CHAPTER lxvi.

An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct river improvements and street works to provide and work trolley vehicles and for other purposes. [4th June 1930.]

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WHEREAS the river Derwent flows through parts of the borough of Derby (in this Act called "the borough") and also through areas immediately adjacent to the borough which are liable to flooding:

And whereas it is expedient to empower the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") to construct the river improvement works mentioned in this Act and to make further provision with regard to the river Derwent and with regard to streams and watercourses within the areas above mentioned:

And whereas the construction of the proposed river improvement works will benefit the lands adjoining the same and in proximity thereto and it is therefore expedient (subject to the provisions of this Act) to authorise the imposition of an improvement rate or charge on such lands towards defraying or repaying the cost of the construction of the said works:

And whereas it is expedient to empower the Corporation to acquire certain of the lands adjacent to the river Derwent which will be benefited by the construction of the river improvement works above referred to:

[*Price* 2*s. Net.*]

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And whereas it is expedient to empower the Corporation to construct the street works referred to in this Act and to acquire lands for and in connection with the construction of those works:

And whereas in pursuance of powers conferred upon them by various enactments the Corporation are working an extensive system of tramways in the borough and are also running omnibuses therein and in the neighbourhood thereof:

And whereas it is expedient to empower the Corporation to provide and work vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") along the routes referred to or described in this Act along some of which routes tramways have been constructed and to confer upon the Corporation all necessary and convenient powers with regard thereto:

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

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

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

	£
(*a*) The purchase of lands - - -	65,360
(*b*) The execution of the works authorised by the section of this Act of which the marginal note is "Power to execute river works" - -	175,000
(*c*) The execution of the street works authorised by the section of this Act of which the marginal note is "Power to execute street works" -	5,000
(*d*) The provision of trolley vehicles -	150,000
(*e*) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles - - - - -	96,671

	£
(*f*) The reconstruction of the roads upon which the tramways to be removed or discontinued under the provisions of this Act are situate - - -	76,500
(*g*) The adaptation or erection of buildings for the purposes of the trolley vehicles and omnibuses of the Corporation - - - - -	4,000

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

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Derby Corporation Act 1930.

(2) The Derby Corporation Acts 1825 to 1929 and this Act may be jointly cited as the Derby Corporation Acts 1825 to 1930.

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Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—River improvements and street works.

Part IV.—Trolley vehicles and omnibuses.

Part V.—Financial and miscellaneous provisions.

Incorporation of Acts.

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

(1) The Lands Clauses Acts with the following exception and modification :—

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

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section :

(2) 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 the construction of those provisions "the railway" shall mean the works authorised by the section of this Act of which the marginal note is "Power to execute river works."

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

(*a*) "The Corporation" means the mayor aldermen and burgesses of the borough of Derby;

(*b*) "The borough" means the borough of Derby;

(*c*) "The general rate fund" and "the general rate" mean respectively the general rate fund and general rate of the borough;

(*d*) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

(*e*) "The Act of 1899" "the Act of 1901" "the Act of 1913" "the Act of 1927" and "the Act of 1929" mean respectively the Derby Corporation Tramways &c. Act 1899 the Derby Corporation Act 1901 the Derby Corporation Act 1913 the Derby Corporation Act 1927 and the Derby Corporation Act 1929;

(*f*) "The county council" means the county council of the administrative county of Derby;

(*g*) "The Minister" means the Minister of Health;

(*h*) "The river" means the river Derwent;

(*i*) "Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

(*j*) "Trolley vehicle routes" means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

(*k*) "Road authority" means with reference to any road or part of a road over which any proposed trolley vehicle service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

(*l*) "Local authority" has the meaning assigned to it by section 80 of the Act of 1927.

Part II.

Lands.

Power to take lands.

5. Subject to the provisions of this Act the Corporation may—

(1) Enter on take and use such of the lands which are included within the limits of deviation shown on the deposited plans and are described in the deposited book of reference as they may

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require for the purposes of Part III (River improvements and street works) of this Act and for the improvement and development of frontages or of lands abutting on or adjacent to any street:

(2) Enter on take and use so much of the following lands delineated on the deposited plans and described in the deposited book of reference as they do not acquire under the provisions of subsection (1) of this section (namely):—

Area.	Numbers on deposited plans.
The borough -	So much of 55 and 56 as lies to the south of the London Midland and Scottish Railway 58 to 70 inclusive 74 to 148 inclusive 152 to 155 inclusive 165 to 168 inclusive.
Urban district of Alvaston and Boulton.	1 to 34 inclusive.
Parish of Elvaston.	7 and 10 to 33 inclusive and so much of 1 5 6 and 8 as did not belong to the Derbyshire and Nottinghamshire Electric Power Company on the thirty-first day of March nineteen hundred and thirty:

(3) For the purposes of the trolley vehicle undertaking of the Corporation enter on take and use all or any of the following lands which are shown on the deposited plans and described in the deposited book of reference (namely):—

(*a*) Land in the parish of Spondon adjoining Nottingham Road and being part of enclosure No. 365 on the $\frac{1}{2500}$ Ordnance map of Derbyshire (edition 1914) sheet L–14;

(*b*) Land in the urban district of Alvaston and Boulton adjoining the Chellaston Road

and being part of enclosure No. 361 on the said Ordnance map sheets LV–6 and LV–10;

(*c*) Land in the parish of Littleover at the junction of Burton Road and Chain Lane being part of enclosure No. 87 on the said Ordnance map sheet LIV–4:

(4) Any lands which are acquired by the Corporation under the provisions of subsection (2) of this section and are used for the purposes of the river works authorised by the section of this Act of which the marginal note is "Power to execute river works" shall notwithstanding that the same shall have been so acquired be deemed for the purposes of any claim for injurious affection under the Lands Clauses Acts to have been acquired for the purposes of the said section.

Period for compulsory purchase of lands.

6. 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 thirty-first day of October nineteen hundred and thirty.

For protection of John Alfred Edwin Drury-Lowe.

7. The following provision for the protection of John Alfred Edwin Drury-Lowe his successors and assigns (in this section referred to as "the owner") shall unless otherwise agreed in writing between the owner and the Corporation apply and have effect (that is to say):—

The Corporation shall within six months after the passing of this Act serve upon the owner notice to treat for the acquisition of the lands numbered on the deposited plans relating to the borough 87 125 and 126.

PART III.

RIVER IMPROVEMENTS AND STREET WORKS.

Power to execute river works.

8.—(1) The Corporation may subject to the provisions of this Act and in the lines and according to the levels shown on the deposited plans and sections make and maintain the works hereinafter described together with all necessary works and conveniences connected therewith.

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(2) The works hereinbefore referred to will be situate in the borough except where otherwise stated and are—

Work No. 1 (in the borough the parish of Chaddesden the urban district of Alvaston and Boulton and the parish of Elvaston) an improvement of the river Derwent commencing in the borough at a point 837 yards or thereabouts measured downstream along the centre line of the river from the east side of the London Midland and Scottish Railway bridge which crosses the river Derwent north of Derby Station and terminating in the parish of Elvaston at a point on the southerly bank of the river 312 yards or thereabouts measured in a straight line in a westerly direction from the intersection of the west side of Borrowash Bridge with the said southerly bank The said Work No. 1 comprises the following parts (namely) :—

(i) A river improvement "A" being a deepening widening and improving of the channel of the river commencing at the commencement of the said Work No. 1 and terminating at a point 50 yards or thereabouts measured along the southerly bank of the river in an easterly direction from the point at which the fence separating enclosures numbered 591 and 592 on the $\frac{1}{2500}$ Ordnance map of the borough (1914 edition sheet L–14) reaches that bank;

(ii) A cut "A" being a river diversion or cut commencing at the termination of river improvement "A" above described and extending in a south-easterly direction for a distance of 380 yards or thereabouts;

(iii) A river improvement "B" being a deepening widening and improving of the channel of the river commencing at the termination of cut "A" and extending downstream for a distance of 417 yards or thereabouts;

(iv) A cut "B" being a cut across the base of the existing loop of the river

opposite the sewage pumping station of the Corporation;

(v) A river improvement "C" being a deepening widening and improving of the channel of the river commencing at the termination of cut "B" and terminating on the easterly bank of the river at a point 7 yards or thereabouts measured in a north-easterly direction from the point at which the fence forming the northerly boundary of the enclosure numbered 673 on the said Ordnance map (sheet LV–2) reaches the said bank;

(vi) A cut "C" being a cut across the base of the loop of the river in which are situate the gravel pits of the British Celanese Limited;

(vii) A river improvement "D" being a deepening widening and improving of the channel of the river commencing in the borough at the termination of cut "C" passing into and through the said urban district of Alvaston and Boulton and terminating in the said parish of Elvaston at a point on the south-easterly bank of the river 39 yards or thereabouts measured in a north-easterly direction from the point at which the fence separating enclosures numbered 8 and 33 on the $\frac{1}{2500}$ Ordnance map of the parish of Elvaston (1914 edition sheet LV–3) reaches the said bank;

(viii) A cut "D" being a river diversion or cut in the said parish of Elvaston commencing at the termination of river improvement "D" and terminating at the termination of Work No. 1 above described;

Work No. 2 A flood bank on the left bank of the river commencing at the boundary of the London Midland and Scottish Railway at a point 27 yards or thereabouts measured in a southerly direction from the intersection of the said boundary with the southern boundary of enclosure numbered 269 on the said Ordnance map of the borough (sheet L–13) and terminating

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at a point 34 yards or thereabouts north of the commencement of Work No. 1;

Work No. 3 A flood bank on the right bank of the river commencing at a point on the east side of the said railway bridge at a point 18 yards or thereabouts measured along the said bridge from the southerly boundary of enclosure numbered 285 on the said Ordnance map of the borough (sheet L–13) and terminating at a point 32 yards or thereabouts south of the commencement of Work No. 1;

Work No. 4 A flood bank on the left bank of the river commencing at a point 114 yards or thereabouts measured in a northerly direction from the northern end of the boundary between enclosures numbered 605 and 635 on the said Ordnance map of the borough (sheet LV–2) and terminating at the easterly boundary of enclosure numbered 410 on the said Ordnance map of the borough (sheet L–14) 56 yards or thereabouts measured in a southerly direction from the north-east corner of that enclosure;

Work No. 5 A flood bank on the right bank of the river commencing at a point 56 yards or thereabouts measured in a south-easterly direction from the commencement of the said Work No. 4 and terminating at a point 78 yards or thereabouts measured in a northerly direction from the termination of cut "B";

Work No. 6 A weir across cut "B" above described commencing at a point 107 yards or thereabouts measured in an easterly direction from the south-east corner of enclosure numbered 602 on the said Ordnance map of the borough (sheet LV–2) and terminating at a point 97 yards or thereabouts measured in a north-easterly direction from the north-east corner of that enclosure;

Work No. 7 A set of sluices across cut "C" above described commencing at a point 52 yards or thereabouts measured in a south-easterly direction from the point at which the northern boundary of enclosure numbered 673 on the said Ordnance map of the borough (sheet LV–2)

reaches the easterly bank of the river and terminating at a point 60 yards or thereabouts measured in a north-easterly direction from the last-mentioned point;

Work No. 8 (in the parish of Elvaston) a weir along the south-easterly bank of the river across cut "D" commencing at a point 33 yards or thereabouts measured in a south-westerly direction from the point at which the fence separating enclosures numbered 8 and 33 on the said Ordnance map of the parish of Elvaston (sheet LV–3) reaches the said bank and terminating at a point 110 yards or thereabouts measured in a north-easterly direction from the last-mentioned point;

Work No. 9 (in the urban district of Alvaston and Boulton and the parish of Elvaston) a stream diversion commencing at a point in the existing stream 140 yards or thereabouts measured in a straight line in a south-westerly direction from the northern corner of enclosure numbered 3 on the $\frac{1}{2500}$ Ordnance map of the said urban district (1914 edition sheet LV–3) and terminating by a junction with cut "D" at a point 20 yards or thereabouts measured in an easterly direction from the commencement of Work No. 8;

Work No. 10 (in the parish of Elvaston) a flood bank on the right bank of the river commencing at the termination of Work No. 8 and extending in a northerly direction for a distance of 290 yards or thereabouts;

Work No. 11 (in the parish of Elvaston) a flood bank on the right bank of the river commencing at a point 45 yards or thereabouts measured in an easterly direction from the north-west corner of the enclosure numbered 14 on the said Ordnance map of that parish (sheet LV–3) and terminating at the west side of Borrowash Road at a point 145 yards or thereabouts measured along the said side from the south-east corner of enclosure numbered 16 on the said Ordnance map of that parish;

Work No. 12 A sewer commencing by a junction with an existing sewer of the Corporation at a

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point 22 yards or thereabouts measured in a southerly direction from the commencement of Work No. 6 above described and terminating at a point 150 yards or thereabouts measured in a north-westerly direction from the point at which the southern boundary of the enclosure numbered 576 on the said Ordnance map of the borough (sheet L–14) reaches the westerly bank of the river;

Work No. 13 A sewer or sewers commencing in an existing overflow chamber of the Corporation at a point 9 yards or thereabouts measured in an easterly direction from the commencement of Work No. 12 above described and terminating at the westerly bank of the river.

(3) Subject to the provisions and for or in connection with the purposes of this Part of this Act the Corporation may within the limits of deviation shown on the deposited plans make and maintain all necessary and convenient walls embankments fences culverts drains intakes watercourses weirs sluices wharves railways tramways gantries ropeways roads bridges and all such machinery works and appliances as may be required and may within those limits deposit materials excavated or dredged in the making and maintenance of the works authorised by the foregoing provisions of this section.

Power to stop up part of river.

9.—(1) After the completion of that portion of Work No. 1 authorised by the last preceding section of this Act which comprises cut "A" the Corporation may divert into that cut the waters of the river and may close so much of the existing river as lies between the commencement and termination of that cut.

(2) After the completion of Work No. 9 authorised by the last preceding section of this Act the Corporation may divert into that work the waters of the stream known as Party Nook Brook which is adjacent thereto and may close so much of that stream as is marked "existing stream to be stopped up" on the deposited plans.

Limits of deviation for river works.

10. In the construction of the works authorised by subsections (1) and (2) of the section of this Act of which the marginal note is "Power to execute river works" the Corporation may deviate from the lines thereof as

shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards Provided that notwithstanding anything contained in this section in the construction of Work No. 8 the Corporation shall not deviate downwards from the levels of the crest thereof as shown upon the deposited sections but they may deviate upwards from such levels to any extent not exceeding six inches.

Further powers for prevention of flooding.

11.—(1) For the purpose of preventing floods in the area which comprises the lands referred to in the section of this Act of which the marginal note is "Improvement rate" the Corporation may subject to the provisions of this Act—

(*a*) Exercise the powers conferred upon them by section 15 (For prevention of flooding) of the Act of 1929 in so much of the said area as is not situate within the borough as if the same were referred to in that section in addition to the borough;

(*b*) With the approval of the Minister construct walls embankments cuts drains watercourses or other works and divert widen or improve existing cuts drains or watercourses upon the lands which the Corporation are authorised to acquire by subsection (2) of the section of this Act of which the marginal note is "Power to take lands" Provided that where any such works are proposed to be constructed outside the borough the Minister shall submit the proposal to the county council for their observations.

(2) Subsections (3) (4) (5) and (6) of the said section 15 of the Act of 1929 shall extend and apply to and in relation to the exercise of the powers conferred upon the Corporation by paragraph (*b*) of subsection (1) of this section as if the same were with any necessary modifications set out herein.

(3) The powers conferred on the Corporation by this section are in addition to and not in derogation of the powers conferred or duties imposed upon them by or under the provisions of any other Act.

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Improvement rate.

12. Notwithstanding anything contained in the Rating and Valuation Act 1925—

(1) For defraying or repaying to the Corporation part of the expenditure of the Corporation of and incident to the making of the works authorised by the section of this Act of which the marginal note is " Power to execute river works " the owners for the time being of the respective lands (whether respectively occupied or unoccupied) hereinafter mentioned shall throughout the period of forty years from the date upon which the works authorised by sub-sections (1) and (2) of the said section shall have been substantially completed pay to the Corporation a yearly sum or rate (in this Act called " the improvement rate ") of two pounds in respect of each acre of such lands belonging to such owners respectively A certificate signed by the surveyor of the borough to the effect that the said works were substantially completed upon a date mentioned in that certificate shall be conclusive proof for the purposes of this section of such substantial completion on that date :

The lands above referred to are as follows :—

Area.	Numbers on deposited plans.
The borough -	52 to 70 inclusive 74 to 148 inclusive 152 to 161 inclusive so much of 164 as adjoins 160 165 to 168 inclusive.
Urban district of Alvaston and Boulton.	1 to 34 inclusive.
Parish of Chaddesden.	1 2.
Parish of Elvaston.	7 and 10 to 33 inclusive and so much of 1 5 6 and 8 as did not belong to the Derbyshire and Nottinghamshire Electric Power Company on the thirty-first day of March nineteen hundred and thirty.
Parish of Spondon	1.

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Provided that—

(*a*) for the purpose of calculating the sum payable by any such owner under this section a fraction of an acre which is less than half an acre shall be excluded from calculation and a fraction of an acre which is greater than half an acre shall be deemed to be one acre;

(*b*) no payment shall be made or accrue due under this section in respect of land which is for the time being agricultural land as defined by section 2 of the Rating and Valuation (Apportionment) Act 1928:

(2) The improvement rate shall be payable on the first day of July in every year and if not paid within fourteen days after demand shall bear interest at the rate of five per centum per annum:

(3) The improvement rate shall be a charge on the said lands and be recoverable in the same manner and with the same incidents as private improvement expenses and private improvement rates are charged and recoverable under the provisions of the Public Health Acts or may at the option of the Corporation be collected and recovered by the Corporation in the same manner as general rates are recoverable:

(4) The improvement rate in respect of any lands shall be redeemable at any time by the owner liable for the payment thereof on payment by him to the Corporation of such capital sum as may be agreed on between the Corporation and such owner:

(5) The Corporation shall apply every such capital sum in extinguishment of loans raised by them under the powers of this Act for the purchase of lands for and the making of the said works and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister:

(6) The excess of the said expenditure over and above the produce of the improvement rate and the cost of maintaining the said works and the

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other expenses incurred in connection therewith shall be paid out of the general rate fund and general rate:

(7) Subsection (2) of section 15 (For prevention of flooding) of the Act of 1929 shall not either for the purposes of that Act or as applied by and for the purposes of the section of this Act of which the marginal note is "Further powers for prevention of flooding" apply to or in respect of any lands in respect of any period during which the improvement rate is for the time being payable in respect of such lands.

For protection of trustees of Earl of Harrington.

13. For the protection of Geoffrey Hugh Walford and the Right Honourable Lady Kathleen Florence Mary Hare the trustees of the Right Honourable William Henry Leicester Eleventh Earl of Harrington (a minor) under the will of the Right Honourable Charles Joseph Leicester Tenth Earl of Harrington and their assigns owners or owner for the time being of the Harrington Settled Estates in Derbyshire (in this section referred to as "the trustees") the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections apply and have effect unless otherwise agreed in writing between the Corporation and the trustees (that is to say):—

(1) In this section the expression "the signed plan 'A'" means the plan marked "A" signed by George Trevelyan Lee on behalf of the Corporation and by Geoffrey Hugh Walford on behalf of the trustees and the expression "the signed plan 'B'" means the plan and section marked "B" signed by the said George Trevelyan Lee on behalf of the Corporation and by the said Geoffrey Hugh Walford on behalf of the trustees one copy of each of which plans has been retained by the Corporation and the other copy thereof respectively by the trustees:

(2) With a view to preserving the amenities of Elvaston Castle the Corporation shall not acquire under this Act the lands of the trustees delineated on the signed plan "A" and thereon coloured green:

(3) Nothing in the section of this Act of which the marginal note is "Further powers for prevention

of flooding" shall apply to any of the lands referred to in subsection (2) of this section and the Corporation shall not exercise with respect to those lands the powers of the Railways Clauses Consolidation Act 1845 which are referred to in the section of this Act of which the marginal note is "Incorporation of Acts":

(4) The lands referred to in subsection (2) of this section shall not be deprived of the relief from the improvement rate authorised by the section of this Act of which the marginal note is "Improvement rate" afforded by proviso (*b*) to subsection (1) of that section by reason only of the fact that the said lands may be at the date of the passing of this Act or thereafter continue to be land occupied together with a house (namely Elvaston Castle) as a park or garden or be or continue to be a pleasure ground held and used in conjunction with Elvaston Castle and kept or preserved as part of or along with Elvaston Castle mainly or exclusively for purposes of sport or recreation within the meaning of those expressions in the definition of "agricultural land" in section 2 of the Rating and Valuation (Apportionment) Act 1928:

(5) If and so soon as the Corporation decide to proceed with the construction of the river works described in the section of this Act of which the marginal note is "Power to execute river works" or any of them the Corporation shall pass a formal resolution to that effect and shall within twelve months from the date of the passing of the said resolution serve upon the trustees notice to treat in respect of the whole of the lands of the trustees delineated on the signed plan "A" and thereon coloured pink:

(6) Any claim which the trustees shall be entitled to make for any loss or damage sustained by them in respect of injurious affection of any of the lands belonging to them by the exercise of the powers conferred by so much of this Part of this Act as relates to the river improvements and works may be made within seven years after the substantial completion of such

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improvements and works or of such of them as shall be constructed and any such claim shall be determined in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement :

(7) So soon as the works authorised to be constructed by the Corporation by the section of this Act of which the marginal note is " Power to execute river works " and all works subsidiary or incidental thereto shall have been commenced the Corporation shall proceed with due diligence to complete such works substantially :

(8) (*a*) The stream diversion (Work No. 9) authorised by the section of this Act of which the marginal note is " Power to execute river works " shall be so constructed as to carry the said work over the pipe hereinafter referred to to the reasonable satisfaction of the trustees The Corporation shall also at their own expense construct and at all times maintain (1) a pipe from the river commencing at the point marked " A " on the signed plan " B " and terminating at the point marked " B " on the said plan and (2) a sluice upon the lands of the trustees at the said point marked " B " such works to be carried out and completed in all respects in accordance with the said plan So much of the said pipe as will be situate upon the lands of the trustees and the said sluice upon such lands shall upon the completion of the same become the property of the trustees and the trustees shall afford to the Corporation all reasonable facilities for the purposes of their construction and maintenance ;

(*b*) The Corporation shall not commence the construction of the pipe and sluice referred to in paragraph (*a*) of this subsection until they shall have submitted to the engineer of the trustees plans sections and specifications of the said works as proposed to be carried out by them for his reasonable approval nor until such engineer shall have signified such approval of such plans sections and specifications or in the event of

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any difference arising until the same shall have been determined in manner provided by this section Provided that if the said engineer fails to signify his approval or disapproval of the said plans sections and specifications within fourteen days after the same shall have been submitted to him he shall be deemed to have approved the same The construction of the said works shall be carried out under the superintendence (if the same shall be given) and to the reasonable satisfaction of the said engineer and the reasonable fees of the said engineer with respect to the approval of the said plans sections and specifications and to such superintendence (if given) shall be paid to the trustees by the Corporation on demand;

(*c*) Any dispute or difference which may arise between the Corporation and the trustees under this subsection shall be settled by arbitration by an engineer or other fit person to be appointed by the President for the time being of the Institution of Civil Engineers on the application of the Corporation or the trustees and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory re-enactment thereof for the time being in force shall apply to any such arbitration;

(*d*) The Corporation shall not (except for the purposes of cleansing the said pipe) at any time do or permit anything which would prevent the entry into the said pipe from the river of water to the lake in the grounds of Elvaston Castle or any other lands of the trustees The trustees and all persons authorised by them in that behalf shall have full control over the management of the said sluice at the point marked "B" on the signed plan "B" without any interference from the Corporation or any persons authorised by them.

For protection of Derbyshire and Notting-

14. For the protection of the Derbyshire and Nottinghamshire Electric Power Company (hereinafter in this section referred to as "the company") the following provisions shall unless otherwise agreed in

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Hamshire Electric Power Company.

writing between the company and the Corporation 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 under the powers conferred upon them by the section of this Act whereof the marginal note is "Power to take lands" enter upon take or use the lands in the parish of Elvaston numbered 2 3 4 and 9 on the deposited plans or such portions of the lands in that parish numbered 5 6 and 8 on the deposited plans as belong to the company except so much of the said properties numbered 8 and 9 as may be required for the construction and maintenance of the portion of Work No. 1 which comprises cut "D" and the flood bank (Work No. 11) authorised by this Act:

(2) (*a*) The Corporation shall before they commence the construction of—

(i) so much of the said cut "D" as is situate on lands belonging to the company;

(ii) the weir across cut "D" (Work No. 8);

(iii) any of the works which are authorised by subsection (3) of the section of this Act of which the marginal note is "Power to execute river works" between the commencement of the said cut "D" and the Borrowash weir;

submit to the company plans sections and specifications of the works so proposed to be carried out by the Corporation for the reasonable approval of the company but as regards such portion of the said cut "D" and the said Work No. 8 such approval shall only be necessary in respect of the design so far as it affects the stability thereof Provided that if within fourteen days from the submission of such plans sections and specifications the company do not signify to the Corporation their approval thereof and their requirements in regard thereto they shall be deemed to have disapproved thereof;

(*b*) The works so to be carried out by the Corporation shall be executed only according to such plans

sections and specifications as shall be reasonably approved as aforesaid by the company or settled by arbitration as hereinafter provided and shall be constructed under the superintendence (if given) and to the reasonable satisfaction of the engineer of the company:

(3) The Corporation shall not in constructing so much of the said cut "D" as is situate on the lands of the company deviate from the lines thereof as shown on the deposited plans:

(4) The Corporation shall when constructing the said cut "D" at their own expense construct and thereafter maintain a bridge thereover with approaches thereto of not less than twenty feet in width to be capable of carrying loads as laid down by the Minister of Transport for first-class roads in order to provide means of communication from the lands of the company to the road between Elvaston and Borrowash and such bridge and approaches shall be constructed in such position near the termination of the said cut "D" and according to such plans sections and specifications as may be reasonably approved by the company and the company and the successors assigns tenants or occupiers and the officers and employees of the company and such other persons as may be authorised by the company shall be entitled at all times to use such bridge and approaches free of all expense Provided that in consideration of the provisions of this subsection the Corporation and all persons authorised by them and the owners and occupiers for the time being of any lands acquired by the Corporation under this Act shall be entitled at all times to use such bridge and approaches and any road or way leading thereto from the said road between Elvaston and Borrowash and the Corporation shall also be entitled without payment to the company in respect thereof to construct a road over the lands of the company numbered on the deposited plans 8 in the parish of Elvaston from such bridge and approaches to the lands acquired by the Corporation as aforesaid and such road when so constructed may be used by the Corporation and

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all persons authorised by them and the owners and occupiers for the time being of any lands acquired by the Corporation under this Act:

(5) The Corporation shall complete the construction of the said Work No. 8 before commencing the construction of so much of the said cut "D" as lies within a distance of one hundred and fifty feet from any part of the said Work No. 8:

(6) (*a*) The said Work No. 8 shall consist of a weir of solid construction and shall have no opening sluices below the level of the crest of the weir;

(*b*) The crest of the said weir shall be so constructed and for all time thereafter maintained as to assure that a quantity of not less than one thousand cubic feet of water per second shall flow down the existing channel of the river past the generating station of the company before any water shall pass over the said weir into the said cut "D" Provided that this provision shall only continue in force so long as the level of the sill of the Borrowash Weir is maintained at a height not exceeding 123·3 feet above Ordnance datum and so long as no works are carried out by persons other than the Corporation which affect the carrying capacity of the existing channel of the river between the commencement of the said cut "D" and Borrowash Weir:

(7) The Corporation shall during the construction of the works authorised by the section of this Act of which the marginal note is "Power to execute river works" take all reasonable precautions to prevent interference with the supply of water from the river required by the company for the purposes of the generating station and works of the company:

(8) If at any time during the construction of the works authorised by the section of this Act of which the marginal note is "Power to execute river works" or within a period of three years thereafter the operations of the Corporation shall cause silting in that part of the river which is situate between the said Work No. 8 and a point one hundred yards west of the western

end of Borrowash Weir the Corporation shall at their own expense within fourteen days from the receipt of notice from the company proceed to remove such silt to such extent as may be reasonably required by the company and failing the Corporation so doing within that period or failing their carrying out such removal with all due diligence the company shall have power to do the same and may recover the amount reasonably incurred by them in respect thereof from the Corporation :

(9) The construction of the works of the Corporation shall when commenced be proceeded with by the Corporation with all due diligence :

(10) The Corporation shall (so far as they can for the time being legally do so) give all reasonable facilities to the engineer and officers of the company for access to the works of the Corporation during or after construction and shall also furnish him or them with such information as he or they may reasonably require with regard to the works or the method of construction thereof :

(11) The Corporation shall repay to the company the extra cost (if any) incurred by them in cleansing the condensers installed in the generating station of the company and the additional cost (if any) necessarily incurred by the company for fuel which is due to or caused by the execution of works of excavation or dredging in the channel or banks of the river above the said generating station or the construction of cuts "A" "B" and "C" and that part of cut "D" which lies to the westerly side of Work No. 8 all of which works are authorised by the section of this Act of which the marginal note is "Power to execute river works" but the liability of the Corporation under this subsection is limited to such extra or additional cost (if any) as is so incurred during the period of such execution or construction and during a period of six months after the completion thereof Provided that the company shall render claims monthly to the Corporation for any additional cost so incurred

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by the company for fuel and the company shall furnish the Corporation with such information as the Corporation may reasonably require in regard thereto and shall give to the Corporation reasonable facilities to enable the Corporation to satisfy themselves that the additional cost so incurred for fuel is being and has been necessarily incurred :

(12) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the company or their engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section the Corporation shall in addition to any other compensation which may be payable to the company by reason of the exercise of the powers of this Act or section 15 (For prevention of flooding) of the Act of 1929 as extended by this Act be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their lands generating station and works by reason of the failure of the said Work No. 8 and its abutments or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such failure :

(13) Notwithstanding anything in this Act contained the company shall not in respect of the generating station and works of the company situate on lands now belonging to the company or of the lands in the parish of Elvaston numbered on the deposited plans 2 3 4 and 9 and so much of the lands in that parish numbered 1 5 6 and 8 as belongs to the company be liable for or required to pay any sum or rate which may be payable to the Corporation under the section of this Act whereof the marginal note is "Improvement rate" or to contribute towards the payment of any part of any expenses which may be incurred by the Corporation under section 15 (For prevention of flooding) of the Act of 1929 as extended by this Act :

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(14) Any difference which shall arise between the Corporation and the company or their respective engineers under this section (other than under subsections (1) and (13) hereof) shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of London Midland and Scottish Railway Company.

15. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in relation to the exercise of the powers of this Part of this Act (that is to say):—

(1) The Corporation shall not under the powers of this Act purchase or acquire by compulsion or in any way interfere with (save as hereinafter in this subsection mentioned) the lands of the company in the borough which are numbered 55 74 and 75 respectively on the deposited plans except so much of those lands as is coloured yellow on the plan marked "Plan A" and signed by Alexander Newlands on behalf of the company and George Trevelyan Lee on behalf of the Corporation Provided that the Corporation may also purchase and acquire and the Company shall sell and grant accordingly such easements or rights of using so much of the said lands as is not coloured yellow and as may be reasonably required by the Corporation for the construction and maintenance of river improvement "A" and any works connected therewith or subsidiary thereto and proposed to be constructed by the Corporation under the provisions of subsection (3) of the section of this Act of which the marginal note is "Power to execute river works" The Corporation shall sell and convey to the company the land coloured green on the said plan if and when they shall have acquired the same:

(2) So much of Work No. 3 as is proposed to be constructed on lands belonging to the company

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shall be constructed at the levels shown on the deposited sections and shall be constructed according to plans to be submitted to and reasonably approved by the principal engineer of the company (in this section called "the principal engineer") and shall be carried out so as not to encroach on the buildings which constitute the company's pumping station or on the southern boundary of that station or to interfere unreasonably with the access to the same or with the use of any pipes leading thereto or the inlet from the river to or the discharge pipes from the said pumping station:

(3) The Corporation shall before they commence so much of any of the works which the Corporation may carry out under the powers of the sections of this Act of which the marginal notes are "Power to execute river works" and "Further powers for prevention of flooding" and all works in connection therewith (all of which are hereinafter referred to as "the works") as shall or may pass under or adjoin the railway or works of the company submit to the principal engineer plans sections and specifications of the works proposed to be carried out by the Corporation for the reasonable approval of the principal engineer Provided that if within fourteen days from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his approval thereof or his requirements in regard thereto he shall be deemed to have disapproved thereof:

(4) The works shall be carried out only according to such plans sections and specifications as shall be approved by the principal engineer or determined by arbitration and shall be constructed under the superintendence (if given) and to the reasonable satisfaction of the principal engineer:

(5) Before the construction of any of the works under or adjoining the railway any temporary works which may be reasonably necessary to ensure the stability of the said railway may and shall be carried out by the company for the Corporation and the reasonable costs thereof and

any expenses reasonably incurred in connection therewith shall be repaid by the Corporation to the company :

(6) If in consequence of the construction of the works authorised by this Part of this Act it shall be reasonably necessary (at any time either before or during such construction or within one year after the completion of the works or any part thereof) that any further or other works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the company or in connection with the works or in relation to the method of construction of the works so as to prevent the subsidence of or injury to any of the railways or works of the company the Corporation shall on being thereunto reasonably required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the surveyor to the Corporation such works or take such measures of precaution including the temporary cessation of the construction of the works as the principal engineer shall reasonably require The construction of the works when commenced shall proceed with all due diligence :

(7) The Corporation shall at all times (so far as they can legally do so) give all reasonable facilities to the principal engineer and his assistants or inspectors for access to the works during or after construction and shall also furnish him or them with such information as he or they may reasonably require with regard to the works or the method of construction thereof :

(8) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during and in consequence of the execution of the works the said railway of the company or any of the

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works connected therewith shall be injured or damaged the company shall be entitled forthwith to make good such injury or damage and may recover the amount reasonably expended in so doing from the Corporation :

(9) The Corporation shall not in executing the works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway of the company or any traffic thereon and if the free and uninterrupted user of the railway of the company or any traffic thereon shall be obstructed hindered or interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which the company may be put and compensation for the loss sustained by the company by reason of any such interruption or interference :

(10) The Corporation shall make good to the company all costs charges losses damages and expenses which may be occasioned to their said railway or works or to any person or persons using the same by reason of the execution of the works or of the failure of any part thereof or of any act or omission of the Corporation or of any of the persons in their employment 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 construction failure or omission :

(11) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of British

16. Notwithstanding anything contained in this Act the following provisions for the protection of British

Celanese Limited their successors and assigns (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) The Corporation shall not under the provisions of this Act enter on take or use any part of the lands of the company lying on the left bank of the river or lying between the northern boundary of the land coloured pink on the plan referred to in subsection (2) hereof and the loop of the river north of such last-mentioned land nor exercise in respect of such lands the powers of the Railways Clauses Consolidation Act 1845 which are referred to in the section of this Act of which the marginal note is "Incorporation of Acts":

(2) Subject as hereinafter provided the Corporation shall not under the provisions of this Act enter on take and use the lands of the company which are numbered 156 to 162 (both inclusive) and 164 on the deposited plans relating to the borough and in the deposited book of reference except so much of those lands as is (*a*) required for the construction of river improvement "C" cut "C" river improvement "D" and Work No. 7 authorised by this Act or for works in connection therewith respectively which are authorised by subsection (3) of the section of this Act of which the marginal note is "Power to execute river works" and (*b*) included in the land coloured pink upon the plan (in this section called "the signed plan") which has been signed in duplicate by George Trevelyan Lee on behalf of the Corporation and Robert Gavin Pollock on behalf of the company one copy of which plan is deposited with the Corporation and the other with the company:

(3) Notwithstanding anything contained in the last preceding subsection hereof the Corporation may purchase from the company and the company shall if required by the Corporation so to do sell to the Corporation such easements and rights in under over or upon so much of the lands of the company as is coloured blue upon

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the signed plan as may be required for the construction and maintenance of the works authorised by the section of this Act of which the marginal note is "Power to execute river works" and for the operation of Work No. 7 described in that section but for the purpose of the exercise by the Corporation of such easements and rights access to the said lands shall be obtained by them otherwise than through the lands which belonged to the company on the first day of March nineteen hundred and thirty Provided that nothing in this subsection shall prevent the exercise by the Corporation of the powers of the Railways Clauses Consolidation Act 1845 which are referred to in the section of this Act of which the marginal note is "Incorporation of Acts" in respect of any part of the said lands coloured blue or in respect of any other lands of the company on the right bank of the river and of cut "C" which are situate within a distance of eighty yards from any part of the said lands coloured blue and to the south of those lands but to the extent only to which those powers relate to the formation of roads thereon to or from or by the works authorised by this Act:

(4) The Corporation shall (after the acquisition by them of the lands coloured pink upon the signed plan) at all times afford to the company such rights of way and other rights across such lands to the river as may be necessary for enabling the company to construct and maintain across such lands (other than so much of such lands as is required for the construction and maintenance of Work No. 7) such pipes and other works as the company may require for enabling the company to obtain from and discharge into the river such water as they are at the date of this Act entitled to obtain therefrom and discharge thereinto Provided that such pipes and other works shall not injure or interfere with the works constructed by the Corporation under the provisions of this Act or materially obstruct or interfere with the flow of the river or the flow of water through cut "C":

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(5) For the purpose of enabling the company their officers and servants and such other persons as may be duly authorised by the company to proceed on foot to and from the lands of the company lying to the south of the river across the site of cut "C" and Work No. 7 the construction of which is authorised by the section of this Act of which the marginal note is "Power to execute river works" the Corporation shall at all times during the construction of that cut and work permit the company their officers and servants and such other persons as aforesaid to cross on foot the site of intended cut "C" by means of Work No. 7 or (at the option of the Corporation) by such other means (to be provided by the Corporation at their expense) of crossing that site as may be necessary for the purposes aforesaid After completion of the said cut "C" and Work No. 7 the Corporation shall at all times permit the employees of the company and such other persons as aforesaid to cross the lands coloured pink upon the signed plan at such point or points as may be necessary for enabling them to proceed between the lands of the company lying to the south and west of the said lands coloured pink and the lands of the company lying to the north and east thereof and also to cross on foot the said cut "C" by means of Work No. 7 or (at the option of the Corporation) by means of a footbridge to be provided by the Corporation :

(6) Nothing contained in this Act shall prevent the company from constructing a bridge or bridges for vehicular and other traffic across the river to connect the lands of the company on the right bank of the river with those on the left bank thereof and the Corporation shall grant to the company all necessary facilities for such purposes Provided that any such bridge or bridges shall be constructed so as not to injure or interfere with the works constructed by the Corporation under the provisions of this Act and no pier or abutment of any such bridge shall be so constructed as to obstruct or interfere

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with the flow of the river and prior to the commencement of the construction of such bridge plans sections and particulars thereof shall be submitted to the Corporation by the company :

(7) The Corporation shall not stop up alter or interfere with the loop of the river (as the same exists at the date of this Act) which lies between the northern boundary of the commencement and termination of cut "C" :

(8) Water shall not be permitted by the Corporation to pass over or under the sluices (Work No. 7 authorised by this Act) until the level of the surface of the river immediately to the west of those sluices reaches a height of 127·75 feet above Ordnance datum :

(9) The Corporation shall not in consequence of the construction of any of the works authorised by the section of this Act of which the marginal note is "Power to execute river works" or of any works executed by the Corporation under the powers of section 15 of the Act of 1929 cause a quantity of water which passes down the river at a point immediately above the highest intake by which the company take water from the river to be reduced to less than the quantity of water which passes the point at which the river enters the borough and the Corporation shall indemnify the company against any loss which may be occasioned to them by or in consequence of the quantity of water which passes down the river at the first above-mentioned point being reduced as above mentioned if such reduction shall be the result of the construction of any works authorised by the first above-mentioned section or of any works executed by the Corporation under the powers of the second above-mentioned section :

(10) Sections 12 and 23 of the Act of 1929 shall not apply in respect of the lands coloured pink upon the signed plan :

(11) Any question arising between the Corporation and the company under the provisions of this section or as to anything to be done or

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not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Law Society and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of county council.

17. The following provisions shall apply and have effect for the protection of the county council except so far as may be otherwise agreed in writing between the Corporation and the county council (that is to say):—

(1) Subject as hereinafter provided the Corporation shall pay to the county council in respect of works which are executed by the county council at any time during the period from the passing of this Act until the expiration of ten years from the date of the completion of cuts "A" "B" "C" and "D" authorised by this Part of this Act for the improvement of that part of the river which extends from the road between Elvaston and Borrowash to the junction of the river with the river Trent a sum of money equivalent to one-third of the cost of such works Provided that the total amount which the Corporation may be required to pay to the county council under the provisions of this section shall not exceed six thousand five hundred pounds:

(2) For the purposes of subsection (1) of this section the cost of such works as aforesaid shall be deemed to be the total of—

(*a*) the cost of acquiring any lands necessary for the construction of such works; and

(*b*) any compensation which the county council may be required to pay to land-owners in respect of such construction; and

(*c*) the cost of the execution of such works;

after deducting from such total—

(i) any capital payments or the capital value of any annual contributions towards the cost of such works which may be made to the county council by persons owning or occupying lands; and

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(ii) the amount of any unemployment grant or grant from any Government department which the county council may receive in respect of the said works or any of them:

(3) Nothing in this Act shall prejudice the consideration of any future scheme which may be made for dealing with the drainage of the river Trent and its tributaries or the determination of whether and to what extent the Corporation shall contribute to the cost of any such scheme:

(4) If any difference arises between the Corporation and the county council under the provisions of subsections (1) and (2) of this section the same shall be determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force shall apply to any such determination.

Saving as to Salmon and Freshwater Fisheries Act 1923.

18. Nothing in this Part of this Act shall exempt the Corporation from the obligations imposed by sections 19 and 23 of the Salmon and Freshwater Fisheries Act 1923.

Power to execute street works.

19.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter referred to together with all necessary or proper works and conveniences connected therewith or incidental thereto.

(2) The works hereinbefore referred to will be wholly situate in the borough and are—

Street Work No. 1 A new street including a widening of Meadow Lane commencing at the junction of Meadow Lane with London Road and terminating at a point 40 yards or thereabouts north of that junction;

Street Work No. 2 A new street commencing at the northern termination of Hollis Street and terminating at a point 105 yards or thereabouts north of that termination;

Street Work No. 3 A new street commencing at the northern termination of Wye Street and terminating at a point 183 yards or thereabouts north of that termination;

Street Work No. 4 A new street commencing at the northern termination of Eden Street and terminating at a point 60 yards or thereabouts north of that termination.

Limits of deviation for street works.

20. In the construction of the works authorised by the section of this Act of which the marginal note is "Power to execute street works" the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

For protection of Derby Gas Light and Coke Company.

21. The following provisions for the protection of the Derby Gas Light and Coke Company (in this section called "the company") shall except so far as may be otherwise agreed between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers conferred upon them by this Part of this Act (that is to say):—

(1) The Corporation may for any purpose in connection with the exercise of the powers of this Part of this Act and (if and when reasonably required so to do by the company) shall remove divert alter the position of or carry out any other alterations to any mains pipes or apparatus belonging to the company laid down or used for carrying conveying or supplying a supply of gas in any street or part of a street within the limits of deviation shown on the deposited plans (which mains pipes and apparatus are in this section called "apparatus") and any other apparatus connected with any apparatus so removed diverted or altered and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience to the company as circumstances admit and shall make reasonable compensation for any damage caused to any apparatus by the execution of the works which the Corporation are by this Part of this Act

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authorised to execute (in this section called "the permitted works") Provided that before the Corporation execute any of the permitted works relating to any apparatus they shall (except in cases of emergency) give to the company notice of their intention to do so such notice to be given seven days at least before the commencement of the execution of the permitted works and such works shall be done under the superintendence (at the expense of the Corporation) of the company unless the company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the Corporation shall execute such works to the reasonable satisfaction of the company :

(2) If within seven days after notice under subsection (1) of this section has been served upon the company the company so elect they shall themselves as soon as is reasonably practicable execute such works to their apparatus as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the Corporation Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the Corporation :

(3) Where it is reasonably necessary in consequence of the exercise of any of the powers of this Part of this Act for any apparatus of the company to be rendered derelict or unnecessary the Corporation shall pay to the company the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus is provided under the provisions of subsection (1) of this section and shall also repay to the company the cost reasonably incurred by them in disconnecting any such derelict or unnecessary apparatus from any other apparatus of the company :

(4) If any difference arises between the Corporation and the company touching the amount of any

compensation value or cost to be paid by the Corporation under the foregoing provisions of this section or touching any work matter or thing to be done or executed by the Corporation or by the company under such provisions with reference to any apparatus or touching the mode of doing or executing the same such difference shall be settled by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to such settlement. A.D. 1930.

Part IV.

Trolley Vehicles and Omnibuses.

Power to use trolley vehicles.

22.—(1) Subject to the provisions of this Act the Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along any street or road in the borough along which they are at the date of this Act authorised to work tramways and also upon all or any of the following trolley vehicle routes (that is to say):—

Route No. 1 (in the borough) along Nottingham Road from Derwent Street to Mansfield Road thence along Mansfield Road to its junction with Alfreton Road and thence along Alfreton Road to the boundary of the borough;

Route No. 2 (in the borough) along Mansfield Road from its junction with Alfreton Road to the boundary of the borough;

Route No. 3 (in the borough and in the parishes of Chaddesden and Spondon both in the Shardlow Rural District) along Nottingham Road from the termination of the existing tramway of the Corporation therein at Nottingham Road Cemetery to a point 467 yards south-east of the point at which that road crosses the south-easterly boundary of the parish of Chaddesden;

Route No. 4 (in the urban district of Alvaston and Boulton) along London Road from the termination of the existing tramway of the Corporation in that road to its junction with Boulton Street;

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Route No. 5 (in the borough and in the urban district of Alvaston and Boulton) along Chellaston Road from the termination of the existing tramway of the Corporation in that road to Shelton Lock;

Route No. 6 (in the borough) along St. Thomas' Road from its junction with Walbrook Road to Balaclava Road thence along Balaclava Road to Sinfin Lane thence along Sinfin Lane to the boundary of the borough;

Route No. 7 (in the borough and in the parish of Littleover in the Shardlow Rural District) along Burton Road from the termination of the existing tramway of the Corporation therein to its junction with Chain Lane;

Route No. 8 (in the borough and in the said parish of Littleover and in the parish of Mickleover in the Repton Rural District) along Uttoxeter Road from the termination of the existing tramway of the Corporation in that road to its junction with Chain Lane;

Route No. 9 (in the borough and in the parish of Markeaton in the Belper Rural District) along Ashbourne Road from the termination of the existing tramway of the Corporation therein to Markeaton Lane;

Route No. 10 (in the borough and in the said parish of Markeaton) along Kedleston Road from the termination of the existing tramway of the Corporation therein to Allestree Lane;

Route No. 11 (in the borough) along Duffield Road from its junction with Kedleston Road to the boundary of the borough;

Route No. 12 (in the borough and in the urban district of Alvaston and Boulton) along Osmaston Park Road (including the extension thereof in course of construction) from its junction with London Road and Boulton Street Newdigate Street Kenilworth Avenue Warwick Avenue and Manor Road to the termination of the existing tramway of the Corporation in Uttoxeter Road;

Route No. 13 (in the borough) along Stenson Road from its junction with Upper Dale Road and Derby Lane to its junction with Warwick Avenue and Kenilworth Avenue;

Route No. 14 (in the borough) along Pear Tree Road from its junction with Normanton Road to its junction with Dairy House Road and St. Thomas' Road;

Route No. 14A (in the borough) along Portland Street from its junction with St. Thomas' Road to its junction with Pear Tree Road;

Route No. 15 (in the borough) along Charnwood Street from its junction with Normanton Road to its junction with Osmaston Road;

Route No. 16 (in the borough) along Leopold Street from its junction with Normanton Road to its junction with Osmaston Road;

Route No. 17 (in the borough) along St. James' Street from its junction with Victoria Street to its junction with Corn Market;

Route No. 18 (in the borough) from the junction of Iron Gate and the Market Place along the northern and eastern sides of the Market Place to its junction with Derwent Street;

Route No. 19 (in the borough) along Railway Terrace from the termination of the existing tramway of the Corporation in that road thence along Siddals Road the Morledge and Tenant Street to its junction with the Market Place;

Route No. 20 (in the borough) along Albert Street;

and with the consent of the Minister of Transport along any other street or road in the borough or in the area which is included within the red line shown on the map referred to in section 85 (Further powers as to omnibuses) of the Act of 1927 which it is necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access to or from any depot garage building or work of the Corporation.

(2) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport

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for approval and shall also in the case of so much of any trolley vehicle route as is outside the borough submit a copy of such plans to the local authority and the road authority Before approving any such last-mentioned plans the said Minister shall give to the local authority and the road authority an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him.

(3) No turning point shall be fixed upon any road or street belonging to or maintained by the London and North Eastern Railway Company without the consent in writing of that company which consent shall not be unreasonably withheld If any difference shall arise between the Corporation and the said company under this subsection such difference shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to any such determination.

As to repair of roads where tramways are laid.

23. On and from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a tramway service upon the route of any of the tramways of the Corporation the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles is provided under any statutory enactment relating to that undertaking.

As to electrical works.

24.—(1) Subject to the provisions of this Act the Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and in this Act open

and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

Provided that—

(*a*) no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport;

(*b*) all posts and apparatus to be erected by the Corporation under this section in any street or road outside the borough shall be of such design as the local authority and the road authority may approve and such posts and apparatus and all apparatus placed or laid under any such street or road shall be placed in such position as the local authority and the road authority may approve;

(*c*) so much of any route as is outside the borough and in which any apparatus is to be placed or erected for the purposes of connecting the trolley vehicle routes or any of them with a generating station shall be approved by the road authority;

(*d*) any approval of a local authority or a road authority under the foregoing provisoes (*b*) and (*c*) shall not be unreasonably withheld and any question whether or not any such approval has been unreasonably withheld shall be determined by the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

(4) If any post or overhead wire erected under this section outside the borough becomes owing to the construction of any new road by the road authority or the

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widening or alteration of any existing road by the road authority in the opinion of that authority an obstruction the Corporation shall alter the position thereof in such manner as the road authority may direct but the Corporation may appeal against the direction to the Minister of Transport and the decision of the said Minister shall be final.

(5) No advertisement (other than notices relating to the Corporation's tramways trolley vehicle or omnibus undertaking) shall be displayed on any apparatus erected or used on any road or bridge outside the borough under the powers of this Act without the consent of the local and road authority.

(6) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

For further protection of London Midland and Scottish Railway Company.

25. No standards brackets conductors mains cables wires posts poles or other apparatus and equipment for the purpose of working trolley vehicles under or in pursuance of this Act shall be erected or placed on the lands of the London Midland and Scottish Railway Company which are coloured blue on the plan marked "Plan B" which has been signed by Alexander Newlands on behalf of the said company and by George Trevelyan Lee on behalf of the Corporation except with the consent in writing of the said company.

Exclusive right of using apparatus for working trolley vehicles.

26. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Vehicles not to be deemed light locomotives or motor cars.

27.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to those exceptions neither the Motor Car Acts 1896 and 1903

nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence duties on trolley vehicles.

28. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Approval of vehicles by Minister of Transport.

29.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

(2) The Corporation shall not (unless the Minister of Transport otherwise approves) use on any trolley vehicle run by them any tyres other than pneumatic tyres.

(3) The Minister of Transport before giving any approval under subsection (1) of this section with regard to the weight and dimensions of any such vehicles to be used outside the borough shall give to the road authority an opportunity of making representations with reference to the matter in question and shall consider any such representations which may be made to him.

(4) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to or repairable by a railway company the Corporation shall give to the railway company notice of the weight of the trolley vehicles proposed to be used by them upon such road and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of the bridge is insufficient to carry trolley vehicles of such weight Provided that a copy of the objections shall be sent by the

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railway company to the Corporation at the same time as they are sent to the Minister of Transport.

Inspection by Minister of Transport.

30. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

31.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Part II	(Relating to the construction of tramways) except sections 25 28 and 29;
Section 41	(Tramways to be removed in certain cases);
Section 46	(Byelaws by local authority Promoters may make certain regulations);
Section 47	(Penalties may be imposed in byelaws);
Section 48	(Power to local authority to license drivers conductors &c.);
Section 49	(Penalty for obstruction of promoters in laying out tramway);
Section 51	(Penalty on passengers practising frauds on the promoters);
Section 53	(Penalty for bringing dangerous goods on the tramway);
Section 55	(Promoters or lessees to be responsible for all damages);
Section 56	(Recovery of tolls penalties &c.);
Section 57	(Right of user only);
Section 60	(Reserving powers of street authorities to widen &c. roads); and
Section 61	(Power for local or police authorities to regulate traffic in roads) :

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Provided that the notice to be given to the road authority under section 26 of the Tramways Act 1870 shall in the case of the county council be given fourteen days at least before the commencement of the work in any road which they are liable to repair instead of seven days as provided by that section.

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

Application of certain tramway provisions to trolley vehicles.

32.—(1) Subject to the provisions of this Act the following provisions of the Derby Tramways Order 1879 the Act of 1899 (as amended by this Act) the Act of 1901 the Act of 1913 the Act of 1927 and the Act of 1929 shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

The Derby Tramways Order 1879—

Section 37 (Periodical revision of tolls).

The Act of 1899—

Section 9 (Tolls &c. on tramways);

Section 14 (Power to adapt existing tramways for working by mechanical power);

Section 15 (Provisions as to motive power);

Section 16 (Special provisions as to use of electric power);

Section 17 (For protection of Postmaster-General);

Section 19 (Byelaws);

Section 20 (Construction of electric works &c.);

Section 21 (Corporation not bound to carry goods &c.);

Section 22 (Carriage of small parcels);

Section 24 (Power to acquire patent rights);

Section 25 (Power to appropriate and by agreement to acquire lands);

Section 28 (Fares on Sundays or public holidays not to be raised).

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The Act of 1901—

Section 82 (Power to make double lines &c. and make additional passing places);

Section 83 (Additional crossings);

Section 84 (Temporary tramways may be made where necessary);

Section 85 (Corporation may reduce width of footway for constructing tramways);

Section 87 (Reconstruction and adaptation of tramways to mechanical power);

Section 88 (Attachment of brackets to houses);

Section 90 (Working agreements);

Section 91 (Application of road materials excavated in construction of works);

Section 92 (Cheap fares for labouring classes).

The Act of 1913—

Section 9 (For protection of Postmaster-General);

Section 10 (Use of tramway posts by Postmaster-General);

Section 15 (Trees overhanging tramways);

Section 16 (Shelters or waiting-rooms);

Section 17 (Lost property);

Section 18 (Penalty for malicious damage).

The Act of 1927—

Section 84 (For protection of Postmaster-General);

Section 86 (Adaptation of roads);

Section 87 (Saving for railway companies).

The Act of 1929—

Section 31 (Passengers' luggage);

Section 32 (Power to reserve cars for special purposes);

Section 33 (As to signs indicating stopping places);

Section 34 (Restricting running of omnibuses in competition).

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(2) Provided that in the application of the provisions referred to in subsection (1) of this section—

(*a*) the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the tramways of the Corporation or tramcars or omnibuses (as the case may be) and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking or the omnibus undertaking (as the case may be) authorised by the said Acts;

(*b*) Section 85 of the Act of 1901 shall have effect as if the words "within the borough" were omitted therefrom and as if the following words were inserted at the end thereof (that is to say):—

"Provided that the powers of the said section 85 shall not be exercised beyond the borough except with the consent of the local authority within whose area it is proposed to exercise such powers but such consent shall not be unreasonably withheld and any question as to whether any such consent is unreasonably withheld shall be determined by the Minister of Transport";

(*c*) Section 15 of the Act of 1913 shall not apply outside the borough;

(*d*) the expression "protected route" in the said section 34 of the Act of 1929 shall include any of the trolley vehicle routes authorised by this Act which coincide with protected routes as defined in that section and shall also include Routes Nos. 3 5 7 8 9 10 and 11 authorised by this Act in so far as the same are situate within the borough but in the application of the said section to any of such trolley vehicle routes as do not coincide with protected routes as defined therein the section shall have effect as if the fifteenth day of November nineteen hundred and twenty-nine were mentioned in subsection (5) thereof instead of the fifteenth day of November nineteen hundred and twenty-eight.

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(3) Provided also that the trolley vehicles shall only be used for the purpose of conveying—

(*a*) passengers and their luggage;

(*b*) dogs in the care of passengers the maximum charge for any such dog to be a sum not exceeding the fare payable by the passenger;

(*c*) mails;

(*d*) parcels not exceeding fifty-six pounds in weight; and

(*e*) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;

and save as aforesaid shall not be used for the carriage of animals minerals or goods.

Minister of Transport may authorise new routes.

33.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 in the borough or in the area which is included within the red line shown on the map referred to in section 85 (Further powers as to omnibuses) of the Act of 1927 (other than the streets and roads along which they are authorised to use trolley vehicles under the foregoing provisions of this Act) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(2) No application under this section shall be entertained by the Minister of Transport unless the Corporation shall—

(*a*) have published once in each of two successive weeks in the months of October and November or one of them in some newspaper or newspapers circulating in the borough or district to which the application relates notice of

their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette;

(*b*) have posted for fourteen consecutive days in the months of October and November or one of them in conspicuous positions in each of the several streets or roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry in relation thereto to be held or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the Order applied for be made either with or without addition or modification or subject or not to any restriction or condition.

(5) No Order authorising the use of trolley vehicles on any road in an area outside the borough shall be made without the consent of the local authority of such area and the road authority having jurisdiction over such road but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(6) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with

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or without amendment by such Act of Parliament a Provisional Order under this section shall not have any operation.

(7) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(8) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(9) The making of a Provisional Order under this section shall be prima facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(10) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

As to abandonment of tramways.

34.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of the tramways of the Corporation along the route of which the Corporation have provided and equipped or are about to provide and equip trolley vehicles under the provisions of this Act or any Provisional Order made thereunder.

(2) Before making any order under the provisions of this section the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such Order and for the portion of the

road upon which the tramway is situate to be left in good repair and condition so as to comply with the requirements of section 41 of the Tramways Act 1870. A.D. 1930.

Tramway regulations to apply to trolley vehicles.

35. All subsisting regulations and byelaws relating to the tramways of the Corporation made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

Corporation may appoint stopping and starting places.

36. The Corporation may appoint the stations and places from which their trolley vehicles and their omnibuses shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such trolley vehicles and omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed and (if the local authority are not the road authority) the road authority which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport:

Provided that this section shall so far as it relates to motor vehicles (other than trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward adapted to carry eight or more persons cease to have effect on the passing during the session 1930 of any general enactment dealing with the appointment or fixing of stopping and starting places for such motor vehicles as aforesaid.

Through trolley vehicles and omnibuses.

37. The Corporation may run through trolley vehicles or omnibuses along any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses and such trolley vehicles and omnibuses shall be distinguished from other trolley vehicles and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such trolley vehicles and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion

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thereof traversed by any such trolley vehicle or omnibus Provided that during the running of such through trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles or omnibuses as the case may be.

Cloakrooms &c.

38.—(1) The Corporation may provide cloakrooms and rooms or sheds for the deposit of articles and things and the storage of bicycles and other vehicles at any depot or building used by them in connection with the tramway undertaking and at any suitable places on their tramway trolley vehicle and omnibus routes and the Corporation may make charges for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein.

(2) The Corporation may use for the purposes of this section portions of the public streets or roads but only with the consent of the road authority and of the local authority of the district.

Trees overhanging highways on trolley vehicle routes.

39.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the working of their trolley vehicles or the construction or use of the overhead equipment thereof or to obstruct the view of drivers of such vehicles the Corporation may require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having adopted the said section or being a county council refuse or neglect to exercise those powers in accordance with the said requisition the Corporation may apply to the Minister for and the Minister may make an order conferring on the Corporation all or any of the powers of a local authority under the said section in respect of the streets in which the said trees hedges or shrubs are situated.

(3) On the making of such order any authority having powers under section 23 of the Public Health Act 1925 shall during the continuance of the order cease to exercise such powers in respect of the said street or streets to the extent to which they have been conferred on the Corporation.

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As to byelaws &c. under this Part of Act.

40. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Trolley vehicles to form part of tramway undertaking.

41. Subject to the provisions of this Act the trolley vehicle undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

Conveyance of mails.

42. The Corporation shall perform in respect of the trolley vehicles provided under this Act such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

For further protection of county council.

43. The following provisions for the protection of the county council shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the use of the trolley vehicles on any county road maintained by or at the expense of the county council forming part of the trolley vehicle routes (that is to say) :—

(1) If the Corporation in the execution of any works in or affecting any county road shall cause any damage injury or disturbance to such county road or any county or county road bridge culvert drain or other work and shall fail properly to make good all such damage injury or disturbance then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in

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carrying out such works including all reasonable expense of superintendence :

(2) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of the trolley car :

(3) The powers of sections 84 and 85 of the Act of 1901 as extended and applied by the section of this Act of which the marginal note is " Application of certain tramway provisions to trolley vehicles " shall not be exercised by the Corporation without the previous consent in writing of the county council :

(4) The Corporation shall not attach any sign or direction to any pole post standard or other similar erection of the county council without the previous consent in writing of the county council :

(5) If it becomes necessary that the working of the trolley vehicles over any county or county road bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as reasonably required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for affecting such purpose as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid :

(6) The Corporation shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and any such post support or box which shall with such consent

have been so placed erected or attached shall be temporarily removed at any time when reasonably required by the county council in connection with the maintenance reconstruction or alteration of any such bridge:

(7) If any difference arises under this section between the Corporation and the county council the same shall be settled by an engineer to be appointed at the request of either party by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Alvaston and Boulton Urban District Council.

44. The following provisions for the protection of the Alvaston and Boulton Urban District Council (in this section referred to as "the council") shall notwithstanding anything contained in this Part of this Act apply and have effect unless otherwise agreed in writing between the Corporation and the council (that is to say):—

(1) A street or road in which any standards brackets conductors mains cables wires posts poles or other apparatus or equipment for the purpose of working trolley vehicles under or in pursuance of this Act (in this section called "apparatus") are proposed to be placed or erected in the district of the council for the purpose of connecting trolley vehicle routes or of obtaining access to or from any depot garage building or work of the Corporation shall be approved by the council but the approval of the council under this subsection shall not be unreasonably withheld and any question as to whether or not any such approval has been unreasonably withheld shall be determined by the Minister of Transport:

(2) No advertisement (other than notices relating to the Corporation's tramways trolley vehicle or omnibus undertaking) shall be displayed on any apparatus erected or used in the district of the council under the powers of this Act except with the consent of the council:

(3) The Corporation shall not under the powers conferred upon them by section 33 (As to signs indicating stopping places) of the Act of 1929 as extended and applied to the trolley vehicles authorised by this Act attach any sign or direction

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to any lamp-post pole standard or other similar erection belonging to the council without the previous consent in writing of the council.

For protection of London Midland and Scottish and London and North Eastern Railway Companies.

45. The following provisions for the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (each of which is in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the foregoing powers of this Part of this Act (that is to say):—

(1) In this section the word "apparatus" means standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purpose of working trolley vehicles under or in pursuance of this Act:

(2) The apparatus where the same shall be erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or approaches and according to plans and particulars to be previously submitted to and reasonably approved by the company Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof All such apparatus shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so construct maintain and use the apparatus as not to affect injuriously any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

(3) During the erection or placing or repair by the Corporation in pursuance of this Part of this Act of any apparatus affecting any railway bridge or other work belonging to or maintainable by the company the Corporation shall bear and on demand pay to the company the reasonable expense (if any) incurred by the company of and in connection with the employment of such inspectors signalmen and watchmen as may be necessary for protecting the said railway bridges or other works and the conduct of the traffic thereon :

(4) The Corporation shall not in any manner in the execution maintenance user or repair of any of the apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or siding belonging to or maintainable by the company or any traffic thereon :

(5) The Corporation shall 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 any works or property which they may be liable to maintain 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 apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors in connection with the apparatus or any part thereof 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 default or omission :

(6) If the company in the exercise of their existing powers shall hereafter require to widen lengthen strengthen reconstruct alter or repair any bridge or the approaches thereto or other works under or upon which the apparatus is laid or to widen or alter any railway thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for that purpose and if it shall be necessary for such purpose that the apparatus be taken up or diverted and if

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the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up or diversion then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up or diverted 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 purpose as aforesaid and such part of the apparatus 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 or diversion :

(7) 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 altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the apparatus :

(8) If and when the company shall require in the exercise of their existing powers to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed under or in pursuance of this Part of this Act and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such 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 :

(9) If having regard to the proposed position of any apparatus of the Corporation authorised by this Part of this Act when considered in relation to the position of the works of the company at any point where the apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation Provided that notice of their intention to execute such works shall be given by the company to the Corporation :

(10) The Corporation shall not for the purposes of this Part of this Act make attachments to any bridge or other property of the company without the consent in writing of the engineer of the company which consent shall not be withheld unreasonably such attachments if allowed to be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge or other property :

(11) No starting or stopping place shall be appointed or cloakroom room or shed provided so as to prevent proper and convenient access to or exit from any station belonging to the company or any depot belonging to them and adjacent to their railway nor shall any such cloakroom room or shed be provided on any bridge carrying any street or road over the railway of the company :

(12) If any difference shall arise between the Corporation and the company or their respective engineers with reference to the matters aforesaid such difference shall be referred to and determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other

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by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

PART V.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to borrow.

46.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated except where otherwise stated from the date or dates of borrowing.
	£	
(*a*) The purchase of lands -	65,360	Sixty years.
(*b*) The execution of the works authorised by the section of this Act of which the marginal note is "Power to execute river works."	175,000	Forty years.
(*c*) The execution of the street works authorised by the section of this Act of which the marginal note is "Power to execute street works."	5,000	Thirty years.
(*d*) The provision of trolley vehicles	150,000	Ten years.
(*e*) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	96,671	Twenty years.
(*f*) The reconstruction of the roads upon which tramways to be removed or discontinued under this Act are situate.	76,500	Twenty years.
(*g*) The adaptation or erection of buildings for the purposes of the trolley vehicles and omnibuses of the Corporation.	4,000	Twenty-five years.
(*h*) The payment of the costs charges and expenses of this Act.	The sum requisite	Three years from the passing of this Act.

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(2) The Corporation may also with the consent of the Minister of Transport borrow such further money as they may from time to time require for the purposes of Part IV (Trolley vehicles and omnibuses) of this Act or for the purposes of their tramway undertaking (including their omnibus and trolley vehicle undertakings) and with the consent of the Minister borrow such further money as they may from time to time require for any of the other purposes of this Act Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent it is borrowed.

(3) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall be provided by the Corporation in the manner following (that is to say):—

(*a*) As to money borrowed for the purposes (*a*) (*b*) (*c*) and (*h*) mentioned in subsection (1) of this section out of the general rate fund and the general rate;

(*b*) As to money borrowed for the purposes (*d*) (*e*) (*f*) and (*g*) mentioned in subsection (1) of this section and any money borrowed for the purposes of Part IV (Trolley vehicles and omnibuses) of this Act out of the revenue of the Corporation's tramway undertaking;

(*c*) As to money borrowed with the consent of the Minister of Transport or the Minister out of such fund or revenue as the Minister sanctioning the loan may prescribe.

Incorporation of sections from existing Acts.

47. The following sections of the Act of 1899 the Act of 1901 the Act of 1913 the Act of 1927 and the Act of 1929 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

The Act of 1899—

Section 36 (Protection of lender from inquiry);
Section 37 (Appointment of receiver);
Section 38 (Application of money borrowed);
Section 56 (Expenses of execution of Act);
Section 57 (Application of revenue);
Section 64 (Audit of accounts).

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The Act of 1901—

Section 122 (Power to alter steps areas pipes &c.);
Section 124 (Temporary stoppage of streets);
Section 125 (Lands laid into streets to be public highways);
Section 129 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);
Section 133 (Purchase of easements);
Section 134 (Correction of errors in deposited plans and books of reference &c.);
Section 137 (Proceeds of sale of surplus lands);
Section 203 (Compensation how to be determined);
Section 204 (As to appeal);
Section 208 (Judges not disqualified).

The Act of 1913—

Section 29 (Persons under disability may grant easements &c.);
Section 111 (Recovery of demands);
Section 114 (Application of section 265 of Public Health Act 1875);
Section 115 (Saving for indictments &c.);
Section 116 (Crown rights);
Section 117 (Powers of Act cumulative).

The Act of 1927—

Section 65 (Acquisition of easements);
Section 68 (Compensation in case of recently acquired interest);
Section 93 (Inquiries by Minister of Health);
Section 94 (Inquiries by Minister of Transport).

The Act of 1929—

Section 8 (Benefits to be set off against compensation);
Section 9 (Power to enter upon property for survey and valuation);
Section 10 (Power to reinstate owners of property);

Section 11 (Extinction of private rights of way);
Section 12 (Power to develop lands);
Section 23 (Power to make subsidiary works);
Section 24 (Application of road materials excavated in construction of works):

Provided that—

(*a*) section 204 of the Act of 1901 shall only apply in relation to the provisions of the section of this Act of which the marginal note is "Further powers for prevention of flooding";

(*b*) in the application of section 68 of the Act of 1927 the twentieth day of November nineteen hundred and twenty-nine shall be deemed to be referred to instead of the eighteenth day of November nineteen hundred and twenty-six;

(*c*) section 12 of the Act of 1929 shall for the purposes of such application have effect as if Part III of this Act were therein referred to instead of Part IV of the Act of 1929.

Power to enter premises.

48. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the section of this Act of which the marginal note is "Further powers for prevention of flooding" as if those purposes had been mentioned in the said section 102.

Costs of Act.

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

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