



# Trent River Authority (General Powers) Act 1971

## CHAPTER Iviii

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

###### Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

#### PART II

##### LANDS

4. Provision of substituted sites.
5. Power to reinstate occupiers of property.
6. Undertakings and agreements binding successive owners.
7. Suspension of restrictive covenants.

#### PART III

##### WORKS

8. Stopping up of section of Grantham Canal.
9. Restriction on exercise of powers of last foregoing section.
10. Construction of works, etc., in part of river Idle.

c. lviii *Trent River Authority (General Powers)  
Act 1971*

PART IV

ADMINISTRATION

Section

11. Provision of goods and services.
12. Instruction lectures, etc., on functions of Authority.
13. Microfilming of documents.

PART V

EMPLOYEES

14. Power to sell houses to employees.
15. Housing advances to employees.
16. Recreational, etc., facilities for employees.

PART VI

SUPERANNUATION

17. Interpretation of Part VI, etc.
18. Commencement of new superannuation provisions.
19. Benefits in certain cases of premature retirement.
20. Power to require designated sums to be paid to trustees.
21. Transfers of employment.
22. Authority to pay cost of new superannuation provisions.

PART VII

MISCELLANEOUS

23. Power to improve amenities of inland waters.
24. Concessionary fishery licence duties.
25. Awards and incentives.
26. Offences in respect of apparatus.
27. Evidence of proceedings, appointments, etc.
28. Extension of section 120 of Act of 1963 to enactments relating to land drainage and pollution.
29. Protection of members and officers of Authority from personal liability.
30. Arbitration.
31. Crown rights.
32. Saving for Town and Country Planning Acts.
33. Costs of Act.

SCHEDULE—Setting out the trusts, powers and provisions upon, with and subject to which the designated sum is to be held in pursuance of a direction given by a contributor under section 20 (Power to require designated sums to be paid to trustees) of this Act.

**ELIZABETH II**



**1971 CHAPTER lviii**

An Act to confer further powers on the Trent River Authority in relation to the acquisition of lands, the construction of works and the administration of the area of the authority; to make further provision for the welfare and superannuation of their staff; and for other purposes.

[27th July 1971]

**W**HEREAS the Trent River Authority (hereinafter in this Act referred to as "the Authority") were constituted in pursuance of the Water Resources Act, 1963 (hereinafter in 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"):

1963 c. 38.

And whereas as the authority responsible for water conservation within the Trent area the Authority are charged by the Act of 1963 with the duty of taking such action as they consider necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting the water resources in the Trent area and of transferring water from that area to the area of another river authority:



And whereas the demand for water in the Trent area has increased and will further increase but the existing water resources are insufficient and it is the intention of the Authority to augment those resources by regulating the rivers Dove and Derwent by means of one or more regulating reservoirs to be constructed in the catchment areas of those rivers:

And whereas as the construction of such reservoir or reservoirs will involve the acquisition of substantial areas of land and the displacement of the occupiers, it is expedient and in the public interest to confer on the Authority powers to alleviate the resulting hardship as in this Act provided:

And whereas the Grantham Canal was constructed in pursuance of powers in that behalf conferred by the Act 33 Geo. 3 cap 94 and by the London and North Eastern Railway (General Powers) Act, 1936, all rights of navigation on the canal were extinguished subject, however, to an obligation to maintain a minimum depth of 2 feet of water in the canal:

1936 c. cxxvii.

And whereas in 1963 the predecessors of the Authority acquired the stretch of the canal in the urban district of West Bridgford in the administrative county of Nottingham from Lady Bay Bridge to the point where the canal joins the river Trent and it is expedient that part of the stretch so acquired should be filled in and appropriated by the Authority for use in connection with their depot which adjoins the canal and that the British Waterways Board should be relieved of the obligation to maintain the said depth of water in the stretch of the canal acquired by the Authority:

And whereas the stretch of the river Idle between Bawtry and the confluence of that river with the river Trent is subject to tidal influence and there are public rights of navigation but such rights are seldom exercised:

And whereas the said stretch has been designated as one of the main rivers for which the Authority as the drainage authority for the Trent area are responsible and in exercise of their powers as such authority, the Authority have constructed and will in future construct works and take other measures for preventing or minimising the flooding of the adjacent land and it is expedient that the Authority should be authorised as in this Act provided to exercise those powers notwithstanding that they cause some interference with or obstruction to the public right of navigation:

And whereas it is expedient to make further provision for the welfare of employees of the Authority and for the superannuation of those employees who are members of the superannuation fund

maintained by the West Riding (Local Authorities) Superannuation Joint Committee and for the benefit of their dependants and to amend the enactments relating thereto:

And whereas the powers of the Authority to improve the amenities of inland waters, including the provision of water recreational facilities, are unduly restricted and should be extended as in this Act provided:

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

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

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the 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 (General Short title Powers) Act 1971.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Administration.

Part V.—Employees.

Part VI.—Superannuation.

Part VII.—Miscellaneous.

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

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

“ the Authority ” means the Trent River Authority;

“ the clerk ” means the clerk of the Authority;

“ 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 Trent area;

c. Iviii *Trent River Authority (General Powers)  
Act 1971*

PART I  
—cont.

“land” includes any interest in or right over land and land covered with water;

“the river” means the river Trent;

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

(2) 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.

PART II

LANDS

Provision of  
substituted  
sites.

4. The power of the Authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired by the Authority under any enactment.

Power to  
reinstate  
occupiers of  
property.

5.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the occupier of any land acquired or to be acquired by the Authority under any enactment with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Authority may pay or receive money for equality of exchange.

Undertakings  
and  
agreements  
binding  
successive  
owners.

6.—(1) Every undertaking given by or to the Authority to or by the owner of a legal estate in land, and every agreement made between the Authority and any such owner, being an undertaking or agreement—

(a) given or made in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall, if registered in the local land charges register, be enforceable by the Authority against the person or persons who entered into, or joined as a party to, such undertaking or agreement and all persons deriving title by, through or under him or them.

(2) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Authority a copy thereof.



7.—(1) If the Authority—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

PART II  
—cont.

Suspension of  
restrictive  
covenants.

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or under any enactment) as to the user thereof or the building thereon the Authority may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Authority shall—

- (a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice—

- (i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

- (ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Authority within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until

PART II  
—cont.

it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Authority acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Authority acquire the land.

(7) If in the opinion of the Authority there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable the Authority may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than three months from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Authority and shall produce to them his documents of title in support of this claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and



his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

PART II  
—cont.

(9) The Authority shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act, 1965, in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

1965 c. 56.  
1961 c. 33.

(10) If the Authority dispose of any land affected by a restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(11) Nothing in this section shall apply to any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety.

(12) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers;

(ii) the prevention of pollution of water which any statutory water undertakers or the British Waterways Board are for the time being authorised to take;

contained in any deed, wayleave, agreement or other instrument.

In this paragraph:—

“operational land” in the case of the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act, 1969, and, in the case of any other statutory undertakers, has the same meaning as in the Town and Country Planning Act, 1962, as originally enacted;

1969 c. 48.

1962 c. 38.

PART II  
—cont.

“statutory undertakers” means any company, body or person authorised by any enactment to supply electricity, gas or water and includes the Post Office, the British Railways Board and the British Waterways Board.

(13) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Authority have acquired or agreed to acquire that land.

## PART III

## WORKS

Stopping up  
of section of  
Grantham  
Canal.

8.—(1) Subject to the provisions of the next succeeding section of this Act the Authority may stop up and fill in the specified section of the canal and may construct, lay and maintain—

- (a) all such walls, embankments and other works as may be necessary for severing the specified section of the canal from the adjoining sections thereof; and
- (b) all such pipes, drains, culverts and other works as may be necessary for conveying through the specified section of the canal the water which if the said section had not been stopped up and filled in would have flowed down it.

(2) (a) Before exercising the powers of the foregoing subsection the Authority shall consult the board on proposals to carry out any works which will affect any apparatus of the board and shall either—

- (i) comply with such reasonable requirements as may be stipulated by the board for the protection of their apparatus; or
- (ii) if the Authority so decide, require the board to move or alter any apparatus of the board so affected and reimburse to the board the reasonable costs of any works carried out by the board in pursuance of such requirement:

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 sub-paragraph as if the Authority were the promoting authority and works hereinbefore in this sub-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 subsection (2) of section 8 (Stopping up of section of Grantham Canal) of the Trent River Authority (General Powers) Act 1971”:

(b) Any dispute or difference between the Authority and the board under this subsection shall be determined by arbitration.

(c) In this subsection:—

“apparatus” means electric cables or other apparatus; and

“the board” means the East Midlands Electricity Board.

(3) Notwithstanding the restriction imposed by subsection (1) of section 23 of the Act of 1963 the Authority may during the construction or laying of the pipes, drains, culverts and other works authorised by paragraph (b) of subsection (1) of this section and thereafter take and intercept by means of any such pipe, drain, culvert or other work the water flowing down the canal.

(4) When the specified section of the canal has been stopped up and filled in the Authority may—

(a) appropriate and use the said section for the purposes of any of their functions; and

(b) construct, erect, place and maintain thereon such buildings, apparatus and plant as they think fit.

(5) So much of section 38 (Closing of and provisions with respect to Grantham Canal) of the London and North Eastern Railway (General Powers) Act, 1936, as requires the British Waterways Board so to maintain the section of the canal to which that section refers that the depth of water shall not be reduced below 2 feet shall cease to have effect with respect to that section of the canal in the urban district of West Bridgford in the administrative county of Nottingham which lies between Lady Bay Bridge and the junction of the canal with the river. 1936 c. cxxvii.

(6) In this and the next succeeding section “the canal” means the Grantham Canal and “the specified section of the canal” means so much of the canal as lies between Lady Bay Bridge and the National Grid Reference Point No. SK 5848 3848 being the section which for the purposes of identification has been coloured pink on the plan signed in quadruplicate by Mr. Richard Crawshaw, the chairman of the Committee of the House of Commons to which the Bill for this Act was referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office of the House of Commons, one copy with the Authority and one copy with the British Waterways Board.



PART III  
—cont.

Restriction on  
exercise of  
powers of last  
foregoing  
section.

9.—(1) The specified section of the canal shall not be stopped up and filled in under the last foregoing section of this Act until after the expiration of a period of three years from the prescribed date and, if before the expiration of that period the first condition has been fulfilled, it shall not be so stopped up and filled in before the expiration of a further period of two years. If at the expiration of the further period of two years the second condition has been fulfilled the powers conferred on the Authority by subsections (1) and (3) of the last foregoing section shall be determined and subsections (4) and (5) of that section shall cease to have effect.

(2) The first condition is that—

(a) the owner must have at his disposal an amount sufficient to meet the estimated cost of restoring the selected section of the canal to such a condition as will enable it to be used for navigation by cruising craft and—

(i) the said section shall be deemed not to be in such a condition as aforesaid unless every bridge over the said section satisfies the required conditions;

(ii) the owner shall be deemed to have an amount at his disposal if an agreement enforceable in law has been entered into under which the amount is payable to the owner;

(b) the amount at the disposal of the owner must be available to meet the cost of restoring the selected section of the canal within five years after the prescribed date or such further period, not exceeding five years, as may be reasonably necessary to complete the restoration of the said section of the canal; and

(c) the amount at the disposal of the owner must be certified by the auditor of the accounts of the owner.

(3) The second condition is that—

(a) work must have been commenced on altering or reconstructing at least one county bridge carrying a made-up carriageway over the selected section of the canal so that when so altered or reconstructed the bridge satisfies the required conditions; and

(b) the cost of altering or reconstructing the bridge as estimated by the highway authority responsible for the maintenance thereof must be not less than twenty thousand pounds.

(4) Any dispute or difference arising under this section between the association and the owner (other than the association) on the one hand and the Authority on the other shall be determined by arbitration.

(5) In this section—

“ the association ” means the Inland Waterways Association Limited;

“ county bridge ” and “ made-up carriageway ” have the same meanings respectively as in the Highways Act, 1959;

“ cruising craft ” means a vessel constructed or adapted for the carriage of passengers and driven by mechanical power;

“ the estimated cost of restoring the selected section of the canal ” means such an amount properly chargeable to capital account as after a survey of the selected section of the canal has been carried out jointly by the Authority and the association is agreed between the Authority and the association or in default of agreement determined by arbitration to be required to restore the said section to such a condition as will enable it to be used for navigation by cruising craft;

“ the owner ” means—

(a) the British Waterways Board and includes their successors in title as the owner of the canal or the selected section of the canal (as the case may be);  
or

(b) if an agreement has been entered into under section 109 of the Transport Act, 1968, for the main- 1968 c. 73.  
tenance or transfer of the canal or the selected section of the canal, the body to which the said section 109 applies which has entered into the agreement and which is for the time being the owner of or responsible for the maintenance of the canal or the selected section of the canal (as the case may be);

“ the prescribed date ” means 31st October, 1971;

“ the required conditions ” in relation to a bridge means a sufficient clear headroom above the level of the water in the canal and a sufficient width between the abutments to permit cruising craft to navigate under the bridge;

“ the selected section of the canal ” means a continuous section of the canal of a length not less than one-third of the total length of the canal to be selected by the association.

(6) Any of the foregoing provisions of this section may be modified or excluded by agreement in writing between the owner and, if the association is not the owner, the association on the



PART III  
—cont.

one hand and the Authority on the other except in so far as the said provisions affect the interests of any other person who or whose predecessor in title has not agreed to such modification or exclusion.

Construction  
of works, etc.,  
in part of  
river Idle.

10.—(1) In the exercise of their functions as the drainage authority for the river Idle as a main river the Authority shall have power, and shall be deemed always to have had power, in or on the banks of the river Idle—

- (a) to construct at or near the outfall of that river into the river, sluice gates and a pumping station to regulate or augment the flow of water from the river Idle into the river; and
- (b) to place screens and other apparatus in the section of the river Idle which lies between the downstream face of Bawtry Bridge and the confluence of that river with the river for the purpose of removing weeds and other similar obstructions to the flow of water in the river Idle,

notwithstanding that the works so constructed or the apparatus so placed interfere with or obstruct rights of navigation.

1949 c. 74.

(2) Nothing in this section shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act, 1949 (which require the consent of the Board of Trade or the Secretary of State to certain operations and contain other provisions for the safety of navigation).

## PART IV

## ADMINISTRATION

Provision of  
goods and  
services.  
1970 c. 39.

11.—(1) The Local Authorities (Goods and Services) Act, 1970, shall apply to the Authority as it applies to a local authority and accordingly the expression “local authority” as defined in that Act shall be deemed to include the Authority.

(2) Subsection (2) of section 2 of the said Act of 1970 as applied to the Authority by this section shall have effect as if—

1933 c. 51.

- (a) for the reference to subsections (4), (6) and (7) of section 283 of the Local Government Act, 1933, there were substituted a reference to subsections (7) and (8) of section 110 of the Act of 1963; and



- (b) for the references to the abstract of accounts of a local authority there were substituted references to the accounts of the Authority.

PART IV  
—cont.

12. The Authority may make arrangements whereby the public may either at premises specially maintained for the purpose or otherwise obtain information concerning the services of the Authority and may, subject to conditions and restrictions to the like effect as any to which local authorities may from time to time be subject in the exercise of their powers under section 135 of the Local Government Act, 1948—

Instruction lectures, etc., on functions of Authority.

1948 c. 26.

- (a) arrange for the publication within the Trent area of information on questions relating to any of the functions of the Authority; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such questions; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions; and
- (d) prepare, or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

13.—(1) The Authority may make and retain microfilm recordings of documents of the Authority.

Microfilming of documents.

(2) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(3) Notwithstanding anything contained in any enactment or any rule of law an enlargement of a microfilm recording of a document made by the Authority in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the clerk certifies that—

- (a) the document has been destroyed; and
- (b) a microfilm recording of the document has been made; and
- (c) the enlargement is an enlargement of that microfilm recording.

(4) In this section unless the context otherwise requires—

- (a) “document” means the whole or part of a register, book, map, plan, letter or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the Authority or any committee of the Authority;

PART IV  
—cont.

(b) “microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

## PART V

## EMPLOYEES

Power to  
sell houses  
to employees.

14. The Authority may with the consent of the Secretary of State and subject to such terms and conditions as he may require sell to any person in their employment any house provided by them for such persons under section 69 of the Act of 1963 subject to such covenants and conditions as they think fit to impose in regard to the maintenance or use of the house and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.

Housing  
advances to  
employees.

15. In addition to the powers conferred on the Authority by section 69 of the Act of 1963 for the provision of housing accommodation for persons employed by them, the Authority shall have power to make advances to, and to guarantee the repayment of advances made to, persons who are in their employment or who propose to enter their employment for the provision of housing accommodation for such persons, and for this purpose the provisions of sections 43 and 45 of the Housing (Financial Provisions) Act, 1958, as amended by section 3 of the House Purchase and Housing Act, 1959, and Part II of the Housing Subsidies Act 1967, shall, subject to any necessary modifications, apply to the Authority as if they were a county council.

1958 c. 42.  
1959 c. 33.  
1967 c. 29.

Recreational,  
etc., facilities  
for employees.

16.—(1) The Authority may within the Trent area provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Authority may—

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such premises.

(3) No power conferred upon the Authority by this section shall be exercised in such a manner—

- (a) as to be at variance with any trust to which any land or building is held, managed or controlled by the Authority without an order of the High Court or of the Charity



Commissioners, or of the Secretary of State for Education and Science or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

PART V  
—cont.

(b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Authority) subject to which a gift or lease of any land or building has been accepted by or granted to the Authority without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) The Authority may contribute towards expenses incurred by any other person in providing and maintaining within the Trent area any of the facilities for their employees mentioned in subsection (1) of this section and any such contribution may be by means of a loan on such terms and conditions as the Authority think fit:

Provided that a loan shall not be made for meeting any expense of maintenance or for meeting any other expenses which are not of such a description as to be properly chargeable to capital account.

## PART VI

### SUPERANNUATION

17.—(1) In this Part of this Act except as otherwise expressly provided or unless the context otherwise requires words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings and—

Interpretation  
of Part VI,  
etc.

“the Act of 1937” means the Local Government Super-annuation Act, 1937; 1937 c. 68.

“contributor” means a contributor to the superannuation fund as respects whom the Authority are the employing authority and “former contributor” shall be construed accordingly;

“death grant” and “transfer value” have in relation to a contributor the meanings assigned to them respectively by the Regulations of 1954;

“the joint committee” means the West Riding (Local Authorities) Superannuation Joint Committee;

“the principal Acts” means the Local Government Superannuation Acts, 1937 to 1953;

“the Regulations of 1954” means the Local Government Superannuation (Benefits) Regulations, 1954;



PART VI  
—cont.

“return of contributions” in relation to a person who has ceased to be a contributor includes any sum paid to or in respect of him by way of interest on the amount of the contributions returned to him;

“superannuation benefit” includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder;

“the superannuation fund” means the superannuation fund maintained by the joint committee under the Act of 1937.

(2) In sections 18 to 22 of this Act “the new superannuation provisions” means those sections, and this section.

(3) Without prejudice to the provisions of section 20 (Power to require designated sums to be paid to trustees) and section 21 (Transfers of employment) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of the new superannuation provisions, subject to the extensions, modifications and applications of the said Acts and regulations contained in the new superannuation provisions.

Commence-  
ment of new  
superannua-  
tion  
provisions.  
Benefits in  
certain cases  
of premature  
retirement.

**18.** The new superannuation provisions shall come into force on 1st September, 1971.

**19.—(1)** Where, after the coming into force of the new superannuation provisions, the employment of a contributor who has attained the age of fifty-five years and completed ten years’ service is terminated in the interests of efficiency before he has attained pensionable age he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Authority in writing that he does not wish this subsection to apply to him.

(2) Where, after the coming into force of the new superannuation provisions, a contributor who has attained the age of fifty years and completed twenty-five years’ service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

PART VI  
—cont.

- (i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Authority in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;
- (ii) unless the Authority otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age and in any event shall not be paid before the person attains the age of fifty-five years.

(3) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (2) of this section, dies before any payment on account of such benefit has been made to him, as from the date of his death, the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

(5) For the purposes of section 16 of the Local Government Superannuation Act, 1953, and of any rules made thereunder a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16. 1953 c. 25.

(6) In this section "pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having otherwise than under this section attained such age and completed such period of service as is prescribed in the principal Acts or the Regulations of 1954 as the case may be.

20.—(1) A contributor may at any time by notice in writing to the Authority given in such form and to such other persons

Power to  
require  
designated  
sums to be  
paid to  
trustees.



PART VI  
—cont.

as the Authority may approve, direct that the provisions of this section shall apply to the amount (if any) which would otherwise be payable to his estate by way of death grant or by way of return of contributions to the superannuation fund and that any such amount (hereafter in this section and in the Schedule to this Act referred to as “the designated sum”) instead of being paid to his estate shall be paid to such responsible persons (not being less than two nor more than four in number and hereafter in this section and in the said Schedule referred to as “the trustees”) as shall be appointed for that purpose by the Authority to be held upon the trusts and with and subject to the powers and provisions in force under the said Schedule at the date of such direction.

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid by the joint committee to the trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said Schedule at the date of such direction.

(3) The trusts, powers and provisions set out in the said Schedule may from time to time be varied by resolution of the Authority, but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the Authority after the making of such variations.

(4) Any direction given by a contributor under this section shall be irrevocable and binding on such contributor and his estate and all persons interested therein.

(5) In this section and in the said Schedule “contributor” includes any person who on or after the date of the coming into force of the new superannuation provisions is a contributor to the fund as respects whom the Authority are the employing authority, and “former contributor” shall be construed accordingly.

Transfers of  
employment.

**21.—**(1) The joint committee may, in accordance with the provisions of a scheme made by them at the request of the Authority for the purposes of this section—

(a) as respects any contributor who ceases or has ceased to hold employment under the Authority in order to enter an employment (in this paragraph referred to as “the new employment”) in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in

section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

PART VI  
—cont.

(i) make from the fund in respect of him a payment by way of a transfer value to the body or persons responsible for administering any superannuation scheme in connection with the new employment; or

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment under the Authority:

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

(b) as respects any person who enters or has entered into employment under the Authority from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts, and the regulations made thereunder as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Secretary of State and the Secretary of State may approve any such scheme either with or without modifications after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may at the request of the Authority be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force, may make any amendments or modifications of that superannuation scheme that may be desirable to facilitate the operation of any scheme made by the joint committee under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any



PART VI  
—cont.

such payment by way of a transfer value as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section or to such payment by way of a transfer value or otherwise as is referred to in paragraph (b) of that subsection.

1948 c. 33.

(6) In this section “interchange arrangements” means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

Authority to pay cost of new superannuation provisions.

22. The Authority shall pay to the joint committee on demand such annual or other sums as may from time to time be certified by an actuary appointed by the joint committee at the expense of the Authority as being required to meet any additional cost which has been or will be borne by the superannuation fund as a result of the new superannuation provisions.

## PART VII

## MISCELLANEOUS

Power to improve amenities of inland waters.

23.—(1) In addition to the powers conferred on the Authority by section 80 of the Act of 1963 the Authority may in connection with the performance of any of their functions carry out such works and do such things as may appear to them necessary or expedient for improving the amenities (including use for the purpose of any form of recreation) of any inland water in the Trent area and any adjoining land:

Provided that this subsection shall have effect only for the purpose of removing any limitation imposed by law on the Authority by virtue of its constitution and shall not authorise any act or omission on the part of the Authority which apart from this subsection would be actionable at the suit of any person on any ground other than such a limitation.

(2) (a) Before providing any recreational facilities under this section the Authority shall obtain the consent of the local planning authority.

(b) The Authority may apply to the Secretary of State on the grounds that a local planning authority have unreasonably withheld such a consent and the Secretary of State, after affording to the local planning authority an opportunity of making representations, may if he thinks fit direct the local planning authority to give the consent to which the application relates. A local planning authority shall comply with any direction given by the Secretary of State under this subsection.

24.—(1) Notwithstanding anything in section 61 of the Salmon and Freshwater Fisheries Act, 1923, or in any rule of law to the contrary it shall be lawful for the Authority to grant licences under paragraph (a) of that section to qualified persons on payment of such amounts in respect of licence duties less than the amounts for the time being payable by other persons to whom those licences are granted as the Authority may with the approval of the Minister of Agriculture, Fisheries and Food determine and different amounts may be determined for different categories of qualified persons or for any particular qualified person.

PART VII  
—cont.  
Concessionary  
fishery licence  
duties.  
1923 c. 16.

(2) In this section “qualified persons” means persons mentioned in any of the following paragraphs or any description of such persons, that is to say—

- (a) persons whose age does not exceed sixteen years;
- (b) persons whose age exceeds sixteen years but does not exceed eighteen years and who are undergoing full-time education;
- (c) any other persons or class of persons who subject to the approval of the said Minister are for the time being specified by the Authority.

25.—(1) (a) The Authority may give cash or other prizes and awards to any body, association or person to whom this subsection applies in recognition of his or their meritorious action in relation to any matter which in the opinion of the Authority has made or could make a beneficial contribution to the performance of their functions.

Awards  
and  
incentives.

(b) This subsection applies to—

- (i) a body performing functions or carrying on trade or business in the Trent area;
- (ii) an association representing any trade, business or interest in the Trent area; and
- (iii) a person resident in or carrying on trade or business or in employment in the Trent area.

(2) The Authority may appoint trustees and transfer sums of money to them and any sums so transferred shall be held on trust by the trustees to apply the capital and income in giving the prizes and awards and in providing or assisting in the provision of further education for persons engaged in the study of subjects connected with any of the functions of the Authority.

26.—(1) If any person, without lawful authority or excuse, wilfully and without the consent of the Authority alters, interferes with or defaces any apparatus, appliance, instrument or equipment belonging to the Authority and installed for the purposes

Offences in  
respect of  
apparatus.



PART VII  
—cont.

of or in connection with the exercise by the Authority of any of their functions or any structure containing or any fence, wall or other erection surrounding such apparatus, appliance, instrument or equipment he shall be liable on summary conviction to a fine not exceeding fifty pounds and the Authority may recover from him summarily as a civil debt the expense of making good or replacing the apparatus, appliance, instrument or equipment, structure, fence, wall or other surrounding erection.

(2) No proceedings shall be taken under this section for an offence in respect of which proceedings could be taken under any of the following enactments:—

- 1923 c. 16. Paragraphs (a) and (c) of subsection (1) of section 22 of the Salmon and Freshwater Fisheries Act, 1923;
- 1930 c. 44. Byelaws made under section 47 of the Land Drainage Act, 1930;
- 1945 c. 42. Sections 67 and 68 of the Third Schedule to the Water Act, 1945 (as applied to the Authority by subsection (3) of section 69 of the Act of 1963).

Evidence of proceedings, appointments, etc.

27.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk as a copy of a resolution passed, order made, or report received, by the Authority or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Authority or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Authority or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Authority or committee on that date.

(3) In this section “ officer ” includes a servant and an agent.

Extension of section 120 of Act of 1963 to enactments relating to land drainage and pollution.  
1961 c. 48.

28. In its application to the Authority section 120 of the Act of 1963 shall have effect as if the reference in subsection (1) of that section to that Act included references to the Land Drainage Act, 1930, the Land Drainage Act, 1961, and the Rivers (Prevention of Pollution) Acts, 1951 to 1961.

Protection of members and officers of Authority from personal liability.  
1875 c. 55.

29. Section 265 of the Public Health Act, 1875, shall apply to the Authority as if—

- (a) references in that section to a local authority were references to the Authority or to a committee of the Authority;
- (b) references in that section to a member of a local authority were references to a member of the Authority and included references to a member of a committee of the Authority;

(c) for the words "for the purpose of executing this Act" there were substituted the words "for the purpose of carrying out any of the functions of the Authority"; and

PART VII  
—cont.

(d) for the words "out of the fund or rate applicable by such authority to the general purposes of the Act" there were substituted the words "by the Authority".

30. Where under this Act any dispute or difference (other than a dispute or difference as to the construction thereof or a dispute or difference to which the provisions of Part I of the Compulsory Purchase Act, 1965, apply) is to be referred to, or determined by, arbitration, then, unless otherwise provided, such dispute or difference shall be referred to, and determined by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers. Arbitration.  
1965 c. 56.

31. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act shall authorise the Authority to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose. Crown  
rights.

32. Section 220 of the Town and Country Planning Act, 1962, shall apply to this Act as if it had been passed during the Session of 10 & 11 Geo. 6; and accordingly the Town and Country Planning Acts, 1962 to 1968, 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  
Acts.  
1962 c. 38.

33. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Authority. Costs of Act.



## SCHEDULE

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 20 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 20 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions, that is to say:—

1. During the period of twenty-one years from the death of the former contributor the trustees may pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—

- (a) the widow or widower of such former contributor;
- (b) the parents and grandparents of such former contributor and the parents and grandparents of the widow or widower of such former contributor and the parents and grandparents of any previous or deceased wife or husband of such former contributor;
- (c) the issue of such former contributor;
- (d) any other issue of any of the grandparents referred to in sub-paragraph (b) of this paragraph; and
- (e) the person or persons (if any and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may if they think fit pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of the foregoing paragraph 1, during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule

shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act, 1925, as amended by the Intestates' Estates Act, 1952, or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained.

SCH.  
—cont.

1925 c. 23.

1952 c. 64.

4. In this Schedule the expressions "parent", "grandparent" and "issue" shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and "issue" includes issue in any degree.



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