# CHAPTER lxxvi.

An Act to authorise the Mexborough and Swinton Tramways Company to provide and work trolley vehicles on additional routes and for other purposes. [4th August 1926.]

A.D. 1926.

WHEREAS the Mexborough and Swinton Tramways Company (in this Act called "the Company") are the owners of a system of tramways in the urban districts of Mexborough Swinton and Rawmarsh in the west riding of the county of York constructed under and by virtue of the Mexborough and Swinton Tramways Acts 1902 and 1905 and the Rawmarsh Urban District Council (Tramways) Act 1900:

And whereas the Company in connection with their tramway system are also the owners of two systems of trolley vehicles moved by electrical power transmitted thereto from some external source constructed under and by virtue of the Mexborough and Swinton (Railless Traction) Act 1913 one of which systems is situate in the said urban districts of Mexborough and Swinton and the other is situate in the urban district of Conisbrough:

And whereas the two systems of trolley vehicles are separated by the existing tramway of the Company in High Street Bank Street and Doncaster Road in the urban district of Mexborough and it is expedient to authorise the Company to run trolley vehicles over the route of the existing tramway so as to connect the existing systems and form one continuous trolley vehicle system

A.D. 1926.

and to authorise the Company to provide and work trolley vehicles on additional routes in the urban district of Conisbrough in extension of their existing system of trolley vehicles :

And whereas it is expedient to make further provision in regard to the tramways and trolley vehicles of the Company :

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

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 :—

Short title.

**1.** This Act may be cited as the Mexborough and Swinton Tramways Act 1926.

Interpretation.

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

The expression "the Company" means the Mexborough and Swinton Tramways Company;

The expression "the Act of 1902" means the Mexborough and Swinton Tramways Act 1902;

The expression "the Act of 1913" means the Mexborough and Swinton Tramways (Railless Traction) Act 1913;

The expression "the Minister" means the Minister of Transport;

The expression "trolley vehicles" means mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

The expression "road authority" means the county council district council or other body in whom a road is vested or who have the power to maintain and repair such road,

A.D. 1926.

Power to use trolley vehicles.

**3.** The Company may provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along the following routes :—

Route No. 1 Wholly in the urban district of Mexborough from the commencement of Route No. 5 authorised by the Act of 1913 at the junction of High Street with Main Street and Swinton Road proceeding along High Street Bank Street and Doncaster Road to the commencement of Trolley Vehicle Route No. 4 authorised by the Act of 1913 near the Old Toll House :

Route No. 2 Wholly in the urban district of Conisbrough commencing at the termination of Trolley Vehicle Route No. 4 authorised by the Act of 1913 proceeding along Dale Road Castle Hill Castle Street Church Street and Old Road to a point opposite the southern corner of the inclosure numbered 536 on the $\frac{1}{2500}$ Ordnance map Yorkshire (West Riding) sheet CCLXXXIV. 14 (2nd edition 1902) :

Route No. 3 Wholly in the urban district of Conisbrough commencing in Old Road at the termination of Route No. 2 and proceeding along such road to its termination at Hill Top :

Provided that before equipping any route for working trolley vehicles to include a turning point or before arranging for a new turning point on any route the Company shall submit plans of the turning point to the Minister for approval Provided further that the Company shall not work trolley vehicles on Route No. 2 beyond the junction of Gardens Lane with Church Street or on Route No. 3 until the carriageway has been widened to a width of at least eighteen feet.

As to electrical works.

**4.**—(1) Subject to the provisions of this Act the Company may in under or over the surface of the streets or roads along or adjoining those along which they are or may be 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

A.D. 1926.

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 no post or other apparatus shall be erected on the carriageway of any public street or road except with the consent of the Minister and also of the West Riding County Council in the case of any public street or road repairable by that council.

(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 1922 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 Company may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

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

Diversion of Route No. 2 in event of construction of new road.

**5.** In the event of a new road being constructed in the urban district of Conisbrough from Station Road opposite the vicarage to Church Street at or near Church Farm the Company may exercise the powers of the section of this Act whereof the marginal note is "As to electrical works" in regard to Station Road and such new road and may provide maintain and equip trolley vehicles and may use the same along Station Road and such new road in lieu of over so much of Route No. 2 authorised by this Act as would be rendered unnecessary by the working or running of trolley vehicles over such new road.

Minister of Transport may authorise new routes.

**6.**—(1) (*a*) If at any time hereafter the Company desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the roads along which they are authorised

to use trolley vehicles under the Act of 1913 or under the foregoing provisions of this Act) they may make application to the Minister and the Minister is hereby empowered to make a Provisional Order authorising the use by the Company of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road to which such application relates 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.

(*b*) Any order made by the Minister under this section in relation to a road along which any tramways belonging to the Company are for the time being situate may make provision for and in relation to the temporary or permanent abandonment or discontinuance of such tramways.

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

(*a*) have published once in each of two successive weeks in the months of October or November 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 the like notice once in one or other of the same months in the London Gazette;

(*b*) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the 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 any objections to the grant of such application.

(3) The Minister may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister 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

A.D. 1926. be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) No Provisional Order shall be made without the consent of the local authority of the district in which the route is situate or (where the local authority are not the road authority) without the consent of the road authority Provided that the consent of a road authority (not being the local authority of the district) shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(6) In any case where it shall appear to the Minister 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 or without amendment by such Act of Parliament a Provisional Order under this Act 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 section 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 in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister in connection with any inquiry under this section shall be paid by the Company.

A.D. 1926.

As to abandonment of tramway.

**7.**—(1) At any time after the passing of this Act the Minister may by order authorise the Company to abandon or discontinue temporarily or permanently the tramway or any part thereof along the route of which the Company have provided and equipped trolley vehicles under the provisions of this Act.

(2) Before making any such order the Minister 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 Company by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such Order and may provide for the removal of the rails of such tramway from the surface of the road and for the portion of the road upon which such rails were laid to be left in good repair and condition.

For protection of Rotherham Corporation.

**8.** The powers of the sections of this Act whereof the marginal notes are "Minister of Transport may authorise new routes" and "As to abandonment of tramway" shall not be exercised in reference to the Rotherham Road in the urban districts of Greasbrough and Rawmarsh between a point in Broad Street Rawmarsh at or near Holly Bush Street and the boundary of the county borough of Rotherham except with the consent of the mayor aldermen and burgesses of that borough under their corporate seal.

Application of provisions of Act of 1913 relating to trolley vehicles.

**9.**—(1) The following provisions of the Act of 1913 shall extend and apply to the provision maintenance and running of trolley vehicles under the powers of this Act:—

Section 2 (Incorporation of Acts) except so much thereof as relates to the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 and section 52 of the Tramways Act 1870;

Section 6 (Saving of excise duties);

Section 7 (Approval of trolley vehicles and equipment by Board of Trade);

Section 9 (Rates for parcels);

A.D. 1926.

Section 10 (List of fares &c. to be exhibited);
Section 11 (Payment of fares rates and charges);
Section 12 (Company not to carry animals and goods other than small parcels);
Section 13 (Company to have exclusive right of using trolley vehicle equipment);
Section 18 (Inspection by Board of Trade);
Section 20 (Conveyance of mails);
Section 21 (Application of sections of Act of 1902) subject as regards section 35 (Cheap fares for labouring classes) of the said Act to the provisions of the section of this Act whereof the marginal note is "Increase of fares" and as regards section 45 of the said Act to the provisions of the section of this Act whereof the marginal note is "For protection of Postmaster-General";
Section 22 (Use of posts and standards by Postmaster-General);
Section 23 (Attachment of brackets to buildings &c.);
Section 24 (Company may appoint stopping and starting places);
Section 25 (Shelters or waiting rooms);
Section 26 (Trees or shrubs overhanging streets and footpaths);
Section 27 (As to removal of snow &c.);
Section 30 (For protection of West Riding County Council);
Section 31 (For protection of Mexborough and Swinton Urban District Councils and Doncaster Rural District Council) Provided that in its application to the trolley vehicle routes authorised by this Act the said section shall be read and have effect as though the word "Conbrough" had been inserted therein lieu of the words "Swinton the rural district council of caster";

Section 32 (For protection of Swinton and Mexborough Gas Board);
Section 33 (For protection of Yorkshire Electric Power Company);
Section 34 (Supply of electrical energy);
Section 35 (Agreements for supply of electrical energy);
Section 42 (Penalty for malicious damage);
Section 45 (Consents of local and road authorities);
Section 48 (Purchase of undertaking).

(2) Nothing in this section or in section 2 of the Act of 1913 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.

For protection of Postmaster-General.

**10.** Subsection (4) of section 45 of the Act of 1902 shall be read and have effect as if the words "generated or used by or supplied to the Company" were inserted in that subsection in substitution for the words "generated by the Company."

Vehicles not to be deemed light locomotives or motor cars.

**11.**—(1) The trolley vehicles of the Company shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder 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 that Act nor the regulations made under that Act 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 of the Company shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

(3) Section 5 (Trolley vehicles not to be deemed light locomotives or motor cars) of the Act of 1913 is hereby repealed.

A.D. 1926.

Application of section 48 of Tramways Act 1870 to trolley vehicles.

**12.** Section 48 of the Tramways Act 1870 is hereby incorporated with this Act and shall apply to the trolley vehicles authorised by or in pursuance of this Act and for the purposes of such application the said section shall be read and have effect as if the said trolley vehicles were carriages using the tramways.

Power to appoint stages.

**13.** The Company may appoint stages upon the tramways each of not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding three half-pence for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed to be a stage Nothing in this section contained shall in any way affect the power of the Company under section 31 of the Act of 1902 to charge a minimum fare of twopence for any distance exceeding half a mile and not exceeding two miles.

Attachment of signs indicating stopping places.

**14.**—(1) The Company may attach to any pole standard or other similar erection erected on or in the highway of or near to the route of any of the tramways or trolley vehicles of the Company signs or directions indicating the position of stopping places for tramways or trolley vehicles Provided that in cases where the Company are not the owners of such pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such pole standard or similar erection by such attachment and the Company shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

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

(4) The Company shall not attach any such sign or direction to any lamp-post standard or other similar

erection belonging to a railway company except with the consent in writing of the railway company.

Lost property.

**15.** Any property found in any tramcar or trolley vehicle of the Company or in any shelter or waiting room in connection with their tramway or trolley vehicle undertaking shall forthwith be handed to the conductor of the tramcar or trolley vehicle or be taken to a place to be appointed for the purpose by the Company and if the same be not claimed within six months after the finding thereof it shall vest in the Company and may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks.

Power to reserve cars for special purposes.

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

(2) The restrictions contained in the Act of 1902 as to tolls or charges for passengers shall not extend to any special cars run upon the tramways or trolley vehicles and in respect thereof the Company may demand and take such tolls or charges as they shall think fit Provided that the running of such cars shall in no way curtail the ordinary service of cars.

Through cars.

**17.** Notwithstanding any provision to the contrary contained in the Act of 1902 the Company may run through tramcars or trolley vehicles along any routes of the tramways or trolley vehicles respectively or any specified portion thereof and the Company may demand and take from all passengers by such through cars or vehicles irrespective of their destination a fare or charge not exceeding the maximum fare which the Company are empowered to charge for and in respect of the whole of such route or the whole of the portion thereof traversed by any such cars or vehicles Provided that the running of such cars or vehicles shall in no way curtail the ordinary service of cars.

A.D. 1926.

Removal of obstructions.

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

Power to require intending passengers to wait in lines or queues.

**19.** For the better regulation of persons desiring to travel in the tramway carriages or trolley vehicles of the Company the Company may make byelaws requiring persons waiting to enter carriages or trolley vehicles at any stopping place or terminus to wait in lines or queues and to enter such carriages or trolley vehicles in the order in which they stood in such line or queue and in the event of the Company making any such byelaws they may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway:

Provided always that the Company shall not erect or maintain any barriers or posts or require persons waiting to enter tramway carriages or trolley vehicles to wait in any line or queue so as to interfere with or render less convenient the access to or exit from any station or depôt of the London Midland and Scottish Railway Company or the London and North Eastern Railway Company.

Byelaws.

**20.** Any byelaws and regulations made by the Company under the provisions contained in this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Increase of fares.

**21.** Section 31 (Rates for passengers) section 34 (Animals and goods) and section 35 (Cheap fares for labouring classes) of the Act of 1902 and any enactment which incorporates or applies the last-mentioned section and section 8 (Fares for passengers) of the Act of 1913 shall be read and construed as if the amount of any rate

charge or fare which the Company are by those sections authorised to charge (other than the minimum fare of twopence authorised by the said section 31 of the Act of 1902) were in each case increased by fifty per centum and the said section 8 of the Act of 1913 as so amended shall extend and apply to the trolley vehicles authorised by this Act Provided that in computing the actual rates fares or charges to be charged a fraction of one half-penny shall be deemed to be one half-penny.

Periodical revision of fares and charges.

**22.** Section 37 (Periodical revision of rates and charges) of the Act of 1902 shall apply to the fares rates and charges authorised by the Act of 1913 as increased by this Act and in reading and construing the said section 37 of the Act of 1902 with this Act the period of three years from the opening for public traffic referred to in the said section 37 shall be read and have effect as if such period were three years from the passing of this Act.

Trolley vehicles to form part of tramway undertaking.

**23.** Subject to the provisions of this Act the trolley vehicle undertaking authorised by the Act of 1913 and this Act shall be deemed to form part of the tramway undertaking of the Company Provided that in the accounts of the Company 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 capital shall be distinguished from revenue.

Accounts to be furnished to Minister of Transport.

**24.** The Company shall in every year within three months after the close of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of the annual accounts of their tramway undertaking.

Inquiries by Minister of Transport.

**25.** In respect of the exercise of any powers or duties conferred on the Minister or the giving by him of any consents under this Act or any existing Act or Order of the Company the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the

A.D. 1926.

" hand of the President or of one of the secretaries of " the Board."

Company may apply their funds.

**26.** The Company may apply towards any of the purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Repeal.

**27.** The following provisions of the Act of 1913 are hereby repealed (that is to say):—

So much of section 2 (Incorporation of Acts) as applies to trolley vehicles section 52 (Transient offenders) of the Tramways Act 1870; and

Section 17 (Contribution towards road maintenance).

Costs of Act.

**28.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any Bookseller.