

ELIZABETH II



1973 CHAPTER xxxi

An Act to provide for the purification of the waters of the river Tame and the river Trent by the construction of lakes, sludge and effluent pipelines and other works by the Trent River Authority; to authorise the Authority to acquire lands and rights and to confer further powers on the Authority in relation to lands, works and the administration of their area; and for other purposes.

[25th July 1973]

WHEREAS the Trent River Authority (hereinafter in this Act referred to as "the Authority") were constituted in pursuance of the Water Resources Act 1963 (hereinafter 1963 c. 38. this Act referred to as "the Act of 1963"), as the authority responsible for water conservation, land drainage, prevention of pollution and the management and improvement of salmon, trout and freshwater fisheries within the catchment area of the river Trent and its tributaries (hereinafter in this Act referred to as "the Trent area"):

And whereas the river Tame (hereinafter in this Act referred to as "the river"), which is one of the main tributaries of the river Trent, has been for many years grossly polluted by trade and sewage effluents discharged therein:

And whereas in periods of heavy rainfall the pollution of the river is substantially aggravated by surface water and storm sewage overflow discharges from built-up areas draining to the river and the polluting effects extend downstream from the outfall of that river over a great part of the river Trent:

And whereas the condition of the river and of the river Trent downstream of its confluence with the river will be improved by the works to be constructed to improve the trade and sewage effluents discharged into it, but unless effective action is taken to deal with the polluting effects of surface water discharges and storm sewage overflow discharges, a consistent improvement in the condition of the river cannot be maintained:

And whereas a significant reduction in the polluting effects from surface water and storm sewage overflow discharges would be effected by the lakes and other works by this Act authorised and it is therefore expedient to empower the Authority to construct the said lakes and other works and to impound and abstract water from the river by means of such works:

And whereas it is expedient that the Authority should be empowered to acquire lands and easements for the works which they are by this Act respectively authorised to construct:

And whereas to enable the Authority to discharge their functions with greater efficiency it is expedient that they should be granted the additional powers conferred upon them by this Act:

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

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

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

For the construction of the works authorised by this Act to be constructed	£5,391,000
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And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a number of years:

And whereas plans and sections showing the lines, situation and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners or lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the clerks of the county councils of the administrative counties of Warwick and Stafford, which plans

sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

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

PART I

PRELIMINARY

1. This Act may be cited as the Trent River Authority Act Short title. 1973.

2. This Act shall be divided into Parts as follows:—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Purification works.

Part III.—Additional powers.

Part IV.—General.

3.—(1) In this Act, unless the subject or context otherwise requires, the several words and expressions to which meanings are assigned by the Act of 1963 have the same respective meanings and the following expressions have the meanings hereby respectively assigned to them:—

“ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.

“ the Act of 1971 ” means the Trent and Lincolnshire Water Act 1971; 1971 c. xiii.

“ the appropriate Minister ” means, in cases where the powers of this Act are intended to be exercised in relation to or for the purposes of the functions of the Authority relating to land drainage or fisheries, the Minister of Agriculture, Fisheries and Food; and, in any other case, the Secretary of State;

“ the Authority ” means the Trent River Authority;

“ the county ” means the administrative county of Warwick;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force within the area of the Authority;

“ the lakes ” means Works Nos. 2, 9, 12, 16, 19, 24 and 26 and any works, apparatus or conveniences connected therewith or incidental thereto;

PART I
—cont.

“land” means any corporeal hereditament, including a building, and includes land covered by water and any interest in, or right over, land;

“purification works” means the works or any lake or ponds and any works connected therewith or subsidiary thereto constructed under section 20 (Power to construct purification lakes) of this Act or under any order made under section 67 of the Act of 1963 as applied by the said section 20;

“the river” means the river Tame;

“the Third Schedule” means the Third Schedule to the

1945 c. 42.

“the Trent area” means the area of the Authority;

“watercourse” includes all rivers, streams, canals, ditches, drains, cuts, culverts, dykes, sewers and passages through which water flows except mains (within the meaning of the Third Schedule) and local authority sewers;

“the works” means Works Nos. 1 to 35 and any works, apparatus and conveniences connected therewith, constructed or provided by the Authority as part of, or in connection with, or for the purposes of, those works or any of them.

(2) References in this Act to reference points shall be construed as references to National Grid reference points.

(3) Unless the subject or context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(4) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

Application
and
modification
of
enactments.

4.—(1) (a) For the purposes of this Act the provisions of the Third Schedule which are specified in column (1) of Schedule 1 to this Act shall, subject to the modifications set out in column (2) thereof, apply to the Authority and the works.

(b) Subject as aforesaid the said provisions are hereby incorporated with this Act and, as so incorporated, shall have effect as if for references therein to undertakers there were substituted references to the Authority.

(2) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

PART I
—cont.

1845 c. 20.

(a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of eight years from the commencement respectively of the construction of any of the works authorised by the special Act”;

(b) the expression “the company” meant the Authority; and

(c) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre line of any such works respectively or in the case of the lakes the normal operating level as shown on the deposited plans.

(3) (a) Part I of the Compulsory Purchase Act 1965 (except section 4, subsection (5) of section 24, section 27, and subparagraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

1965 c. 56.

1946 c. 49.

(b) In subsection (1) of section 11 of the said Act of 1965 as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

(c) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

1845 c. 18.

PART II

PURIFICATION WORKS

Works and lands

5.—(1) Subject to the provisions of this Act the Authority may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown upon the deposited sections make and maintain in the county and in the

Power to
construct
works.

PART II
—*cont.*

administrative county of Stafford the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

In the county—

Work No. 1 An inlet channel (incorporating a gravel trap and booms) for diverting the river into Work No. 2 situate in the parish of Lea Marston in the rural district of Meriden, commencing at reference point SP.93500 : 20620 and terminating at reference point SP.93665 : 20810;

Work No. 1A A weir to control the flow of water from Work No. 1 to Work No. 2 situate in the said parish of Lea Marston commencing at reference point SP.93695 : 20805 and terminating at reference point SP.93688 : 20815;

Work No. 1B A grit channel (incorporating a footbridge) conveying water from Work No. 1 to Work No. 2 situate in the said parish of Lea Marston commencing at Work No. 1A at reference point SP.93695 : 20815 and terminating in Work No. 2 at reference point SP.93775 : 20860;

Work No. 1C A weir to control the flow of water from Work No. 1 to Work No. 2 situate in the said parish of Lea Marston commencing at reference point SP.93672 : 20825 and terminating at reference point SP.93665 : 20835;

Work No. 1D A grit channel (incorporating a footbridge) conveying water from Work No. 1 to Work No. 2 situate in the said parish of Lea Marston and in the parish of Nether Whitacre in the said rural district of Meriden commencing at Work No. 1C at reference point SP.93670 : 20835 and terminating in Work No. 2 at reference point SP.93720 : 20912;

Work No. 2 A lake (incorporating portions of the bed of the river) in the said parishes of Lea Marston and Nether Whitacre in the enclosures specified in Part I of Schedule 2 to this Act;

Work No. 2A An access road in the said parishes of Lea Marston and Nether Whitacre commencing by a junction with the road from Lea Marston to Whitacre Heath (classified road C.124) at reference point SP.93395 : 20660 and terminating by a junction with Work No. 2B at reference point SP.93675 : 20775;

Work No. 2B An access road in the said parishes of Lea Marston and Nether Whitacre commencing at reference point SP.93590 : 20745 and terminating at reference point SP.93705 : 20920;

PART II
—cont.

Work No. 3 Sludge concentration tanks, oxidation tanks and pumping station in the said parish of Lea Marston in the enclosures specified in Part II of the said schedule;

Work No. 3A An access road in the said parish of Lea Marston commencing by a junction with the road from Lea Marston to Marston (classified road D.151) at reference point SP.93958 : 20290 and terminating at Work No. 3;

Work No. 3B An access road in the said parish of Lea Marston commencing at Work No. 3 and terminating by a junction with Work No. 3C at reference point SP.93645 : 20745;

Work No. 3C An access road in the said parish of Lea Marston commencing at reference point SP.93622 : 20720 and terminating at reference point SP.93778 : 20840;

Work No. 3D An access road in the said parish of Lea Marston commencing by a junction with Coton Road (classified road C.125) at reference point SP.94540 : 20975 and terminating at Work No. 3;

Work No. 4 A weir to control the flow of water from Work No. 2 to Work No. 9 situate in the said parish of Nether Whitacre commencing at reference point SP.94315 : 21230 and terminating at reference point SP.94305 : 21260;

Work No. 5 A culvert under the said Coton Road situate in the said parish of Nether Whitacre commencing at reference point SP.94318 : 21247 and terminating at reference point SP.94358 : 21260;

Work No. 5A An outlet channel conveying water from Work No. 2 to the river situate in the said parish of Nether Whitacre commencing at Work No. 5 at reference point SP.94358 : 21260 and terminating by a junction with the river at reference point SP.94428 : 21315;

Work No. 6 A weir across the river in the said parish of Nether Whitacre commencing at reference point SP.94248 : 21330 and terminating at reference point SP.94230 : 21370;

PART II
—cont.

- Work No. 7 A weir to control the flow of water from Work No. 2 to Work No. 9 situate in the said parish of Nether Whitacre commencing at reference point SP.94228 : 21399 and terminating at reference point SP.94225 : 21435;
- Work No. 8 A culvert under the said Coton Road in the said parish of Nether Whitacre commencing at reference point SP.94230 : 21418 and terminating at reference point SP.94272 : 21420;
- Work No. 8A An outlet channel (incorporating a bridge) conveying water from Work No. 2 to the river situate in the said parish of Nether Whitacre commencing at Work No. 8 at reference point SP.94272 : 21420 and terminating by a junction with the river at reference point SP.94342 : 21360;
- Work No. 9 A lake (incorporating portions of the bed of the river) in the said parishes of Lea Marston and Nether Whitacre in the enclosures specified in Part III of the said schedule;
- Work No. 10 A weir (incorporating a footbridge) to control the flow of water from Work No. 9 to Work No. 12 situate in the said parish of Nether Whitacre commencing at reference point SP.94653 : 21685 and terminating at reference point SP.94648 : 21690;
- Work No. 10A A weir (incorporating a footbridge) to control the flow of water from Work No. 9 to Work No. 12 situate in the said parish of Nether Whitacre commencing at reference point SP.94815 : 21538 and terminating at reference point SP.94805 : 21545;
- Work No. 11 A weir (incorporating a footbridge) to control the flow of water from Work No. 9 to Work No. 12 situate in the said parish of Nether Whitacre commencing at reference point SP.95040 : 21395 and terminating at reference point SP.95033 : 21400;
- Work No. 12 A lake (incorporating portions of the bed of the river) in the said parish of Nether Whitacre and in the parish of Kingsbury in the rural district of Atherstone in the enclosures specified in Part IV of the said schedule;
- Work No. 13 A weir to control the flow of water from Work No. 12 to the river situate in the said parish of Kingsbury commencing at reference point SP.95340 : 21795 and terminating at reference point SP.95328 : 21837;

- Work No. 13A An outlet channel conveying water from Work No. 12 to the river situate in the said parish of Kingsbury commencing at Work No. 13 at reference point SP.95342 : 21820 and terminating in the river at reference point SP.95455 : 21810;
- Work No. 14 A weir to control the flow of water from Work No. 9 to Work No. 16 situate in the said parishes of Lea Marston, Nether Whitacre and Kingsbury commencing at reference point SP.94960 : 21142 and terminating at reference point SP.94970 : 21177;
- Work No. 15 A culvert under the road from Marston to Kingsbury (classified road A.4097) situate in the said parishes of Lea Marston and Kingsbury commencing at reference point SP.94970 : 21158 and terminating at reference point SP.95032 : 21138;
- Work No. 16 A lake in the said parishes of Lea Marston and Kingsbury in the enclosures specified in Part V of the said schedule;
- Work No. 17 A weir to control the flow of water from Work No. 16 to Work No. 19 situate in the said parish of Kingsbury commencing at reference point SP.95468 : 21200 and terminating at reference point SP.95483 : 21235;
- Work No. 18 A culvert under Kingsbury Road in the said parish of Kingsbury commencing at reference point SP.95483 : 21215 and terminating at reference point SP.95508 : 21200;
- Work No. 19 A lake (incorporating portions of the bed of the river) in the said parish of Kingsbury in the enclosures specified in Part VI of the said schedule;
- Work No. 19A An access road in the said parishes of Lea Marston and Kingsbury commencing by a junction with Bodymoor Heath Lane (classified road C.125) at reference point SP.95528 : 20474 and terminating at reference point SP.95788 : 20655;
- Work No. 20 A weir to control the flow of water from Work No. 19 to the river situate in the said parish of Kingsbury commencing at reference point SP.96140 : 21295 and terminating at reference point SP.96120 : 21325;
- Work No. 20A An outlet channel conveying water from Work No. 19 to the river situate in the said parish of Kingsbury commencing at Work No. 20 at reference point SP.96135 : 21316 and terminating in the river at reference point SP.96215 : 21335;

PART II
—cont.

- Work No. 21 A weir to control the flow of water from Work No. 19 to Work No. 22 situate in the said parish of Kingsbury commencing at reference point SP.96155 : 20765 and terminating at reference point SP.96165 : 20800;
- Work No. 21A An access road in the said parish of Kingsbury commencing by a junction with Bodymoor Heath Lane (classified road C.125) at reference point SP.95998 : 20330 and terminating at reference point SP.96192 : 20808;
- Work No. 22 An outlet channel (incorporating a bridge) conveying water from Work No. 19 to the river situate in the said parish of Kingsbury commencing at Work No. 21 at reference point SP.96170 : 20782 and terminating by a junction with the river at reference point SP.96945 : 20970;
- Work No. 23 An inlet channel for diverting the river into Work No. 24 situate in the said parish of Kingsbury commencing at reference point SP.97178 : 20920 and terminating in Work No. 24 at reference point SP.97305 : 20842;
- Work No. 24 A lake (incorporating portions of the bed of the river) in the said parish of Kingsbury in the enclosures specified in Part VII of the said schedule;
- Work No. 24A An access way in the said parish of Kingsbury commencing by a junction with a track at reference point SP.96906 : 20138 and terminating at reference point SP.97285 : 20813;
- Work No. 24B An access way in the said parish of Kingsbury commencing by a junction with the road from Kingsbury to Dosthill (classified road A.51) at reference point SP.97555 : 21195 and terminating at reference point SP.97328 : 20860;
- Work No. 25 A weir (incorporating a footbridge) to control the flow of water from Work No. 24 to Work No. 26 situate in the said parish of Kingsbury commencing at reference point SP.98065 : 20605 and terminating at reference point SP.98077 : 20649;
- Work No. 25A An outlet channel conveying water from Work No. 24 to the river situate in the said parish of Kingsbury commencing at Work No. 25 at reference point SP.98080 : 20625 and terminating by a junction with the river at reference point SP.98285 : 20555;

Work No. 26 A lake (incorporating portions of the bed of the river) in the said parish of Kingsbury and in the parish of Middleton in the said rural district of Meriden in the enclosures specified in Part VIII of the said schedule;

Work No. 27 A weir to control the flow of water from Work No. 26 to the river situate in the said parish of Kingsbury commencing at reference point SP.98748 : 20326 and terminating at reference point SP.98748 : 20365;

Work No. 28 An outlet channel conveying water from Work No. 26 to the river situate in the said parishes of Kingsbury and Middleton commencing at Work No. 27 at reference point SP.98758 : 20345 and terminating in the river at reference point SP.98900 : 20342:

In the county and in the administrative county of Stafford—

Work No. 28A An access road (incorporating a bridge) in the said parishes of Middleton and Kingsbury and in the parish of Drayton Bassett in the rural district of Lichfield in the administrative county of Stafford commencing by a junction with the road from Coleshill to Tamworth (classified road A.4091) at reference point SP.99028 : 19220 and terminating at the commencement of Work No. 28B at reference point SP.98768 : 20358:

In the county—

Work No. 28B An access road in the said parish of Kingsbury commencing at the termination of Work No. 28A and terminating by a junction with the road from Kingsbury to Dosthill (classified road A.51) at reference point SP.98567 : 21156;

Work No. 29 One or more sludge pipelines in the said parishes of Lea Marston and Nether Whitacre commencing at Work No. 3 and terminating at the commencement of Work No. 30 at reference point SP.93590 : 20966;

Work No. 30 One or more sludge pipelines in the said parishes of Nether Whitacre and Kingsbury commencing at the termination of Work No. 29 and terminating at Work No. 31;

Work No. 31 A sludge treatment works and pumping station in the said parish of Kingsbury in the enclosures specified in Part IX of the said schedule;

PART II
—cont.

Work No. 31A An access road in the said parish of Kingsbury commencing by a junction with Rush Lane (classified road C.150) at reference point SP.99118 : 21515 and terminating at reference point SP.98964 : 21668;

Work No. 31B An access road in the said parish of Kingsbury commencing at Work No. 31 and terminating by a junction with Work No. 31A at reference point SP.99026 : 21600:

In the county and in the administrative county of Stafford—

Work No. 32 One or more effluent pipelines commencing in the said parish of Kingsbury at Work No. 31 and terminating in the borough of Tamworth in the county of Stafford at reference point SK.00326 : 21840:

In the county—

Work No. 33 An intake in the river in the said parish of Kingsbury in the enclosure numbered 4571 on the 1/2500 ordnance map of Warwickshire sheet SP.2098 (edition of 1955);

Work No. 33A A line or lines of pipes in the said parish of Kingsbury commencing at Work No. 33 and terminating at Work No. 34;

Work No. 34 An intake and pumping station in the said parish of Kingsbury in the enclosure numbered 4571 on the 1/2500 ordnance map of Warwickshire sheet SP.2098 (edition of 1955);

Work No. 34A An access road in the said parish of Kingsbury commencing by a junction with Work No. 28B at reference point SP.98765 : 20395 and terminating at reference point SP.98705 : 20395;

Work No. 35 A line or lines of pipes in the said parish of Kingsbury commencing at Work No. 34 and terminating at Work No. 31.

(2) The Authority may from time to time renew and alter any of the works described in subsection (1) of this section.

Stopping up
and diversion
of bridleways
and footpaths.

6.—(1) The Authority may stop up the footpaths in the county and described in column (1) of Schedule 3 to this Act between the points specified in column (2) of that schedule and thereupon all rights of way over or along the said footpaths shall be extinguished.

(2) The Authority may construct the footpaths or diversions of existing footpaths shown on the deposited plans.

(3) The Authority may also stop up so much of any other bridleways or footpaths within the limits of deviation of the works as may be situate on any lands acquired by the Authority under the powers of section 8 (Power to acquire lands) of this Act and thereupon all public rights of way over any such portions of bridleways and footpaths shall be extinguished.

(4) No portion of any bridleway or footpath shall be stopped up under the powers of this section until the Authority are owners in possession of all lands abutting on both sides of such portion along the complete length to be stopped up except so far as the owners, lessees and occupiers of those lands may otherwise agree.

7. The Authority may from time to time either during or after the construction of the works deepen, dredge, scour and improve and remove obstructions from the bed and banks of the river, any of the lakes and of Works Nos. 1, 1B, 1D, 5A, 8A, 13A, 20A, 22, 23, 25A and 28. Power to dredge.

8.—(1) Subject to the provisions of this Act, the Authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of— Power to acquire lands.

- (a) the works or for the purposes of obtaining access thereto;
- (b) obtaining materials for the construction of the works, or depositing spoil or other material excavated during the construction thereof;
- (c) the treatment and disposal of sludge removed from the lakes;

or otherwise for the purposes of this Act or other purposes connected therewith.

(2) (a) The powers of the Authority for the compulsory acquisition of lands under this section shall not be exercised after 31st December, 1976.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1976, notice to treat has been served in respect of that land.

PART II
—cont.
Application to
Part II of
certain
provisions of
Act of 1971.

9.—(1) The following provisions of the Act of 1971 shall, subject to the provisions of this Act, apply and have effect for the purposes of or in connection with the construction of the works and the acquisition of lands and easements under the powers of this Part of this Act and for other purposes of this Act as if the said provisions were, subject to any necessary modifications, in terms re-enacted in this Act, that is to say:—

- Section 7 (Subsidiary powers to Trent and Lincolnshire Authorities);
- Section 13 (Power to Water Board to improve and regulate flow of certain watercourses);
- Section 15 (Agreements with owners of land and others for execution of works);
- Section 16 (Power to use bed and banks of watercourses);
- Section 26 (Correction of errors in deposited plans and book of reference);
- Section 27 (Acquisition of part only of certain properties);
- Section 28 (Power to acquire easements only);
- Section 29 (Easements only to be acquired for underground works);
- Section 30 (Disregard of recent improvements and interests);
- Section 31 (Extinction of private rights of way);
- Section 32 (Grant of easements by persons under disability);
- Section 34 (Agreements with adjoining owners).

(2) For the purposes of this section but without prejudice to the generality of subsection (1) of this section, the said applied provisions shall have effect subject to the following modifications:—

- (a) any references therein to the Act of 1971 shall be construed as references to this Act and any references therein to the deposited plans or the deposited sections shall be construed as references to the deposited plans or the deposited sections as defined in this Act;
- (b) any references therein to the Trent Authority, the Lincolnshire Authority, the River Authority, the Water Board or the appropriate authority as defined respectively in that Act shall be construed as references to the Authority;
- (c) any references therein to the Trent works, the Lincolnshire works or the Water Board's works as defined respectively in that Act shall be construed as references to the works;

- (d) the references in the said section 15 to the drainage board of any drainage district shall be omitted;
- (e) the references in paragraph (a) of subsection (3) of the said section 13 to an internal drainage board shall be construed as references to the British Waterways Board and paragraphs (b) and (c) thereof shall be omitted;
- (f) the reference in subsection (3) of the said section 26 to the Kesteven Council or the Lindsey Council as defined respectively in that Act shall be construed as a reference to the county councils respectively of the county or of the administrative county of Stafford;
- (g) in subsection (8) of the said section 27 after the word "thereto" there shall be inserted the words "or of an agricultural unit.";
- (h) the reference in subsection (4) of the said section 28 to subsection (3) of section 25 (Power to acquire land) of that Act shall be construed as a reference to subsection (2) of section 8 (Power to acquire lands) of this Act;
- (i) the references in subsection (1) of the said section 29 to the said section 25 and section 28 (Power to acquire easements only) of that Act shall be construed as references respectively to section 8 (Power to acquire lands) of this Act and the said section 28 as applied by this section; and the reference in subsection (2) of the said section 29 to the works therein mentioned shall be construed as a reference to Works Nos. 29, 30, 32 and 35.

PART II
—cont.

Abstractions and discharges

10. Subject to the provisions of this Part of this Act, the Authority may collect, intercept, impound, take, use, divert and appropriate for the purposes of this Act the waters of the river and all such other waters, rivers, streams, springs, tributaries and feeders as may be taken and intercepted by means of the lakes and Works Nos. 1, 1B, 1D, 5, 5A, 8, 8A, 13A, 15, 18, 20A, 22, 23, 25A and 28, and may raise or lower or regulate the water or the level of the flow of water in the river and the said waters, rivers, streams, springs, tributaries, feeders or any of them to such an extent as may be necessary for the purpose of the construction or operation of the works or other the purposes of this Part of this Act.

Power to take waters of the river Tame and other rivers and streams.

11. The restriction imposed by subsection (1) of section 23 of the Act of 1963 shall not apply to the abstraction of water—

(a) under the powers of section 10 (Power to take waters of the river Tame and other rivers and streams) of this Act;

Exemption from section 23 of Act of 1963.

PART II
—cont.

(b) in the course of exercising the powers of section 7 (Power to dredge) of this Act;

(c) in the course of removing sludge or other material from any purification works.

**Abstraction
by Works
Nos. 33 and 34.**

12.—(1) (a) The Authority may from the date of completion of Works Nos. 33 and 34 respectively by means of each of the intakes forming part of those works abstract from the river a quantity of water not exceeding 120,000 gallons in any day.

(b) The quantity of water so abstracted shall be measured by a gauge, weir or other apparatus for measuring the flow of water in such manner and at such location as may be determined by the Authority.

(2) The provisions of subsection (1) of this section shall be deemed to be included in licences under the Act of 1963 granted by the Secretary of State to the Authority; and each of the said licences shall be deemed to have been granted as from the dates respectively of the completion of Works Nos. 33 and 34 and shall remain in force until revoked or varied under the Act of 1963.

(3) Except as may be otherwise provided by this Act the provisions of the Act of 1963 shall apply to a licence deemed by the foregoing provisions of this section to have been granted under the Act of 1963 as they apply to a licence granted under that Act:

Provided that the Authority shall not be liable to pay any charge levied under the charging scheme for the time being in force within the Trent area in respect of any such licence.

**Certain of
the works
deemed to be
constructed
under
impounding
licence.**

13. Works Nos. 1A, 1C, 4, 6, 7, 10, 10A, 11, 13, 14, 17, 20, 21, 25 and 27 shall be deemed to have been constructed under licences under section 36 of the Act of 1963 granted by the Secretary of State to the Authority and, except as may be otherwise provided by this Act, the provisions of the Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licences deemed by this section to have been granted under that section as they apply to those so granted.

**Discharge
and transfer
of water.**

14.—(1) The Authority may from or by means of any of the works discharge water either directly or indirectly into any inland water (whether or not it is the inland water from which the water so discharged has been abstracted) or may by means of any such works transfer water from one inland water to another.

1971 c. 34.

(2) The provisions of subsection (3) of section 1 of the Water Resources Act 1971 shall apply with respect to damage which

is attributable to any discharge of water made by the Authority pursuant to the powers of subsection (1) of this section as those provisions apply with respect to any discharge of water made by a river authority in pursuance of an order under that section.

PART II
—cont.

(3) Except in a case of emergency, and except in so far as may be otherwise agreed in writing between the Authority and the navigation authority concerned, where the water is to be discharged into any watercourse in respect of which a navigation authority exercise functions, the Authority shall not discharge the water without the approval of the navigation authority, or except at such times as that authority may approve and in a manner approved by them as not likely to injure the watercourse or the banks thereof, or interfere with traffic thereon:

Provided that—

- (a) this subsection shall not apply if the point of discharge into the watercourse is more than three miles above the limits within which the navigation authority exercise jurisdiction;
- (b) an approval required for the purposes of this subsection shall not be withheld unreasonably, and any question whether it is withheld unreasonably or not shall be settled by arbitration; and
- (c) any approval for which application is made under this subsection shall be deemed to have been given unless notice of disapproval is given to the Authority within seven days after the making of the application.

(4) Except in so far as may be otherwise agreed in writing, where the Authority discharge water during an emergency, they shall forthwith give to the authorities concerned notice thereof and such further particulars relating to the discharge as may reasonably be required.

15.—(1) It shall be lawful for the Authority to divert and alter the course or the flow of water in, into or out of any watercourse on any lands acquired or appropriated by them for the purposes of the works and the existing bed, banks and channel of the diverted portion of such watercourse shall by virtue of this Act vest in the Authority and may be appropriated and used by the Authority for the purposes of or in connection with those works.

**Power to
divert
watercourses.**

(2) In the exercise of the powers conferred by this section the Authority shall do as little damage as may be.

PART II
—cont.

(3) The powers of this section shall not be exercised with reference to any watercourse in relation to which functions are exercisable by a navigation or harbour authority without the consent of that authority and any such consent may be given subject to such reasonable conditions (other than a monetary payment) as that authority may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by the Secretary of State.

Finance and miscellaneous

Power to borrow.

16.—(1) The Authority may borrow, without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table:—

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands and easements and payment of compensation	The sum required	Sixty years.
(b) The construction of the works, except pumping, electrical and mechanical plant forming part of Works Nos. 3, 31 and 34	£4,495,000	Fifty years.
(c) The provision of pumping, electrical and mechanical plant	£896,000	Twenty years.
(d) The payment out of capital of interest on moneys borrowed for, or in respect of, the foregoing purposes	The sum required	In relation to each of the following purposes, within the period specified opposite thereto:— purpose (a) sixty years purpose (b) fifty years purpose (c) twenty years.
(e) The payment of the costs, charges and expenses of this Act	The sum required	Ten years.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the Authority without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the said table.

(3) The Authority may also with the sanction of the Secretary of State borrow such further sums as may be necessary for any of the purposes of this Act, and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the Authority with the consent of the Secretary of State may determine.

(4) Any sum borrowed by the Authority under this section shall for the purposes of subsection (5) of section 92 of the Act of 1963 be deemed to have been borrowed under subsection (2) of that section.

17. The provisions of section 50 (Application of provisions of Local Government (Financial Provisions) Act 1963 to River Authority) of the Act of 1971 shall, subject to the provisions of this Part of this Act and to any necessary modifications, apply and have effect for the purposes of the borrowing of money by the Authority for the purposes of this Part of this Act.

Application of section 50 of Act of 1971.
1963 c. 46.

18. The Authority may make contributions from their water resources account towards expenses incurred by them in connection with purification works and for that purpose paragraph (b) of subsection (3) of section 83 of the Act of 1963 shall have effect as if those expenses were incurred by the Authority in one of the capacities referred to in that paragraph.

Contributions from water resources account.

19.—(1) The Authority and one or more local authorities (within the meaning of the Local Government Act 1972) or other bodies (hereinafter in this section referred to as “the constituent authorities”) may concur in constituting a committee (hereinafter in this section referred to as “the committee”) for the purpose of maintaining and managing any country park provided under section 7 of the Countryside Act 1968 which includes any part of the lakes and any other land contiguous with or adjacent to such country park or used in conjunction therewith being in either case land owned by the Authority or any constituent authority.

Power to establish committee of management.
1972 c. 70.
1968 c. 41.

(2) A constituent authority may delegate to the committee, with or without restrictions or conditions, any of their functions in relation to the area of the country park which if the committee were a committee of the constituent authority they would have been authorised to delegate to that committee; and the committee may exercise any of the functions so delegated.

PART II
—cont.
1972 c. 70.

(3) Except as may be otherwise agreed by the constituent authorities sections 102, 103, 104, 105 and 106 of the Local Government Act 1972 shall apply to the committee as if it were a joint committee of local authorities and for that purpose shall have effect as if all the constituent authorities were local authorities.

Power to
construct
purification
lakes.

20.—(1) (a) For the purpose of improving or maintaining the quality of water in any inland water the Authority shall have power—

- (i) to construct such lakes and ponds and any works connected therewith or subsidiary thereto;
 - (ii) to provide such aerators and apparatus, plant and equipment of any description;
- as they consider necessary or expedient.

(b) The powers conferred by this subsection shall be deemed for the purposes of section 65 of the Act of 1963 to be exercised in the performance of the functions of the Authority.

(c) The power of the Authority under this subsection to provide aerators, apparatus, plant and equipment includes power to enter into agreements with any person for the use upon such terms as may be agreed, of any such apparatus, plant and equipment provided by, or under the control of, that person and, if it appears convenient, for the services of any staff employed in connection therewith.

(2) Sections 67 and 69 of the Act of 1963 shall apply to the construction of works and to the exercise of the other powers of subsection (1) of this section as they apply to the carrying out of engineering or building operations in the performance by the Authority of their new functions.

(3) In this section “construct” includes alter, improve and maintain.

Application
of section 81
of Act of
1963 to
purification
works.

21. Section 81 of the Act of 1963 shall apply so as to authorise the making of agreements in relation to purification works and for that purpose shall have effect as if in subsection (1) of that section—

- (a) for references in paragraphs (a) and (c) to the new functions of the Authority there were substituted references to the provision of purification works; and
- (b) for the reference in paragraph (d) to any reservoir there was substituted a reference to any purification work.

PART III

ADDITIONAL POWERS

Lands

22.—(1) The Authority may exercise the powers for the acquisition of land conferred upon them by or under any enactment so as to acquire interests in land by way of the creation of new interests, as well as interests already in existence before the acquisition thereof by the Authority, and an interest may be so acquired either in perpetuity or for a term of years certain or so as to be terminable by notice.

Acquisition
of new
interests
in land.

(2) Where those powers are exercised so as to acquire compulsorily an interest in any land (in this section referred to as “servient land”) by way of the creation of a new interest (in this section referred to as “the new right”), the provisions of subsections (3) to (5) of this section shall have effect with respect to compensation in respect of the acquisition of the new right.

(3) (a) If the value of any interest in land to which this subsection applies is depreciated by the acquisition of the new right, the person entitled to that interest shall be entitled to compensation from the Authority of an amount equal to the amount of the depreciation.

(b) This subsection applies to any interest in any servient land, and to any interest in any land which, on the relevant date, is held with any servient land.

(4) Where the person entitled to an interest in land to which the last preceding subsection applies sustains loss or damage which—

- (a) is attributable to the acquisition of the new right; and
- (b) does not consist of depreciation of the value of that interest; and
- (c) is loss or damage for which, if his interest in the servient land had been compulsorily acquired and in pursuance of a notice to treat served on the relevant date, he would have been entitled to compensation by way of compensation for disturbance;

he shall be entitled to compensation from the Authority in respect of that loss or damage, in addition to compensation under the last preceding subsection.

(5) Subsections (3) and (4) of this section shall have effect without prejudice to any right to compensation under section 10 of the Compulsory Purchase Act 1965, but, subject to the preceding provisions of this subsection, no person shall be entitled to

1965 c. 56.

PART III
—cont.

compensation, in respect of the compulsory acquisition of the new right, otherwise than in accordance with subsections (3) and (4) of this section.

(6) Subsection (7) of section 46 of the Act of 1963 shall apply to compensation in respect of an interest in servient land subject to a mortgage acquired under the provisions of this section as it applies to compensation in respect of depreciation of the value of an interest in land subject to a mortgage assessed under subsection (6) of the said section 46.

(7) In this section “the relevant date” means the date of service of the notice to treat in pursuance of which the right is acquired.

Appropriation
of land by
Authority.
1972 c. 70.

23. The Authority shall have the like powers for the appropriation of land as are exercisable under section 122 of the Local Government Act 1972 by the council of a county and shall be subject to the like restrictions and conditions imposed in that behalf on such a council under that Act; and the provisions of that section shall apply to the Authority accordingly with any necessary modifications.

Compensation
may be in
land.

24.—(1) When the Authority are required by any enactment to make to any person interested in any land compensation in respect of that land they may by agreement with such person make such compensation wholly or partly in works, land or money but in the case of land for the alienation of which the consent of any government department is required, only with such consent.

(2) Nothing in this section shall release the Authority or any person purchasing or acquiring any land from them under this section from any rent, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the land has been conveyed or leased to or otherwise acquired by the Authority or any persons from or through whom the Authority have derived title to it.

Land drainage

Extension of
section 133
of Act of
1963.

25. Section 133 of the Act of 1963 in its application to the Authority shall have effect as if after subsection (3) thereof there were inserted the following subsection:—

“(3A) If it appears to the Minister of Agriculture, Fisheries and Food that any local enactment relating to any commissioners of sewers or drainage board is inconsistent with any

of the provisions of a scheme submitted by the Trent River Authority under paragraph (b) of subsection (1) of section 4 of the Land Drainage Act 1930 with reference to any such commissioners or board or to their area or district, or that such local enactment requires to be amended or adapted having regard to any of the provisions of that scheme, the said Minister may by order repeal, amend or adapt that enactment to such extent, or in such manner, as the said Minister may consider appropriate.”

PART III
—cont.

1930 c. 44.

Pollution prevention

26.—(1) If any person is guilty of any act or neglect whereby water in any underground strata in the Trent area is contaminated or likely to be contaminated by any poisonous, noxious or polluting matter (whether liquid or solid) he shall be guilty of an offence: Pollution of underground water.

Provided that nothing in this subsection shall apply to—

- (i) any act which is in accordance with good agricultural practice;
- (ii) the reasonable use of oil or tar on any highway, so long as the person responsible for the construction or maintenance (as the case may be) of the highway takes all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such water;
- (iii) the deposit or disposal of house, trade, industrial or other similar refuse (whether liquid or solid) on land which was lawfully being used for that purpose at the passing of this Act if the character of the refuse deposited or disposed of after the passing of this Act is not materially different from that which was being deposited or disposed of before that date;
- (iv) any act committed in the course of the carrying on by the National Coal Board of colliery production activities or colliery activities (as respectively defined in the Coal Industry Nationalisation Act 1946) or the filling in of any mine of coal (as defined in the said Act of 1946) or any part thereof in the interests of public safety; 1946 c. 59.
- (v) the use of any land for the spreading of materials dredged from any inland water in relation to which functions are exercisable by the British Waterways Board;
- (vi) the interment of human remains in a burial ground (as defined in subsection (8) of section 128 of the Town and Country Planning Act 1971); 1971 c. 78.
- (vii) any act or neglect before the passing of this Act;

PART III
—cont.

(viii) the discharge of effluent or other matter in respect of which the consent of the Authority is required by section 72 of the Act of 1963 if that consent has been duly given or, if the consent has been refused, it has been allowed on appeal to the Secretary of State under subsection (6) of the said section 72 and in either case if the discharge complies with such conditions (if any) as may be imposed by the Authority or the Secretary of State (as the case may be); or

(ix) the disposal of any matter (whether liquid or solid) to which the said section 72 does not apply if it has been approved under subsection (2) of this section.

(2) (a) If any person (in this subsection referred to as "the applicant") who proposes to dispose of any matter (whether liquid or solid) within the Trent area applies to the Authority for approval of the disposal thereof and supplies to the Authority such particulars as the Authority may reasonably require as to—

- (i) the site on which the matter is to be disposed of;
- (ii) the method of disposal;
- (iii) the nature and the quantity of the matter to be disposed of; and
- (iv) any other relevant information;

the Authority may either approve the proposals subject to such stipulations (if any) as they may reasonably consider necessary to prevent an offence being committed under subsection (1) of this section or refuse their approval:

Provided that if within three months of receiving such an application the Authority have neither approved the proposals with or without stipulations nor refused their approval, they shall be deemed to have approved the proposals in the terms of the application.

(b) If the applicant is dissatisfied by the refusal of the Authority to approve his proposals or by any stipulations which they make in their approval, he may within twenty-eight days of receiving notification of the decision of the Authority refer the matter to the Secretary of State.

(c) Subsections (6) and (7) of section 72 of the Act of 1963 shall (subject to any necessary modification) apply to references under this subsection as they apply to appeals under the said section 72.

(3) (a) Subsection (8) of section 72 of the Act of 1963 shall apply to an offence against this section as it applies to a contravention of subsection (1) of that section.

(b) Proceedings in respect of an offence against this section shall not be instituted except with the consent of the Attorney-General or by the Authority.

(4) (a) In any proceedings for an offence under this section it shall be a defence for the person charged to prove—

- (i) that the commission of the offence was due to an accident or to some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control; or
- (ii) that in so far as the prosecution is based on an allegation that the contravention was due to neglect that it was impracticable to avoid or prevent the contravention.

(b) Proceedings under this section shall not be instituted against a local authority in respect of the disposal within twelve months after the passing of this Act of domestic refuse, trade refuse or the contents of cesspools, notwithstanding that it is not disposed of on land in use for that purpose before the passing of this Act or if it was disposed of on such land is materially different in character from the refuse disposed of before that date, but this paragraph shall cease to have effect as from the date on which the Authority notify the local authority that the deposit of such material must be discontinued.

In this paragraph “local authority” before 1st April, 1974, means the council of a borough, urban district or rural district and after that date means a district council.

(5) (a) An approval granted by the Authority under this section shall for the purposes of subsection (7) of section 1 of the Deposit of Poisonous Waste Act 1972 have effect only so as to prevent a person who has deposited waste or caused or permitted waste to be deposited in such a manner or in such quantity as to threaten the pollution or contamination of any water supply contained in any underground strata being treated as having contravened subsection (1) of the said section 1. 1972 c. 21.

(b) Where proceedings are being or have been instituted against a person under the said Act of 1972 no proceedings shall be instituted under this section against him in respect of the same offence.

(6) The functions of the Authority under this section shall be deemed to be part of their transferred functions.

(7) (a) Subject to the following provisions of this subsection this section shall cease to have effect on 31st December, 1975.

PART III
—cont.

(b) The Secretary of State may on the application of the Authority by order provide that this section is to continue in force permanently or for such limited period as may be specified in the order.

(c) The power to make an order conferred by the last foregoing paragraph of this subsection shall include power subject to the like condition to make an order varying or revoking any order previously made under the said paragraph.

1889 c. 63.

(d) The Interpretation Act 1889 shall apply to the interpretation of an order made under this subsection as it applies to the interpretation of an Act of Parliament and for the purposes of section 38 of the said Act of 1889 any such order and any order revoked thereby shall be deemed to be an Act of Parliament.

Extension of
section 76 of
Act of 1963.

27. Section 76 of the Act of 1963 shall in its application to the Authority have effect as if—

(a) in subsection (1)—

(i) after “present in” there were inserted “or is likely to enter”;

(ii) after “entered” there were inserted “or is likely to enter”;

(iii) for the words “either or both” there were substituted “any”; and

(iv) after paragraph (b) there were inserted—

“and

(c) preventing that matter from reaching the inland water”;

(b) after subsection (2) there were inserted—

“(2A) Any expenses reasonably incurred by the Authority in taking action under subsection (1) of this section may be recovered as a civil debt in any court of competent jurisdiction from the person responsible for the accident or other unforeseen act or event.”.

*Recreation*Extension of
section 79 of
Act of 1963.

28.—(1) Section 79 of the Act of 1963 shall in its application to the Authority and the Trent area have effect as if—

(a) the purposes for which the Authority may make byelaws under subsection (3) included the improvement of the amenities of such of the inland waters in the Trent area as may be specified in the byelaws and the good rule and the regulation of the conduct of those resorting to such inland waters so specified;

(b) the functions for the purposes for which the Authority may make byelaws under that subsection included the prohibition or control of the use for any form of recreation of any purification works and of any land held by the Authority in connection therewith.

(2) Subsection (5) of section 111 of the Act of 1963 shall in its application to the Authority have effect as if after the word "pollution" there were inserted the words "and of any byelaws made under section 79 (3) of this Act".

(3) Any person duly authorised by the Authority may require any person whom he has reasonable grounds for believing to have committed an offence against any byelaws made under subsection (3) of section 79 of the Act of 1963 to furnish his name and address and if any person, on being required to furnish his name and address, fails to state his name and address correctly he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding twenty pounds.

(4) A local authority shall have power to enforce the Authority's recreational byelaws in respect of any inland water (other than an inland water to which paragraph (e) of subsection (5) of this section applies) in the area of the authority.

(5) (a) The Authority's recreational byelaws shall not apply to an inland water falling within subsection (3) of section 2 of the Act of 1963 which is owned or managed by a local authority.

(b) (i) The Authority's recreational byelaws shall not, except with the consent of the local authority concerned, apply to an inland water to which a local authority's recreational byelaws apply.

(ii) Where the Authority's recreational byelaws apply to an inland water which, after the making of those byelaws, becomes either an inland water in respect of which a local authority's recreational byelaws may be made under section 90 of the National Parks and Access to the Countryside Act 1949 or 1949 c. 97. sections 8, 13 or 41 of the Countryside Act 1968 or an inland 1968 c. 41. water to which a local authority's recreational byelaws made under any other enactment apply the Authority's recreational byelaws shall, except with the consent of the local authority concerned, cease to have effect in relation to that inland water as from the date of the notice published in accordance with paragraph (d) of this subsection and subsection (2) of section 38 of the Interpretation Act 1889 shall apply to the byelaws ceasing 1889 c. 63. to have effect as it applies to the repeal by an Act of some other Act.

(c) The Authority may apply to the Secretary of State on the grounds that a local authority have unreasonably withheld a

PART III
—cont.

consent required by paragraph (b) of this subsection and the Secretary of State, after affording to the Authority and the local authority an opportunity of making representations, may if he thinks fit direct the local authority to give the consent to which the application relates and the local authority shall comply with any direction given by the Secretary of State under this paragraph.

(d) If the Authority's recreational byelaws are to cease to have effect in relation to any inland water in accordance with the provisions of this subsection, the Authority shall as soon as is reasonably practicable after the relevant date publish a notice to that effect in one or more newspapers circulating in the locality of the inland water.

(e) Paragraph (b) of this subsection shall not apply to purification works being a lake or pond or to any inland water connecting any two or more such lakes and ponds forming part of the same purification works.

(f) (i) In this section—

“ the Authority's recreational byelaws ” means byelaws made under subsection (3) of section 79 of the Act of 1963 for any of the purposes specified in paragraph (a) of subsection (1) of this section and in relation to purification works being a lake or pond includes the said byelaws for those purposes made in exercise of the functions referred to in paragraph (b) of subsection (1) of this section;

“ local authority's recreational byelaws ” means byelaws for the purposes specified in paragraph (a) of subsection (1) of this section made or which may be made under section 90 of the National Parks and Access to the Countryside Act 1949, sections 8, 13 or 41 of the Countryside Act 1968 or any other enactment;

“ the proper officer ” means the officer appointed by a local authority owning or managing or authorised to make a local authority's recreational byelaws in respect of an inland water for the purpose of certifying the date which is to be the relevant date;

“ the relevant date ” means the date (as certified by the proper officer) on which the inland water shall have become such an inland water as is referred to in subparagraph (ii) of paragraph (b) of this subsection and is available for use by the public or, if the consent of the local authority to the continuance of the Authority's recreational byelaws has been withheld and an application to the Secretary of State has been made by the Authority under paragraph (c) of this subsection, the date of determination of the application (whichever is the later).

1949 c. 97.

1968 c. 41.

(ii) Where an inland water is owned or managed by more than one local authority or where more than one local authority may make recreational byelaws with respect to an inland water, references in this subsection to a local authority owning or managing an inland water or to a local authority who may make byelaws with respect to an inland water shall be construed as references to the local authorities in question.

29.—(1) The Authority may provide life-saving appliances and rescue equipment at such places, whether places used for bathing or not, adjacent or near to any inland water as they think fit.

Powers for the provision of life-saving appliances, etc.

(2) The Authority may contribute to the expenses incurred by any other body or person engaged in the furtherance of water safety and may combine with any such body or person in providing or maintaining in the Trent area (whether or not in conjunction with any other area) any such life-saving appliances as may be provided or maintained pursuant to the powers of subsection (1) of this section.

Miscellaneous

30. Subsection (3) of section 68 of the Act of 1971 shall have effect as if after paragraph (b) there were inserted the following words:—

Amendment of section 68 (3) of Act of 1971.

“(c) any tunnel or similar structure for conveying water;

and in relation to paragraphs (a) and (b) of this subsection includes any apparatus used in connection with such a pipe or drain”.

31.—(1) The Authority during and for the purposes of executing any of the works may temporarily stop up, alter, divert or otherwise interfere with any highway or any private right of way, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

Temporary stopping up of water-courses, highways, etc.

(2) The Authority shall provide reasonable access for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) The Authority during and for the purposes of executing any work carried out in the performance of any of their functions may temporarily stop up, alter, divert or otherwise interfere with any watercourse.

PART III
—cont.

(4) (a) The powers of subsection (1) of this section shall not be exercised in relation to—

- (i) a trunk road except with the consent of the Secretary of State; and
- (ii) any other highway without the consent of the highway authority, and, in the case of a road which is vested in any person other than the highway authority, that person, but such consent shall not be unreasonably withheld and may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of a consent) as the highway authority or other person may require, and any difference arising between the Authority and the highway authority or other person under this sub-paragraph may be referred by either of the parties (after notice in writing to the other of them) for determination by the Secretary of State whose decision shall be final.

(b) The powers of subsection (3) of this section shall not be exercised in relation to any watercourse—

- (i) without providing a proper substitute before interrupting the passage of water in or through such watercourse, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any watercourse, the amount of such compensation being, in case of dispute, determined by the Lands Tribunal;
- (ii) in relation to which the functions are exercisable by a navigation or harbour authority without the consent of that authority and any such consent may be given subject to such reasonable conditions (other than a monetary payment) as that authority may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by the Secretary of State.

(c) The powers of subsection (1) of this section shall not be exercised so as unreasonably to obstruct or interfere with access to any station or depot of passenger road transport operators.

(d) The temporary stopping up or diversion of any highway or right of way under the powers of this section shall not prevent statutory undertakers from obtaining access to any apparatus nor prejudice or affect any right of statutory undertakers—

- (i) to place, maintain, inspect, repair, renew or remove any apparatus in the highway or right of way; or

(ii) for the purpose of such placing, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway or right of way.

PART III
—cont.

(e) The last foregoing paragraph shall apply to the Post Office as it applies to statutory undertakers and as so applied shall have effect as if—

“ apparatus ” means any telegraphic line as defined in the Telegraph Act 1878 belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus; 1878 c. 76.

“ in ” in a context referring to apparatus includes under, upon, over, along or across.

(5) Except in the case of emergency the Authority shall, not less than seven days before stopping up any highway under the powers of this section, cause notice to be published in one or more newspapers circulating in the district in which the highway is situate of their intention so to do and such notice shall contain a description of the alternative route or routes available for traffic.

(6) So long as any highway remains stopped up a notice describing the alternative route or routes available for traffic shall be kept posted in a conspicuous manner at each end of the highway and at the points at which it will be necessary for vehicles to diverge from the highway.

32. Where a person employed by the Authority occupying any housing accommodation provided by the Authority under section 69 of the Act of 1963 ceases to be employed by them or dies, the Authority may permit him or any of his dependants to remain in occupation of the premises until other accommodation has been found, and where the Authority do so they may take from such person or his dependant such compensation for the retention of the premises as may be agreed without thereby creating a tenancy: Power to allow former employees to continue in occupation of houses provided by the Authority.

Provided that if the Authority permit any such person or his dependant to remain in occupation of the premises for twelve months or longer they shall before the expiration of the period of twelve months grant him a tenancy of the premises on such terms and conditions as they consider to be appropriate in the circumstances of the case.

33. The Authority may, in recognition of long service, grant gratuities to any of their employees who have completed not less than twenty-five years' service with the Authority of such amounts as they think fit not exceeding— Staff gratuities.

(a) £50 in the case of an employee who has completed twenty-five years' service;

PART III
—cont.

- (b) £10 in the case of an employee who retires after having completed not less than thirty years' service and £2 for each complete year of service in excess of thirty;
- (c) such greater amounts as may be approved by the Secretary of State.

Liability of
directors, etc.

1961 c. 50.

34. Subsection (3) of section 118 of the Act of 1963 shall, in its application to the Authority and the Trent area, apply and have effect with respect to any offence under any provision of the Land Drainage Acts, 1930 and 1961, or the Rivers (Prevention of Pollution) Act 1961 as that subsection has effect with respect to any offence under the Act of 1963.

For protection
of gas and
electricity
undertakers.

1882 c. 56.

35. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Authority and the undertakers, apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by or lawfully laid or erected by such undertakers and in relation to the Central Electricity Generating Board includes the pipeline for conveying fly ash from Hams Hall to Bodymoor Heath; or

(b) in the case of the British Gas Corporation any mains, pipes or other apparatus belonging to the said corporation or for the maintenance of which they are responsible;

and includes any structure for the lodging therein of apparatus;

“in” in a context referring to apparatus includes under, over, across, along or upon;

“operational land” means any land which is used by the undertakers for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

“ plan ” includes a section and description;

“ specified work ” means any work or thing done under powers conferred by Part II of this Act;

“ the undertakers ” means the British Gas Corporation, the Central Electricity Generating Board and the East Midlands Electricity Board:

PART III
—cont.

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Authority shall not, under the powers of this Act, acquire any apparatus or operational land otherwise than by agreement:
- (3) The powers conferred on the Authority by paragraph (i) of subsection (1) of section 7 (Subsidiary powers to Trent and Lincolnshire Authorities) of the Act of 1971 as applied by section 9 (Application to Part II of certain provisions of Act of 1971) of this Act to alter apparatus shall not be exercised in respect of any apparatus otherwise than in accordance with the provisions of this section:
- (4) If the Authority in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:
- (5) (a) If the Authority, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan of the proposed work, and if it is agreed between the Authority and the undertakers or, in default of agreement, determined by arbitration that the removal of the apparatus is reasonably required and that it should be removed the following provisions of this paragraph shall have effect;
(b) If it is agreed or determined by arbitration in accordance with sub-paragraph (a) of this paragraph that any apparatus should be removed or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Authority shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the Authority and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

PART III
—cont.

Provided that if the alternative apparatus or any part thereof is to be laid or constructed elsewhere than in other lands of the Authority and the Authority are unable to afford such facilities and rights as aforesaid the undertakers shall, on receipt of a written notice to that effect from the Authority, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (6) (a) Any alternative apparatus to be laid or constructed in lands of the Authority in pursuance of paragraph (5) of this section shall be laid or constructed in such manner and in such line or situation as may be agreed between the undertakers and the Authority or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of laying or construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section and, in default, the Authority may remove the apparatus:
- (7) Notwithstanding anything in paragraph (6) of this section, if the Authority give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Authority, such work, instead of being executed by the undertakers, shall be executed by the Authority with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Authority to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (8) Where in accordance with the provisions of this section the Authority afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Authority

of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Authority and the undertakers, or, in default of agreement, determined by arbitration:

PART III
—cont.

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Authority for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the Authority for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Authority in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted, are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Authority by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

- (9) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to, or is likely to affect, any apparatus the removal of which has not been required by the Authority under paragraph (5) of this section, the Authority shall submit to the undertakers a plan of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection

PART III
—cont.

of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers, within fourteen days after the submission to them of any such plan, shall, in consequence of the work proposed by the Authority, reasonably require the removal of any apparatus and give written notice to the Authority of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Authority under paragraph (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Authority from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;

(c) The Authority shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice and a plan of the work as soon as reasonably practicable and thereafter shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed, the Authority shall provide an alternative means of access to such apparatus:

(11) The Authority shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing reasonably necessary in consequence of the exercise by the Authority of any of the powers of Part II of this Act:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Authority under this paragraph as if the Authority were the promoting authority and works hereinafter in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 35 (For protection of gas and electricity undertakers) of the Trent River Authority Act 1973":

PART III
—cont.

1950 c. 39.

- (12) If by reason or in consequence of the execution, user or failure of any of the specified works, or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of gas or electricity (as the case may be) by the undertakers shall be caused, the Authority shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or in restoring the supply of gas or electricity (as the case may be) and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Authority with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Authority:

PART III
—cont.

- (13) No materials dredged up or removed under the powers of section 7 (Power to dredge) of this Act shall be laid down or deposited in such a place or manner as to cover any apparatus or in any way obstruct or impede any work of or connected with the inspection or repair of any apparatus:

Provided that this paragraph shall not apply in relation to any apparatus unless the undertakers have supplied the Authority with a plan showing the position of the apparatus:

- (14) Before either the Authority or the undertakers install equipment for providing cathodic protection for or in connection with any specified work or any apparatus in the vicinity of any specified work, and thereafter from time to time as may be required by notice given by either party to the other of them, they shall consult together as to the equipment and measures necessary for the protection of the specified work and apparatus:

- (15) The foregoing provisions of this section shall have effect in lieu of the provisions of section 26 of the Public Utilities Street Works Act 1950 in so far as such provisions would otherwise have effect as regards any specified work in relation to apparatus:

1950 c. 39.

- (16) (a) Any difference which may arise between the Authority and the undertakers under this section shall be determined by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Authority to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purposes for which the apparatus is used.

For protection
of British
Railways
Board.

36. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Authority and the board apply and have effect:—

- (1) In this section—

"railway property" means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

“ the specified works ” means so much of the works authorised by this Act as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works;

“ the engineer ” means an engineer to be appointed by the board;

“ plans ” includes sections, drawings and specifications:

(2) The Authority shall not under the powers of Part II of this Act acquire compulsorily any railway property but they may in accordance with the provisions of section 28 (Power to acquire easements only) of the Act of 1971 as incorporated with this Act by section 9 (Application to Part II of certain provisions of Act of 1971) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works:

(3) The Authority shall before commencing the specified works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

(4) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Authority that in consequence of the nature of the specified works it is reasonably necessary that the board should construct any part of the specified works themselves then if the Authority desire such part of the specified works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Authority in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given) of the Authority:

(5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be

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—cont.

carried out before the commencement or during the construction of the specified works to ensure the safety or stability of any railway property affected by the specified works and such protective works as may be reasonably necessary for those purposes shall be constructed by the Authority or by the board, if the board so elect, with all reasonable dispatch and the Authority shall not commence or (as the case may be) continue the construction of the specified works until the engineer shall have notified the Authority that the protective works have been completed to his satisfaction:

- (6) The Authority shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the specified works and except in emergency (when they shall give such notice as may be reasonably practicable to the engineer) also of their intention to carry out any works for the repair or maintenance of the specified works:
- (7) The specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property and if as a result of the specified works any damage to railway property or any such interference or obstruction shall be caused or take place, the Authority shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the board all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:
- (8) The board shall be entitled to supervise the construction of the specified works for the purpose of ensuring the safety of railway property and the Authority shall at all times afford reasonable facilities to the engineer, or his duly appointed representative, for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:

- (9) The board shall at all times afford reasonable facilities to the Authority and their agents for access to any specified works carried out by the board under this section during their construction and shall supply the Authority with all such information as they may reasonably require with regard to such specified works or the method of construction thereof:
- (10) If any alterations or additions either permanent or temporary to railway property shall be reasonably necessary during the construction of the specified works or during a period of twelve months after the completion thereof in consequence of the construction of the specified works such alterations and additions may be effected by the board after notice has been given to the Authority and the Authority shall pay to the board the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:
- (11) The Authority shall repay to the board all costs, charges and expenses reasonably incurred by the board—
- (a) in constructing any part of the specified works on behalf of the Authority as provided by paragraph (4) of this section or in constructing any protective works or removing any temporary protective works under the provisions of paragraph (5) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works:
- Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of the construction of any protective works, under the provisions of the said paragraph (5), a capitalised sum representing such saving may be set off against any sum payable by the Authority to the board under this section;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing as far as may be reasonably practicable any interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;

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—cont.

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works being lighting made reasonably necessary as a result of the specified works or the failure thereof;

(e) in respect of the approval by the engineer of plans submitted by the Authority and the supervision by him of the specified works:

- (12) If at any time after the completion of the specified works (not being works vested in the board) the board shall give notice to the Authority informing them that the state of repair of the specified works appears to be such as to affect prejudicially railway property, the Authority shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and, if and whenever the Authority fail to do so, the board may, on giving not less than fourteen days' notice to the Authority, make and do in and upon the lands of the board or of the Authority all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Authority:

Provided that in case of emergency the board may carry out any necessary works of repair in and upon the lands of the board or the Authority and recover the reasonable costs and expenses of so doing from the Authority and shall give to the Authority notice of such works of repair as soon as practical:

- (13) Before providing any illumination or illuminated road traffic sign on or in connection with the works in the vicinity of any railway property the Authority shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that such illumination or illuminated sign

could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on any railway property:

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—cont.

(14) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Authority in widening, altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Authority to the board:

(15) The Authority shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the specified works or the failure thereof unless it is due to the wilful or negligent acts or omissions of the board or of any persons in their employ, or of their contractors or other persons who have entered on land of the board with their permission; or

(b) by reason of any act or omission of the Authority or of any persons in their employ or of their contractors or others whilst engaged upon the specified works; and the Authority shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Authority or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the Authority from any liability under the provisions of this section:

Provided that the board shall give to the Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Authority:

(16) Any difference arising between the Authority and the board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

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—cont.
For
protection
of British
Waterways
Board.

37. For the protection of the British Waterways Board (in this section referred to as “the board”) the following provisions shall, unless in any case it is otherwise agreed between the Authority and the board, apply and have effect:—

(1) In this section—

“authorised work” means Works Nos. 26, 27 or 28 authorised by this Act together with all necessary works and conveniences connected therewith and includes the construction, maintenance, repair and renewal of such works;

“the engineer” means an engineer to be appointed by the board;

“navigation” means any river, canal or navigation owned or managed by the board and any works connected therewith and includes any lands held or used by the board for the purposes of such river, canal or navigation or works;

“plans” includes sections, drawings and particulars:

(2) The Authority shall not under the powers of this Act acquire compulsorily any lands of the board, but they may acquire and the board shall, if so required by them, grant to the Authority such easements and rights in the lands of the board, shown on the deposited plans, as the Authority may reasonably require for the purposes of the authorised work:

(3) The Authority shall, before commencing an authorised work (other than works of maintenance and repair), furnish to the board proper and sufficient plans therefor for the approval of the engineer, and shall not commence that authorised work until such plans shall have been approved by the engineer or, in the case of difference between the engineer and the Authority, until they shall have been settled by arbitration:

Provided that—

(a) the approval of the engineer shall not be unreasonably withheld;

(b) if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his approval or disapproval thereof, he shall be deemed to have approved them:

(4) Upon signifying his approval or disapproval of the plans the engineer may specify any temporary or permanent works which should be carried out before the commencement or during the construction of the authorised work in order to ensure the stability of any navigation affected

by the authorised work or to protect it from injury from the authorised work, and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the Authority, or by the board if the board so elect, with all reasonable dispatch, and the cost of constructing such protective works shall be paid by the Authority and the Authority shall not commence or (as the case may be) continue the construction of the authorised work until the engineer shall have notified the Authority that such temporary or permanent works have been completed to his satisfaction. The Authority shall pay to the board a capitalised sum representing the reasonable cost of maintaining and renewing any such permanent protective works:

Provided that in the event of any inconsistency between any requirement or direction of the Secretary of State and of the engineer the Authority shall be deemed to have complied with the provisions of this paragraph if it has complied with the requirement or direction of the Secretary of State:

- (5) The Authority shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the authorised works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the authorised works:
- (6) An authorised work shall, when commenced, be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to the navigation and as little interference with or delay or interruption to traffic on the navigation, as may be:
- (7) The Authority shall at all times afford reasonable facilities to the engineer for access to an authorised work during its construction and shall supply him with all such information as he may reasonably require with regard to the authorised work or the method of construction thereof:
- (8) The board shall at all times afford reasonable facilities to the Authority for access to any protective works carried out by the board under paragraph (4) of this section during their construction, and supply the

PART III
—cont.

Authority with all such information as they may reasonably require with regard to such works or the method of construction thereof:

- (9) The Authority shall at all times after the construction of an authorised work maintain it watertight, in substantial repair, and good order and condition, and when necessary renew it to the reasonable satisfaction and under the supervision (if given) of the engineer, and if and whenever the Authority fail to do so after reasonable notice in that behalf, the board may make and do in and upon the lands of the board or of the Authority all such works and things as shall be requisite in that behalf, and the reasonable costs and expenses incurred by the board in so doing shall be repaid to them by the Authority:
- (10) The Authority shall effectively indemnify and hold harmless the board from and against all actions, claims, suits and demands and all losses, costs, damages and expenses which they may sustain, incur or be put to at the suit of a third party as a result of the construction, operation, presence or failure of an authorised work (whether caused by the act, neglect or default of the Authority or not) and the fact that any work or thing may have been done by the board on behalf of the Authority or in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Authority from any liability under the provisions of this section:

Provided that the board shall give to the Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Authority.

For protection of Shell-Mex and B.P. Limited and United Kingdom Oil Pipelines Limited.

38. For the protection of SM & BP and UKOP the following provisions of this section shall, unless otherwise agreed in writing between the Authority and SM & BP or UKOP (as the case may be), apply and have effect:—

- (1) In this section unless the context or subject otherwise requires—

“ the apparatus of UKOP ” means any pipes, cables or other apparatus belonging to UKOP and situate within the limits of deviation for Work No. 30;

the expression “construct” includes enlarging, replacing, relaying, renewing and altering and the expression “construction” shall be construed accordingly;

“the engineer” means an engineer to be appointed by UKOP;

“plans” includes sections, particulars and specifications;

“the specified portion of the work” means any part of Work No. 30 to be constructed within a distance of twenty feet from any of the apparatus of UKOP;

“SM & BP” means Shell-Mex and B.P. Limited;

“UKOP” means United Kingdom Oil Pipelines Limited:

- (2) The Authority shall not under the powers of this Act acquire compulsorily the lands numbered on the deposited plans 82 and 84a in the parish of Kingsbury in the rural district of Atherstone in the county or any part of those lands, but they may in accordance with the provisions of section 28 (Power to acquire easements only) of the Act of 1971—

(a) acquire such easements or rights in the said lands numbered 82 and 84a as they may require during the construction of Work No. 30 for the purpose of providing a means of access to the lands in which Work No. 30 is to be constructed; and

(b) acquire such easements or rights in the said lands numbered 82 and 84a as they may require for the purpose of providing a means of access to the lands in which Work No. 30 has been constructed in order that they may maintain, inspect, renew or remove Work No. 30:

Provided that, if at any time it is agreed between the Authority and SM & BP or, in default of agreement, determined by arbitration that it is reasonable that an alternative means of access to the lands in which Work No. 30 has been constructed for the purpose of maintenance, inspection, renewal or removal of Work No. 30 should be provided in whole or in part in other lands of SM & BP instead of in the said lands numbered 82, SM & BP shall grant to the Authority, and the Authority shall accept, such easements or rights in those other lands

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—cont.

as are reasonably necessary for the purpose of providing such alternative means of access in substitution for any easements or rights acquired under subparagraph (b) of this paragraph:

- (3) The Authority shall not under the powers of this Act acquire compulsorily any interest of UKOP in any land within the limits of deviation for Work No. 30:
- (4) Before either the Authority or UKOP install apparatus for providing cathodic protection for or in connection with so much of Work No. 30 or the apparatus of UKOP (as the case may be) as is to be situated in the vicinity of the other and thereafter from time to time as may be required by notice given by either party to the other of them they shall consult together as to the apparatus and measures necessary for the purposes of protecting Work No. 30 and the apparatus of UKOP and any dispute or difference between the Authority and UKOP as to the apparatus or measures necessary for that purpose shall be determined by arbitration:
- (5) Notwithstanding anything in this Act the Authority shall not under the powers of this Act without the consent of UKOP raise, sink, remove or otherwise alter the position of any of the apparatus of UKOP:

Provided that the consent of UKOP to any such raising, sinking, removing or alteration shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by arbitration:

- (6) Not less than one month before commencing to construct the specified portion of the work the Authority shall submit to the engineer for his reasonable approval plans thereof and shall not commence the specified portion of the work until such plans have been approved by the engineer or in the case of difference between the engineer and the Authority until they shall have been settled by arbitration:

Provided that if the engineer fails within one month after the submission to him of such plans to signify his approval or disapproval thereof he shall be deemed to have approved them:

- (7) At any time within the said period of one month the engineer may by notice in writing to the Authority signify his approval or disapproval of the plans submitted to him and upon signifying such approval or

disapproval he may specify any temporary or permanent works or measures (hereinafter referred to as “ protective works ”) which in his opinion should be carried out or taken by the Authority before the commencement of or during the construction of Work No. 30 in order to ensure the stability of any of the apparatus of UKOP or to protect it from injury and such protective works as may be reasonably necessary for those purposes shall be constructed by the Authority at their own expense and to the reasonable satisfaction of the engineer:

- (8) (a) The engineer shall be entitled to supervise the construction of any protective works for the purpose of ensuring the stability of any of the apparatus of UKOP or of protecting it from injury;
- (b) The Authority shall give to the engineer not less than fourteen days’ notice in writing of their intention to commence to construct the specified portion of the work except in a case of emergency when they shall give such notice thereof as may be reasonably practicable:
- (9) (a) The specified portion of the work shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved by the engineer in accordance with the foregoing provisions of this section or, in case of difference, as may be settled by arbitration and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage or interference with any of the apparatus of UKOP as may be;
- (b) If notwithstanding the foregoing provisions of this subsection any such damage or interference as aforesaid shall be caused or take place the Authority shall notwithstanding any such approval or settlement as aforesaid forthwith make good such damage to the reasonable approval and satisfaction of the engineer and pay to UKOP the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage or interference:
- (10) The engineer shall be entitled to supervise the construction of the specified portion of the work for the purpose of ensuring the safety of any apparatus of UKOP and for that purpose shall be afforded by the Authority all reasonable facilities for access to the specified portion of the work and the Authority shall supply him with all such information as he may reasonably require with regard thereto or the method of construction thereof:

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—cont.

- (11) If by reason or in consequence of the existence of Work No. 30 UKOP reasonably incur any additional expense in altering, reconstructing, renewing or maintaining any of the apparatus of UKOP laid before the construction of Work No. 30 and if not less than one month before incurring any such additional expense UKOP give notice thereof to the Authority the Authority shall repay to UKOP the expenses so incurred:

Provided that in the case of emergency it shall not be necessary for UKOP to give one month's notice to the Authority before incurring any such additional expense but in such a case UKOP shall give notice to the Authority as soon as reasonably practicable after incurring such expense:

- (12) The Authority shall be responsible for and make good to SM & BP and UKOP all costs, charges and expenses not otherwise provided for in this section which may be occasioned to SM & BP and UKOP—

(a) by reason of the construction of Work No. 30 or the leakage or bursting or failure thereof; or

(b) by reason of any act or omission of the Authority or any person in their employ or of their contractors or others whilst engaged upon the construction or maintenance of Work No. 30;

and the Authority shall hold harmless and indemnify SM & BP and UKOP against all damages, losses, costs, expenses and liabilities which SM & BP and UKOP may suffer or incur and against all claims, damages, actions and proceedings which may be made or taken against SM & BP and UKOP or either of them by reason or in consequence of any damage or injury which may arise or be occasioned by or by reason or in consequence of or in connection with the construction, user, maintenance, leakage, bursting or failure of Work No. 30 and the fact that any work or thing may have been done by the Authority in accordance with any plans approved by the engineer or settled by arbitration or in accordance with any requirement of the engineer or under his supervision shall not excuse the Authority from any liability under the provisions of this section:

Provided that—

(a) this subsection shall not impose any liability on the Authority to hold harmless and indemnify SM & BP or UKOP in respect of so much of any damage as is attributable to the act, neglect or default of SM & BP or UKOP or their respective agents;

(b) SM & BP or UKOP (as the case may be) shall give to the Authority reasonable notice of any such claim, demand, action or proceeding as aforesaid which in the opinion of SM & BP or UKOP is a claim or demand for which the Authority may be liable and no settlement or compromise thereof shall be made without the consent in writing of the Authority:

PART III
—cont.

- (13) Any dispute or difference which may arise between the Authority on the one hand and SM & BP or UKOP or the engineer on the other hand under this section or with reference thereto shall be determined by arbitration.

PART IV

GENERAL

39. The provisions of section 74 (Crown rights) and section 75 (Saving for Borrowing (Control and Guarantees) Act, 1946) of the Act of 1971 shall apply and have effect for the purposes of this Act as if for the references in these sections to the appropriate authority there were substituted reference to the Authority and with any other necessary modifications.

Application of sections 74 and 75 of Act of 1971. 1946 c. 58.

40. In arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties) by the President of the Institution of Civil Engineers.

Arbitration.

41.—(1) Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the Session 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for Town and Country Planning Act 1971. 1971 c. 78.

(2) In their application to development authorised by Part II of this Act, article 3 of, and class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 shall have effect as if the authority to develop given—

- (a) by this Act in respect of Works Nos. 1 to 35 were limited to such development begun within ten years after the passing of this Act; and
- (b) by section 7 (Subsidiary powers to Trent and Lincolnshire Authorities) of the Act of 1971 as applied to Part II of this Act by section 9 (Application to Part II of certain

PART IV
—cont.

provisions of Act of 1971) of this Act were limited to development carried out within twelve months of the completion of the works.

1971 c. 78.

(3) In this section the reference to article 3 of, and class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provisions of an Act repealing that section.

Costs of Act.

42. The costs, charges and expenses preliminary to, and of and incidental to, the applying for and the preparing, obtaining and passing of this Act shall be paid by the Authority out of moneys to be borrowed for that purpose or out of any moneys in their hands.

SCHEDULES

SCHEDULE 1

Section 4

PROVISIONS OF THIRD SCHEDULE APPLIED TO THE AUTHORITY

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans" and for the words "the said plans" wherever they occur there shall be substituted the words "the deposited sections".
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	For the words "their works" there shall be substituted the words "the works" and for the words "the provisions of the special Act relating to the breaking open of streets by the undertakers" there shall be substituted the words "section 22 of the Third Schedule as applied to the Authority by subsection (3) of section 69 of the Act of 1963."
Section 6 (Penalty for obstruction of Works)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 91 (Mode of reference to arbitration)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	The words "supply or propose to supply water or" shall be omitted.

Section 5.

SCHEDULE 2

LANDS ON WHICH WORKS NOS. 2, 3, 9, 12, 16, 19, 24, 26 AND 31 ARE TO BE CONSTRUCTED

PART I

WORK NO. 2

(a) The enclosures numbered 6350 (part), 7755 (part), 8783, 9273, 9292 (part), 9375, 9482, 9774 and 9776 on the 1/2500 ordnance map of Warwickshire, sheet SP 2093 (edition of 1956).

(b) The enclosures numbered 9304 and 9716, on the 1/2500 ordnance map of Warwickshire, sheet SP 2094 (edition of 1956).

(c) The enclosures numbered 0069 (part), 0282, 0481, 0583, 0678, 1193, 1378 (part), 1686, 1785, 1786 and 3195 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2193 (edition of 1956).

(d) The enclosures numbered 0417, 1204, 1717, 2212, 2405, 2956 (part), 3015 and 4012 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2194 (edition of 1956).

PART II

WORK NO. 3

(a) The enclosure numbered 5685 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2093 (edition of 1956).

(b) The enclosure numbered 6207 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2094 (edition of 1956).

PART III

WORK NO. 9

(a) The enclosures numbered 0477 (part), 0480 (part), 1187 (part), 1566 (part), 2249 (part), 2488 (part), 2956 (part), 3182 (part), 3538 (part), 3653 (part), 3736 (part), 4333 (part), 4790 (part), 5064 (part) and 6445 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2194 (edition of 1956).

(b) The enclosure numbered 7200 (part), on the 1/2500 ordnance map of Warwickshire, sheet SP 2195 (edition of 1971).

PART IV

WORK NO. 12

(a) The enclosures numbered 4790 (part), 6096, 6445 (part), 6978 (part), 7298, 8275 (part) and 8699 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2194 (edition of 1956).

(b) The enclosures numbered 4216 (part), 6127 (part), 7133 (part), 7200 (part) and 8145 (part), on the 1/2500 ordnance map of Warwickshire, sheet SP 2195 (edition of 1971).

PART V

WORK No. 16

SCH. 2
—cont.

The enclosures numbered 1300 (part), 1522 (part), 2625 (part) and 3135 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2195 (edition of 1971).

PART VI

WORK No. 19

(a) The enclosures numbered 0005 (part), 7695 and 8588 on the 1/2500 ordnance map of Warwickshire, sheet SP 2095 (edition of 1971).

(b) The enclosures numbered 0005 (part), 3500 (part), 7709 (part), 7905 (part) and 8908 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2096 (edition of 1971).

(c) The enclosures numbered 0163 (part), 1183, 1662 (part), 8145 (part), and 2300 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2195 (edition of 1971).

(d) The enclosures numbered 1725 (part), 2300 (part) and 2850 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2196 (edition of 1971).

PART VII

WORK No. 24

(a) The enclosures numbered 6073 (part), 6120 (part), 6847 (part), 7818 (part), 8155 (part), 8266 (part) and 9030 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2097 (edition of 1956).

(b) The enclosures numbered 4440 (part), 6703 (part) and 6516 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2098 (edition of 1955).

PART VIII

WORK No. 26

The enclosures numbered 2229 (part), 3145 (part), 3652 (part), 4440 (part), 4571 (part), 4858 (part), 5543 (part) and 6516 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2098 (edition of 1955).

PART IX

WORK No. 31

(a) The enclosures numbered 4986 (part) and 6793 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2198 (edition of 1955).

(b) The enclosure numbered 6910 (part) on the 1/2500 ordnance map of Warwickshire, sheet SP 2199 (edition of 1955).

Section 6.

SCHEDULE 3

FOOTPATHS TO BE STOPPED UP

1949 c. 97.

No. on map prepared by Warwickshire County Council under section 32 of the National Parks and Access to the Countryside Act 1949	(1) Footpath		(2)
	Rural district	Parish or parishes	Letters on deposited plans showing extent of stopping up
M24A	Meriden	Lea Marston and Nether Whitacre	a to a ₁
T26	Atherstone	Kingsbury	b to b ₁
T29	Atherstone	Kingsbury	c to c ₁
T28	Atherstone	Kingsbury	d to d ₁
T71	Meriden and Atherstone	Middleton and Kingsbury	e to e ₁
T71	Atherstone	Kingsbury	e ₁ to e ₂
T72	Atherstone	Kingsbury	e ₁ to e ₃
T73	Atherstone	Kingsbury	f to f ₁

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Trent River Authority Act 1973

CHAPTER xxxi

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