on every working day pursuant to the provisions of sections 45 and 46 of the Act of 1918 (whether such water shall consist wholly of water from a reservoir from which compensation water is discharged or partly of water from such a reservoir and partly of treated water to the extent by this Act authorised) shall not be less than the sum of six million eight hundred and fifty-five thousand seven hundred and ninety-eight gallons and one-eleventh of the quantity (if any) of treated water so supplied on that day:

(2) The said total quantity of water shall be apportioned and delivered in such proportions and at such times as is provided by section 52 of the Act of 1918:

(3) In this section "working day" means every day other than Sunday Christmas Day and Good Friday:

(4) Section 101 of the Act of 1918 is hereby repealed.

**19.**—(1) The Rivers Board shall if requested at any time so to do by the Associated Millowners cause samples of the treated water discharged by the Corporation under the provisions of the section of this Act of which the marginal note is "Abstraction and use of water from River Don" to be taken forthwith after receipt of such request and to be analysed for the purpose of ascertaining whether the same comply with the standard for the time being prescribed for such treated water

For protection of Associated Millowners.

A.D. 1919. by this Act or by any provisional order made by the Local Government Board in pursuance of this Act and the Rivers Board shall furnish the Corporation and the Associated Mill-owners with copies of the analysis of such treated water certified to be correct by an officer of the Rivers Board within twenty-four hours after the completion of such analysis.

(2) The Associated Millowners may in the event of failure by the Corporation to comply with any of the provisions of the said section of this Act or the section of this Act of which the marginal note is "Standard for treated water" institute proceedings in their own name against the Corporation in the High Court for a mandamus to compel the Corporation to comply with such provisions or for an injunction to restrain any breach thereof and in any such proceedings a copy of any analysis of treated water certified to be correct by an officer of the Rivers Board shall be *primâ facie* evidence of the facts stated in such record or analysis.

For pro-  
tection of  
Sheffield and  
South York-  
shire Navi-  
gation  
Company.

**20.** For the protection of the Sheffield and South Yorkshire Navigation Company (in this section referred to as "the Navigation Company") the following provisions shall unless otherwise agreed in writing between the Navigation Company and the Corporation apply and have effect:—

(1) In this section the expression "the canal" means and includes that part of the River Don which forms part of the Sheffield and South Yorkshire Navigation and the works apparatus and conveniences connected therewith respectively:

(2) Notwithstanding anything contained in this Act the Corporation shall not unless by agreement with the Navigation Company purchase and take any lands belonging to the Navigation Company but the Corporation may acquire and the Navigation Company may and shall if so required by the Corporation sell and grant to the Corporation accordingly an easement or right of using the same so far as may be necessary for the purpose of executing the works by this Act authorised and the consideration to be paid by the Corporation for such easement shall in case of difference be determined in manner prescribed by the Lands Clauses Acts or any statute modifying the provisions thereof with respect to the acquisition of lands by (inter alia) local authorities with respect

to the purchase and taking of lands otherwise than by agreement: A.D. 1919.

- (3) Notwithstanding anything contained in this Act or shown on the deposited plans or sections the line of pipes (Work No. 2) by this Act authorised shall be carried over the canal and the towing-path thereof in a single span without any piers or other supports in or on the canal or the said towing-path and with a headway over the canal of not less than eighteen feet six inches above the weir level of the water therein and over the said towing-path of not less than eleven feet:
- (4) The said line of pipes and all other works by this Act authorised so far as they may cross or affect the canal or the towing-path thereof shall be executed and maintained under the supervision and to the reasonable satisfaction of the Company and in accordance with plans sections and specifications to be previously submitted to and reasonably approved in writing by the principal engineer of the Navigation Company or by an arbitrator as hereinafter provided Provided that if such engineer do not signify his disapproval of any such plans sections or specifications within one month after their submission to him he shall be deemed to have approved thereof:
- (5) If for the purpose of constructing the said works it becomes necessary for the Corporation to alter or interfere with the towing-path of the canal the Corporation shall before commencing such alteration or interfering in any way with the said towing-path provide to the reasonable satisfaction of the Navigation Company such suitable and proper substituted means as will maintain free and uninterrupted passage for towing and other purposes along the western side of the canal and will not prevent or interfere with the free and uninterrupted haulage and passage of vessels along the canal:
- (6) The said works shall be so constructed and maintained and no structure or thing shall be placed by the Corporation or allowed by the Corporation to be placed or to remain upon any lands by this Act authorised to be acquired in such manner as to

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prevent or obstruct such towing haulage or passage as aforesaid and any such substituted means as are referred to in the last preceding subsection of this section which shall be of a temporary character shall be maintained to the reasonable satisfaction of the Navigation Company by and at the expense of the Corporation :

- (7) All works which may cross or affect the canal or the towing-path thereof shall except in case of strike accident or other inevitable delay and subject to any reasonable directions by the Navigation Company be carried on uninterruptedly when commenced and shall be completed with all reasonable despatch and all scaffolding piling and materials affecting the waterway or the towing-path of the canal shall be removed as soon as the work for which they were required has been completed and in the meantime shall be kept in proper repair :
- (8) The Corporation shall bear and on demand pay to the Navigation Company the reasonable expense of the employment by the Navigation Company of an inspector or inspectors if more than one be necessary to watch the canal and the towing-path thereof during the execution of any works by this Act authorised crossing or in any way affecting the canal or the towing-path thereof and for preventing any such obstruction or interference or any danger or accident from the acts or defaults of the Corporation or the servants workmen or other persons in their respective employ :
- (9) The Corporation shall at their own expense during the construction or execution of any of the works by this Act authorised on any property of the Navigation Company exhibit every night from sunset to sunrise such lights as shall be necessary for the guidance of persons passing along any road or way of the Navigation Company or the canal or the towing-path thereof :
- (10) The Corporation shall at all times maintain all works crossing or affecting the canal or the towing-path thereof in good and substantial repair and condition



to the reasonable satisfaction of the Navigation Company and in default thereof the Navigation Company may do all such works and things as they may think reasonably requisite in that behalf and the reasonable cost thereof shall on demand be paid by the Corporation to the Navigation Company :

- (11) If by reason or in consequence of the execution or maintenance of any of the works or any act or omission of the Corporation or their contractors or of any officer servant or workmen or other person employed by the Corporation or such contractors the canal or the towing-path 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 after seven days' notice in writing given by the Navigation Company to the Corporation the Navigation Company may make good the same and recover the reasonable cost thereof from the Corporation :
- (12) The Corporation shall indemnify the Navigation Company against any loss or damage which they may suffer and against all claims which may be made against them on account of any obstruction interruption or interference with the traffic on the canal or along the towing-path thereof or any accident which shall have been occasioned by any such act or default as in this section is mentioned :
- (13) Nothing in this section shall extend to prevent the Navigation Company or any owner of vessels boats keels or barges using the canal from recovering from the Corporation any special damage that shall be sustained by them or him for or in consequence of any such act or default as in this section is specified :
- (14) If any difference shall arise between the Corporation and the Navigation Company under the provisions of this section (other than a difference arising under subsection (2) thereof) such difference shall be referred to and be determined by an engineer as arbitrator to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of either party after notice in writing

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to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Limitation of reduction of compensation water in River Rivelin.

**21.** Notwithstanding anything contained in this or in any other Act or in any agreement made in pursuance of the powers conferred by section 99 of the Act of 1918 the quantity of compensation water to be supplied and caused to flow over or through the gauge known as the Rivelin Gauge and down the River Rivelin on every day (other than Sunday Christmas Day and Good Friday) pursuant to the provisions of the Act of 1918 shall not be reduced below five hundred thousand gallons.

For protection of Midland Railway Company.

**22.** In executing and maintaining the works authorised by this Act where the same will cross under or otherwise affect any railway works or property of the Midland Railway Company (in this section referred to as "the Midland Company") the Corporation shall (except so far as it may be otherwise agreed between the Midland Company and the Corporation) be subject to the following conditions:—

(1) Work No. 2 where it passes under the viaduct carrying the Midland Company's North Midland Railway over Sheffield Road and Work No. 4 where it passes under the bridge carrying the Midland Company's Sheffield and Rotherham Railway over Upwell Street (hereinafter referred to as "the said viaduct and bridge") shall be executed and maintained under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company (in this section referred to as "the said engineer") and except in case of emergency 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-one 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:

(2) If reasonably required by the said engineer and before carrying out Works Nos. 2 and 4 the Corporation shall at their own cost underpin the abutments of the said viaduct and bridge and otherwise strengthen them in

such manner as shall be reasonably required by the said engineer: A.D. 1919.

- (3) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Power to construct waterworks" the Corporation in constructing and maintaining Works Nos. 2 and 4 where they pass under the said viaduct and bridge shall not deviate vertically in a downward direction from the levels shown on the deposited section without the consent of the said engineer, which shall not be unreasonably withheld:
- (4) Any additional expense which the Midland Company may reasonably and properly incur in effecting any repair renewal widening alteration or extension under their existing powers of their railway viaduct bridges and works by reason of the existence of Works Nos. 2 and 4 laid under the powers of this Act shall be paid by the Corporation:
- (5) The Corporation shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the execution of any work of laying renewing or repairing Works Nos. 2 and 4 which affect their railway works or property of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution 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 default of the Corporation or their contractors:
- (6) Any dispute or difference which may arise between the Midland 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 to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of the Midland Company or the Corporation and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1919.  
For pro-  
tection of  
Great  
Central  
Railway  
Company.

**23.** The following provisions for the protection of the Great Central Railway Company (in this section called "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

(1) The execution of any works in the exercise by the Corporation of the powers conferred upon them by this Part of this Act upon across or in any way affecting the railways of the company or of any other railway worked or maintained by the company and other property of or any road repairable by the company (all or any part whereof as the case may be is in this section included in the expression "the property of the company") shall be done and completed with all dispatch after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer of the company and only according to such plans and sections and in such manner as shall previously be reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner hereinafter provided. Provided that if such engineer shall not approve or disapprove any plans and sections so submitted to him within twenty-one days after the same are delivered to him or shall refuse or neglect to superintend the work the Corporation may proceed without the approval of the plans and sections and without the superintendence of the said engineer:

(2) All such works shall be done by and at the expense of the Corporation (except as in this section otherwise provided) who shall also at the like expense restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or level crossing of the railway of the company (or of any railway worked or maintained by them) or the approaches thereto so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation. Provided always that should the company elect so to do where any pipes or other works require to be laid renewed or repaired under or across any level crossing of their railway they may themselves carry out such work at

the reasonable costs charges and expenses of the Corporation but so nevertheless that any pipes so laid by the company shall only be laid under the superintendence and to the reasonable satisfaction of the engineer of the Corporation:

- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the property of the company and so as to cause no interruption to the passage or conduct of the traffic on the railway and if any injury or interruption as aforesaid shall arise from or in any way be owing to the act or default or the works or operations of the Corporation or to the leakage or failure of any such pipes or works in under or near to the property of the company the Corporation shall make compensation to the company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided Provided always that the company shall in no case be liable for any injury to or the leakage or failure of such pipes or works caused by or by reason of the traffic on the railway:
- (4) The Corporation shall bear and on demand pay to the company all reasonable costs of the superintendence by them of the construction or repair of any of the works of the Corporation affecting the property of the company and all reasonable costs of watching lighting signalling and protecting the property of the company with reference to and during such construction or repair but such superintendence by the company or their neglect to superintend shall not 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 act or default of the Corporation or of their contractors servants or workmen or any of them:
- (5) Wherever the said pipes shall be laid under or across the railways of the company they shall when required by the engineer of the company be of the best rolled steel and the Corporation shall provide and fit the said pipes with automatic safety shut-off valves in

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suitable positions to be agreed in writing between the principal engineers of the Corporation and the company respectively:

- (6) If at any time it is found necessary in order to enable the company to carry out any alterations or extensions of their railways or works to alter the position of the said pipes or works the Corporation shall on receiving notice in writing from the company so to do at their own cost and to the reasonable satisfaction of the engineer of the company alter the position of and strengthen the said pipes or works so far as may be necessary to enable the company to carry out such alterations or extensions of their railway or works and the provisions of this section shall apply to the said pipes or works in their altered position:
- (7) Any difference arising between the Corporation and the company under this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers at the request of either party.

### PART III.

#### STREET IMPROVEMENTS.

Power to  
construct  
street im-  
provements.

**24.** Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections make and maintain within the city the street improvements and works hereinafter described together with all proper works and conveniences connected therewith and for the purposes thereof or for the purpose of recoupment or exchange may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference in relation to such improvements and works (that is to say):—

Improvement No. 1 A widening of Cambridge Street on the east side thereof between points twenty-two yards or thereabouts and fifty-four yards or thereabouts respectively measured in a southerly direction along Barker's Pool and Cambridge Street from the north-west corner of the Albert Hall:

A widening of Barker's Pool on the south-east side thereof between the north-west corner of the Albert Hall and a point twenty-two yards or thereabouts measured in a southerly direction from the said corner of the Albert Hall along Barker's Pool:

Improvement No. 2 A widening of Barnsley Road on the north-west side thereof between Crabtree Road and a point twenty yards or thereabouts south-west of Crabtree Road:

A widening of Crabtree Road on the western side thereof between Barnsley Road and a point thirty yards or thereabouts north of Barnsley Road:

Improvement No. 3 A widening of Barnsley Road on the north-west side thereof between Crabtree Road and a point forty yards or thereabouts north-east of Crabtree Road:

A widening of Crabtree Road on the east side thereof between Barnsley Road and a point thirty-five yards or thereabouts north of Barnsley Road:

Improvement No. 4 A widening of Barnsley Road on the north-west side thereof between Batley Street and a point twenty-four yards or thereabouts south-west of Batley Street:

A widening of Batley Street on the south-west side thereof between Barnsley Road and a point twenty-five yards or thereabouts north-west of Barnsley Road:

Improvement No. 5 A widening of Barnsley Road on the north-west side thereof between Batley Street and a point twenty-five yards or thereabouts north-east of Batley Street:

A widening of Batley Street on the north-east side thereof between Barnsley Road and a point twenty-three yards or thereabouts north-west of Barnsley Road:

Improvement No. 6 A widening of Holly Street on the west side thereof between West Street Lane and a point one hundred and seventeen yards or thereabouts south of West Street Lane:

A widening of Division Street on the north side thereof between Holly Lane and the said point one hundred and seventeen yards or thereabouts south of West Street Lane:

A.D. 1919.  
Stopping up  
of certain  
streets &c.

**25.** The Corporation may stop up and discontinue as public streets thoroughfares and public places the whole or any part of the streets thoroughfares and public places in the city known as Pool Square Balm Green and Court 12 Barker's Pool and Holly Lane and on the stopping up of the same respectively all rights of way thereover shall be extinguished and the site and soil thereof shall vest in the Corporation but such streets thoroughfares and public places shall not be stopped up unless the Corporation are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree:

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section 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:

Provided further that notwithstanding the stopping-up of Holly Lane or any part thereof the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said lane or the said part thereof any telegraphic line of the Postmaster-General on or under the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Limits of  
deviation  
for street im-  
provements.

**26.** In the construction of the street improvements the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans thereof respectively and may deviate vertically from the levels shown on the deposited sections thereof respectively to any extent not exceeding two feet upwards and two feet downwards.

Period for  
completion  
of street im-  
provements.

**27.** If the street improvements be not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers of the Corporation under this Act for the execution of the same shall cease except so far as the same shall have then been completed.



28. The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the street improvements as if they were re-enacted in this Act:—

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Incorporation of certain provisions of Act of 1918.

The sections hereinbefore referred to are—

- Section 264 (Power to make subsidiary works);
- Section 265 (Alteration of position of mains and pipes);
- Section 266 (Alteration of position of overhead wires &c.); and
- Section 269 (Land laid into streets to form part thereof).

#### PART IV.

#### TRAMWAYS.

29. Subject to the provisions of this Act the Corporation may make form construct lay down and renew in the lines and according to the levels shown on the deposited plans and sections within the city and the west riding of the county of York and may work use and maintain the tramways hereinafter described with all proper rails plates works and conveniences connected therewith and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which may be necessary for the purposes of laying down the said tramways (that is to say):—

Power to construct tramways.

Tramway No. 1 (double line 2 furlongs 8·2 chains in length) commencing in High Street by a junction with the existing tramway therein at a point 20 yards or thereabouts measured in a north-westerly direction from the junction of High Street and Market Street passing thence into and along Market Street Flat Street Pond Street and Sheaf Street and terminating in Sheaf Street at a point 15 yards or thereabouts measured in a south-easterly direction from the junction of Pond Street and Sheaf Street:

Tramway No. 1A (double line 3·3 chains in length) commencing in Pond Street by a junction with Tramway No. 1 at a point 33 yards or thereabouts measured in a north-westerly direction from the junction of Pond Street and Sheaf Street passing into and terminating in

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Leadmill Road at a point 30 yards or thereabouts measured in a north-easterly direction from the junction of Leadmill Road and Paternoster Row:

Tramway No. 2 (double line 1 mile 3·3 chains in length) commencing in Penistone Road by a junction with the existing tramway therein at a point 47 yards or thereabouts measured in a south-easterly direction from the junction of Parkside Road and Penistone Road passing thence along Penistone Road Sheffield Road Halifax Road and the main road from Sheffield to Penistone and terminating in the said main road at a point 100 yards or thereabouts measured in a north-easterly direction from the junction of School Lane and the said main road:

Tramway No. 3 (double line 5 furlongs 4·2 chains in length) commencing in Barnsley Road by a junction with the existing tramway therein at a point 20 yards or thereabouts measured in a south-westerly direction from the junction of Crabtree Road and Barnsley Road passing thence into and along Crabtree Road Norwood Road Piper Lane and Norwood Lane and terminating in Norwood Lane at a point 25 yards or thereabouts measured in a north-westerly direction from the junction of Norwood Lane and Longley Lane:

Tramway No. 3A (double line 2·7 chains in length) commencing in Barnsley Road by a junction with the existing tramway therein at a point 35 yards or thereabouts measured in an easterly direction from the junction of Crabtree Road and Barnsley Road and terminating in Crabtree Road by a junction with Tramway No. 3 at a point 26 yards or thereabouts measured in a north-westerly direction from the junction of Crabtree Road and Barnsley Road:

Tramway No. 4 (double line 3 furlongs 4·2 chains in length) commencing in Barnsley Road by a junction with the existing tramway therein at a point 25 yards or thereabouts measured in a south-westerly direction from the junction of Batley Street and Barnsley Road passing thence into and along Batley Street and Piper Lane and terminating in Piper Lane by a junction with Tramway No. 3 at a point 35 yards or thereabouts measured in

a north-westerly direction from the junction of Norwood Road and Piper Lane: A.D. 1919.

Tramway No. 4A (double line 2·3 chains in length) commencing in Barnsley Road by a junction with the existing tramway therein at a point 26 yards or thereabouts measured in a north-easterly direction from the junction of Batley Street and Barnsley Road passing thence into and terminating in Batley Street by a junction with Tramway No. 4 at a point 28 yards or thereabouts measured in a northerly direction from the junction of Batley Street and Barnsley Road:

Tramway No. 5 (double line 1 mile 6 chains in length) commencing in Main Road Handsworth by a junction with the existing tramway therein at a point 10 yards or thereabouts measured in a westerly direction from the junction of Park Lane and Main Road Handsworth passing thence into and along Main Road and Worksop Road and terminating in Worksop Road at the junction of that road with Carr Lane.

**30.** For the purposes of the construction of Tramway No. 2 by this Act authorised the Corporation may to the extent shown on the deposited plans and sections alter the level of the part of the public highway leading from Sheffield to Penistone which lies in the parish of Ecclesfield and under and adjacent to the railway bridge carrying the Great Central Railway over that highway near the Wadsley Bridge Station on that railway. Alteration of level of road.

**31.** Subject to the provisions of this Act the tramways shall form part of the tramways undertaking of the Corporation and the Corporation and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now are or may be empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to their existing tramways undertaking or any part thereof and may demand take and recover in respect of the tramways or any parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds as they may now demand and take in respect of their said tramways undertaking. Tramways to form part of tramways undertaking.

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Inspection  
by Board of  
Trade.

**32.** No part of the tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Period for  
completion of  
tramways.

**33.** The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For pro-  
tection of  
Wortley  
Rural  
District  
Council and  
County  
Council.

**34.** For the protection of the Wortley Rural District Council (in this section referred to as "the district council") and the county council of the west riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the district council and the county council on the one hand and the Corporation on the other hand have effect with respect to the construction and maintenance of Tramway No. 2 by this Act authorised (in this section referred to as "the tramway") on the Sheffield and Halifax main road in the parish of Ecclesfield (in this section called "the main road") :—

- (1) The tramway shall not be constructed until the Corporation shall have widened the main road so far as the tramway is to be laid thereon to such extent that the carriageway thereof shall be of a width of not less than thirty-three feet. Provided that if the Corporation shall so request in writing the said widening shall be carried out without avoidable delay by the district council;

The cost of carrying out such widening shall be borne in equal shares by the Corporation the county council and the district council:

- (2) The provisions of section 192 (For protection of county council) of the Act of 1918 other than paragraph (A) of subsection (1) of that section shall so far as applicable and not inconsistent with this section apply to the tramway as though those provisions were herein enacted:

- (3) (A) Before commencing to carry out the alteration in the main road under the Great Central Railway Bridge at Wadsley authorised by the section of this Act of which the marginal note is "Alteration of level

of road" the Corporation shall submit to the surveyor of the county council a plan and section showing the proposed manner of carrying out such alteration. Unless the said surveyor shall signify any objection thereto to the Corporation within twenty-one days from receipt of such plan and section he shall be deemed to have approved the same and the alteration shall not be carried out except in accordance with such plan and section as approved by the said surveyor or by an arbitrator as hereinafter provided and in accordance with the reasonable directions of the said surveyor;

- (B) The said alteration in the main road shall be continued on each side of the said bridge to such extent as may be reasonably necessary to provide the best gradient obtainable;
  - (c) The Corporation shall in connexion with the said alteration execute all such works and make all such other alterations as may be reasonably required by the said surveyor for securing proper and convenient access from the main road to any other road or to the entrance to any premises and also for securing the proper drainage of the main road:
- (4) The following provisions shall have effect with respect to the portion of the tramway to be constructed on High Bridge and Wards End Bridge respectively (each of which bridges is in this subsection referred to as "the bridge"):

(A) The Corporation shall so construct maintain and use the tramway over the bridge as not injuriously to affect the bridge and in the event of any injury or damage being caused to the bridge by the construction maintenance or working of the tramway the Corporation shall at their own expense restore the same to the reasonable satisfaction of the county council;

(B) The Corporation shall not without the consent in writing of the county council which shall not be unreasonably withheld execute any works which affect or interfere with the structural works of the bridge;

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(c) If the bridge be altered widened or rebuilt by the county council the Corporation shall if required by the county council alter the tramway in such manner as the county council may reasonably direct and the county council shall at the same time as they make their requirement send sufficient specifications or other information to show the nature of the alteration required ;

(d) If in consequence of the working of the tramway it becomes necessary that the bridge should be strengthened the county council shall give notice to the Corporation accompanied by sufficient plans sections and specifications of the works which they propose to execute for such strengthening and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed to execute the works shown on the said plans and sections and described in the said specifications and the county council may recover from the Corporation all moneys reasonably expended by them in the execution of any works of strengthening the bridge which may have been reasonably necessary by reason of the tramway being worked thereon Nothing in this subsection shall be deemed to empower the county council to stop or to require the Corporation to stop entirely the working of the tramway over the bridge but the Corporation shall if required by the surveyor of the county council temporarily run the tramway as a single line and for that purpose shall lay a single line in such position as the said surveyor shall indicate and as the works proceed relay such single line in such altered position as the said surveyor shall indicate.

For protection of Handsworth Urban District Council and County Council.

**35.** For the protection of the urban district council of Handsworth (in this section called "the district council") and the county council of the west riding of Yorkshire (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the district council and the county council on the one hand and the Corporation on the other hand have effect with respect to the construction of Tramway No. 5 by this Act authorised (in this section called "the tramway") on the Worksop and Attercliffe

main road in the urban district of Handsworth (in this section called "the main road") :— A.D. 1919.

(1) (A) The tramway shall not be constructed until the Corporation shall have widened the main road so far as the tramway is to be laid thereon to such extent that the carriageway thereof shall be of a width of not less than thirty-three feet. Provided that if the Corporation shall so request in writing the said widening shall be carried out without avoidable delay by the district council and that the foregoing provisions of this subsection shall not extend to the following portions of the road :—

(i) From the junction of the main road with Park Lane to a point one hundred and forty yards in a south-easterly direction from such junction ;

(ii) From the junction of the main road with Saint Joseph's Street to a point one hundred and ninety yards in a north-easterly direction from such junction. Provided that nothing in this subsection shall be deemed to require the Corporation to widen the portion of the main road between Henry Street and a point one hundred and forty yards south-east of the junction of the main road with Park Lane to any greater extent than can be effected by forming any roadside waste or unmetalled portions of the main road into metalled carriageway in manner provided by paragraph (B) of this subsection ;

(B) The said widenings shall be made with proper foundations and the surface covered with tar macadam or other material of similar character to the reasonable approval of the surveyor of the district council and any necessary alterations of footpaths fences and drainage shall be carried out to the like approval. The cost reasonably incurred in carrying out such widenings whether by the Corporation or by the district council shall be borne in equal shares by the Corporation the county council and the district council ;

(c) Before constructing the tramway over any culverts the Corporation shall carry out any necessary works for protecting such culverts and if reasonably so

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required by the surveyor of the district council shall reconstruct to his reasonable satisfaction such culverts or so much thereof as may be necessary ;

- (D) If within two years from the date of any such widening any part of the main road co-extensive with such widening including any embankment or wall constructed to uphold the portion of the road so widened shall have subsided by reason of the construction or working of the tramway the Corporation shall forthwith upon the request of the district council and to the reasonable satisfaction of the surveyor of the district council restore the same to the level which existed immediately after the completion of such widening and the cost reasonably incurred in so doing shall be borne in equal shares by the Corporation the county council and the district council ;
- (E) The tramway shall be constructed on the portion of the main road situate between the junction of Richmond Lane therewith and Cliffe House as a single line or in such other manner as may be agreed between the respective surveyors of the county council and of the district council and the Corporation or as in case of difference may be determined by arbitration :
- (2) The tramway shall be constructed in the main road in such position as to leave between any building wall or fence and the nearest rail not less than four feet six inches and between the kerb of any footpath and such rail not less than two feet three inches and wherever practicable not less than two feet six inches :
- (3) The provisions of subsections (1) (2) (3) (4) (5) (9) (10) (11) and (12) of section 184 (For protection of Handsworth Urban District Council and County Council) of the Act of 1918 shall so far as applicable and not inconsistent with this section apply to the tramway as though those subsections were herein enacted with the substitution of references to "the main road" for the references in the said subsections to "the said roads" or any similar expression :



- (4) The Corporation shall at their own cost put down at such places along the tramway as the district council may reasonably require suitable grids and drains communicating with the sewers or other receptacles to prevent the accumulation of water on the tramway :
- (5) Any works in connexion with the tramway executed by the Corporation under the powers conferred by section 139 (Mechanical power works) of the Act of 1918 so far as they affect the main road or any part thereof shall be deemed to be works of a tramway to which the provisions of the Tramways Act 1870 shall apply as if they had been therein expressly mentioned :
- (6) If the district council pave the macadamised portions of the main road between the edge of the tramway track and the edge of the carriageway at either side of such track the reasonable cost of such paving shall where the width of any such portion is less than seven feet be borne in equal shares by the Corporation the county council and the district council. The said portions of road so paved shall thereafter be repaired by and at the expense of the district council ;

For the purposes of this subsection " tramway track " means so much of the main road as lies between the rails of the tramway and between any double lines thereof and so much of the main road as extends eighteen inches beyond the rails of and on each side of the tramway :

- (7) If the district council shall widen the following portions of the main road (that is to say)—
- (i) from the junction of the main road with Park Lane to a point one hundred and forty yards in a south-easterly direction from such junction and
  - (ii) from the junction of the main road with Saint Joseph's Street to a point one hundred and ninety yards in a north-easterly direction from such junction—

so that the carriageway be of not less width than thirty-three feet the Corporation and the county council shall each pay to the district council one-third of the reasonable cost of such widening.

A.D. 1919.  
For further  
protection  
of Great  
Central  
Railway  
Company.

**36.** Notwithstanding the provisions of this Act and anything contained in the deposited plans and sections the following provisions for the protection of the Great Central Railway Company (in this section called "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect:—

- (1) All works by this Part of this Act authorised where the same shall be constructed under the bridge carrying the railway of the company over the public highway leading from Sheffield to Penistone and adjoining the Wadsley Bridge Station of the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of such bridge or other work belonging to the company and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the company. Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof. The Corporation shall so maintain and use the works as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or other work by the construction maintenance user or removal of the works upon or under the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:
- (2) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon:
- (3) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or

by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Corporation or of any person in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (4) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair the said bridge or to alter or widen any railway thereover and if it shall be necessary for such purpose that such works be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the said works shall be stopped or delayed or such part thereof shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such part of the said works shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (5) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstruction alteration or repairing as is mentioned in the last preceding subsection or in the maintenance of the said bridge or other work of the company by reason of the existence or user of the said works :
- (6) If and when the company shall require to reconstruct alter repair or paint the said bridge the Corporation shall in order to ensure the safety of the workmen

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employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under the said bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer:

- (7) The Corporation shall not for the purposes of this Part of this Act make attachments to any part of the said bridge without the consent in writing of the engineer of the company and such attachments if allowed shall be in all respects subject to the approval of the said engineer and shall be temporarily removed at any time when required by him in connexion with the maintenance and reconstruction or alteration of the said bridge:
- (8) In constructing Tramway No. 2 by this Act authorised the Corporation shall only lay and maintain a single line of track from a point in the said public highway leading from Sheffield to Penistone being seventy yards measured in a north-easterly direction from the centre of the said bridge to a point in the said highway being fifty yards measured in a south-westerly direction from the centre of the said bridge and between these two points of the said highway the Corporation shall not lower or otherwise alter the existing level of the said highway and the Corporation shall so lay and maintain the said single line of track as to leave a clear space of at least nine feet six inches between any rail and the outside of the footpath on either side of the said highway and so as to cause the least hindrance and inconvenience to the traffic entering and passing out of the passenger or goods stations or the yards depôts and premises belonging to the Company:
- (9) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the

provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party. A.D. 1919

**37.** The provisions contained in section 135 (For protection of Postmaster-General) of the Act of 1918 shall so far as applicable extend and apply to tramway works authorised by or to any widening improvement alteration or adjustment of any road whether by the Corporation or a road authority under the provisions of this Part of this Act as if that section were re-enacted in this Act. For further protection of Postmaster-General.

## PART V.

### GENERAL PROVISIONS AS TO WORKS AND LANDS.

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

**39.** The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to any lands acquired under this Act and to any works thereby authorised as if they were re-enacted in this Act. Certain provisions of Act of 1918 to apply.

The sections hereinbefore referred to are:—

Section 131 (Application of road materials excavated in construction of works);

Section 253 (Correction of errors in deposited plans &c.);

Section 254 (Power to persons under disability to grant easements &c.);

Section 255 (As to private rights of way over lands taken compulsorily);

Section 257 (Costs of arbitration &c. in certain cases);

Section 267 (Temporary stoppage of streets); and

Section 268 (As to materials excavated in executing works).

**40.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that Owners may be required to sell parts only of certain property.

A.D. 1919. such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:---

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

the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

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

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

A.D. 1919. the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Compensation in case of recently altered buildings.

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

PART VI.

FINANCIAL PROVISIONS.

Power to borrow and repayment of borrowed moneys.

42.—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the third column thereof and all moneys so borrowed shall be primarily chargeable on the respective revenues funds and rates set forth in the second column of the said table and shall be repaid within the periods respectively set forth in the fourth column thereof (that is to say):—

Purpose.	Primary Charge.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	Water revenue and tramway revenue and borough fund and borough rate and district fund and general district rate.	£ The sum requisite.	5 years from the passing of this Act.
(2) For the purchase of lands for and for the construction of the waterworks by this Act authorised.	Water revenue -	324,743	45 years from the date or dates of borrowing.



A.D. 1919.

Purpose.	Primary Charge.	Amount.	Period for Repayment.
(3) For the purchase of lands for the street improvements by this Act authorised.	District fund and general district rate.	£ 40,790	60 years from the date or dates of borrowing.
(4) For the construction of the street improvements by this Act authorised.	District fund and general district rate.	6,000	20 years from the date or dates of borrowing.
(5) For the construction and equipment of the tramways by this Act authorised.	Tramway revenue -	108,486	25 years from the date or dates of borrowing.
(6) For the acquisition of lands for and the construction of a tramway depôt.	Tramway revenue -	45,000	30 years from the date or dates of borrowing.
(7) For provision of tramway rolling stock.	Tramway revenue -	85,500	15 years from the date or dates of borrowing.
(8) For the purchase of lands for and for the erection of a public hall.	Borough fund and borough rate.	200,000	50 years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Board of Trade borrow such further moneys as the Corporation may require for any of the purposes of their tramways undertaking and may with the sanction of the Local Government Board borrow such further moneys as the Corporation may require for any of the purposes of their waterworks undertaking or for any of the purposes of this Act other than the purposes of their waterworks undertaking or their tramways undertaking. All moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as those Boards respectively may sanction and the revenue fund or rate primarily chargeable for any moneys borrowed for any such purpose shall be the revenue fund or rate specified in respect of that purpose in the second column of the table set out in subsection (1) of this section.

**43.** In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums which they may borrow under this Act for any of the purposes

Certain provisions of Public Health Act

A.D. 1919. of their tramways or waterworks undertakings shall not be  
as to borrow- reckoned and the powers of the Corporation as to borrowing and  
ing not to re-borrowing under this Act shall not be restricted by any of the  
apply. provisions of the Public Health Acts.

PART VII.

MISCELLANEOUS.

Lands for  
and erection  
of public  
hall.

44.—(1) Subject to the provisions of this Act the Corpora-  
tion may for the purpose of erecting a public hall and buildings  
in connexion therewith enter upon take and hold the lands in  
the city hereinafter described which are delineated on the  
deposited plans and described in the deposited book of reference  
(that is to say):—

Lands bounded on the north by Orchard Lane on the south  
by Barker's Pool on the east in part by Pool Square and  
in other part by premises and buildings forming the  
Grand Hotel and on the west by Holly Street;

and may erect and maintain thereon a public hall with all such  
other buildings and conveniences in connexion therewith or  
ancillary thereto as the Corporation may think proper.

(2) The Corporation may appropriate and use for the  
purpose of widening Barker's Pool and Holly Street or either  
of them such part of such lands as the Corporation may  
determine.

For pro-  
tection of  
Grand Hotel  
Sheffield  
(1909)  
Limited  
and Grand  
Assembly  
Rooms  
Limited.

45. Notwithstanding anything contained in this Act or  
shown upon the deposited plans and sections or described in the  
deposited book of reference the following provisions for the  
protection and benefit of the Grand Hotel Sheffield (1909)  
Limited and the Grand Assembly Rooms Limited shall unless  
otherwise agreed in writing between those companies and the  
Corporation apply and have effect (that is to say):—

(1) The Corporation shall not stop up or discontinue as a  
public street thoroughfare or public place any portion  
of Pool Square except the portion thereof which lies  
to the westerly side of an imaginary straight line  
drawn in a southerly direction from the south-west  
corner adjoining Pool Square of the Grand Hotel  
and parallel with the eastern boundary of that square  
but they may and shall so stop up and discontinue

the said portion of Pool Square if they improve the westerly side thereof as hereinafter provided: A.D. 1919.

(2) The Corporation shall not acquire any portion of the lands numbered on the deposited plans 125 126 127 131 or 137 in the township and parish of Sheffield nor shall they acquire any portion of the lands numbered 128 130 132 135 or 136 on such plans which lies to the east of an imaginary straight line drawn from the most southerly point on the boundary between the Grand Hotel building and the lands numbered 160 on the said deposited plans to a point twelve feet or thereabouts measured in a westerly direction along the northerly side of Balm Green from the south-east corner of the premises numbered 132 on the said plans :

(3) If the Corporation do not within a period of twelve months of the passing of this Act serve notice to treat in respect of the acquisition of the lands belonging to the said companies or either of them which they are authorised by this Act to acquire the powers conferred upon the Corporation by this Act in relation to such lands shall cease and determine together with the power to stop up and discontinue as a public street thoroughfare or public place the street known as Balm Green :

(4) The Corporation may if they think fit improve the westerly side of Pool Square by making the westerly boundary of that square coincide with the imaginary line mentioned in subsection (1) of this section :

(5) Any question arising between the Corporation and the said companies or either of them as to the true intent and meaning of any of the provisions of this section or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**46.** For the protection of the Sheffield and District Cinematograph Theatres Limited (in this section referred to as "the For protection of  
Sheffield

A.D. 1919.  
and District  
Cine-  
matograph  
Theatres  
Limited.

company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use or stop up or discontinue as a public street thoroughfare or public place any portion of Pool Square except the portion thereof which lies to the westerly side of an imaginary straight line drawn in a southerly direction from the south-westerly corner of the Grand Hotel adjoining Pool Square and parallel with the eastern boundary of that square:

(2) If the Corporation shall enter upon take or use or stop up or discontinue as a public street thoroughfare or public place any portion of Pool Square westward of the said imaginary straight line they shall remove all buildings from and throw into and dedicate to the public as part of Pool Square so much of the area of land eastward of the said line as does not now form part of that square.

Removal of  
obstruction  
in Norwood  
Road.

47. Subject to the provisions of this Act the Corporation may enter upon take and use the lands delineated on the deposited plans in connexion with the wall across the northern end of Norwood Road and may remove the said wall together with any erections connected therewith and from and after such removal the site of the said wall shall form part of Norwood Road for all purposes and shall be repaired lighted cleansed and drained accordingly.

Incorpora-  
tion of  
further  
sections of  
Act of 1918.

48. The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act:—

The sections hereinbefore referred to are—

Section 512 (Corporation and persons acting in execution of Act not to be liable personally);

Section 520 (Inquiries by Board);

Section 522 (Informations by whom to be laid);

Section 524 (As to appeal);

Section 525 (Recovery of penalties &c.);

Section 528 (Saving for indictments &c.);

A.D. 1919.

Section 529 (Recovery of demands);

Section 530 (Judges not disqualified); and

Section 531 (Powers of Act cumulative).

**49.** The costs charges and expenses preliminary to and of Costs of Act.  
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 moneys borrowed under the authority of this  
Act and out of the revenue of the waterworks undertaking and  
out of the revenue of the tramways undertaking and out of the  
district fund and general district rate and out of the borough  
fund and borough rate or in any one or more of such ways as  
the Corporation may by resolution determine.

A.D. 1919.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES IN WHICH EASEMENTS ONLY ARE  
REQUIRED TO BE TAKEN.

Work.	Parish.	Nos. on deposited Plans.
No. 1 - - - -	Rotherham - - - -	1.
No. 2 - - - -	Rotherham - - - -	1 to 4 (inclusive) 9.
	Sheffield - - - -	6 8.
No. 4 - - - -	Rotherham - - - -	13 14 15 16.
	Sheffield - - - -	49 50.
	Ecclesfield - - - -	51 52 52A.
	Bradfield - - - -	53 54 55 55A 56 to 70 (inclusive) 72 to 91 (inclusive).
No. 5 - - - -	Bradfield - - - -	90.
No. 6 - - - -	Bradfield - - - -	89 90 91.
No. 7 - - - -	Sheffield - - - -	97.

THE SECOND SCHEDULE.

A.D. 1919.

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

Work.	Parish.	Nos. on deposited Plans.
Street Improvement No. 2 -	Sheffield - - - -	177.
Street Improvement No. 3 -	Sheffield - - - -	178.
Street Improvement No. 4 -	Sheffield - - - -	179 180.
Street Improvement No. 5 -	Sheffield - - - -	181 182.

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