

ELIZABETH II



1990 CHAPTER xiv

**An Act to make revised provision for the funding of
The Nottingham Park Estate Limited; to confer
certain powers on The Nottingham Park Estate
Limited in relation to the Nottingham Park Estate;
and for other purposes. [5th April 1990]**

WHEREAS—

(1) The Nottingham Park Estate (hereinafter called “The Park”) is an estate in the city of Nottingham in the county of Nottinghamshire:

(2) The residue of The Park comprising the private roads, certain open land and certain properties is now vested in The Nottingham Park Estate Limited, (hereinafter called “the Company”) a private company limited by guarantee not having a share capital registered under the Companies Act 1985 for purposes which include the acquisition, maintenance and improvement of certain land including roads and other common areas forming part of The Park and the acquisition by assignment of the rentcharges applicable to freehold property in The Park:

1985 c. 6.

(3) By the Nottingham Borough Extension Act 1877 (hereinafter called “the Act of 1877”) the boundaries of Nottingham Borough were extended to encompass The Park and by section 55 of that Act provision was made that so long as the roads and streets in The Park remained repairable otherwise than by the Corporation of the Nottingham Borough the Corporation should not be entitled to demand, receive or recover in The Park any more than four-

1877 c. xxxi.

fifths of the general district rate which might from time to time be imposed within Nottingham Borough generally:

1925 c. 90.

(4) By a scheme dated 23rd March 1927 under section 64 (2) (a) of the Rating and Valuation Act 1925 the amount of the deduction from the amount of the rate payable in the case of hereditaments within The Park was reduced to 15%:

(5) By various conveyances (hereinafter called "the original conveyances") of freehold properties within The Park the Company's predecessors in title reserved to themselves out of each property conveyed a perpetual yearly rentcharge of an amount equal to the amount (if any) from time to time allowed, in respect of the property conveyed, by the Corporation of Nottingham as a deduction from the general rate under the provisions of section 55 of the Act of 1877:

(6) By the original conveyances rights of way were granted over and along roads within The Park:

(7) In the original conveyances the Company's predecessors in title entered into covenants to maintain roads within The Park until those roads should be taken over by the local authority:

(8) The Company has now undertaken responsibility for the maintenance and improvement of roads and common areas in its ownership within The Park:

1988 c. 41.

(9) The Local Government Finance Act 1988 has abolished the existing rating system with effect from 1st April 1990 and the rentcharges created by the original conveyances have ceased to provide the Company with income to enable the Company to fulfil its responsibilities:

(10) It is expedient that the rentcharges created by the original conveyances should be revised to ensure that they provide a sufficient source of income for the Company after 1st April 1990:

(11) It is expedient that the Company should have power, for the benefit of The Park generally, to stop up or obstruct roads in its ownership within The Park and to regulate traffic using those roads:

(12) It is expedient that the other provisions contained in this Act should be enacted:

(13) The purposes of this Act cannot be effected without the authority of Parliament:

(14) A plan showing the lands to be rendered liable to the charge to be authorised under the powers of this Act, and the limits of the area within which the charge may be imposed and defining the rentcharges subject to the provisions of this Act, and a book of reference to the plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the proper officer of the Nottinghamshire County Council which plan and book of reference are respectively referred to in this Act as the deposited plan 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:—

Short title.

1. This Act may be cited as the Nottingham Park Estate Act 1990.

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

Interpretation.

“the appointed day” means 1st April 1990;

“the Company” means The Nottingham Park Estate Limited and includes its successors in title to the estate roads, the common areas of the estate within its ownership and the rentcharges;

“commercial member” means any member of the Company who has an interest in a non-domestic hereditament within the estate which has been accepted by the directors of the Company as qualifying him for membership of the Company;

“composite hereditament” has the meaning given by section 64 of the Local Government Finance Act 1988;

1988 c. 41.

“the conveyance” means in relation to a property forming part of the estate—

(a) the original conveyance; or

(b) the assurance by the Company entered into after the passing of this Act which reserves an estate rentcharge to the Company in accordance with section 5 (Duty to create new rentcharges) of this Act;

“domestic property” means any property of a type defined in section 66 of the Local Government Finance Act 1988 as domestic property, and any part of a composite hereditament which consists of such domestic property;

“the domestic property list” means the list of domestic properties compiled and maintained as required by section 12 (Domestic property list) of this Act;

“the estate” means, subject to subsection (3) of section 6 (Release of properties from rentcharges) of this Act, so much of the estate known as the Nottingham Park Estate as lies within the area bounded by the line coloured black on the deposited plan;

“an estate footpath” means a footpath within the estate in the ownership of the Company but does not include a footway which is part of a road which also comprises a carriageway;

“estate rentcharge” has the same meaning as in section 2 of the Rentcharges Act 1977;

1977 c. 30.

“estate roads” means roads and footpaths within the estate in the ownership of the Company;

“financial year” is a period of 12 months beginning with 1st April;

“garage” means a private garage used wholly or mainly for the accommodation of a private motor vehicle;

“habitable room” means a room in a domestic property which could reasonably be lived in or slept in, and includes a living room, a dining room, a kitchen and a bedroom, but excludes a bathroom, a water-closet, a staircase, corridor or landing, a cloakroom, a utility room and an outhouse;

“non-domestic hereditament” means any property of a type which after 1st April 1990 is shown in the local non-domestic rating list;

“original conveyance” means in relation to a property forming part of the estate the assurance by the Company’s predecessors in title which reserved a rentcharge to them and includes any document supplemental to such assurance;

“the original covenantors” means the predecessors in title of the Company who entered into relevant covenants;

“original rentcharge” means a rentcharge reserved by an original conveyance;

“relevant covenant” means a covenant on the part of the original covenantors contained in an original conveyance, which relates to maintenance of roads, sewers and main drains;

“the rentcharges” means the rentcharges reserved by the conveyances;

“the transitional financial year” means the financial year beginning in 1990.

Correction of errors in deposited plan and book of reference.

3.—(1) If the deposited plan or deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Company after giving not less than 10 days’ notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the proper officer of the Nottinghamshire County Council, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

Revision of original rentcharges.

4.—(1) As from the appointed day each original rentcharge shall have and be deemed to have had effect as if the original conveyance by which it was reserved had provided that the yearly sum due as the rentcharge should be a variable amount determined in accordance with the provisions of sections 8 to 11 of this Act and any provision in an original conveyance to contrary effect shall be ineffective.

(2) Save as provided in subsection (1) above the provisions of the original conveyances as respects the original rentcharges shall continue to have effect.

(3) This section shall not affect the rights of the Company as rent owner to receive and to take action to recover any sums due to it under the original rentcharges in respect of any period prior to the appointed day.

Duty to create new rentcharges.

5. In any case where after the passing of this Act land forming part of the estate other than estate roads, common areas or rentcharges is sold by the Company the Company shall in the assurance to the purchaser create a perpetual estate rentcharge of a yearly sum determined in accordance with the provisions of sections 8 to 11 of this Act.

Release of properties from rentcharges.

6.—(1) The Company may release in whole or part any property subject to a rentcharge from that rentcharge provided that —

(a) the Company shall ensure that on any such release any rights of way appertaining to the property or, as the case may be, the part of the property released over and along any estate roads shall be extinguished;

(b) where the property sought to be released from the rentcharge has the benefit of any subsisting obligations of the original covenantor owed under any relevant covenant relating to the property —

(i) if any of those obligations are owed to the person by or on whose behalf the release is sought, the Company shall ensure that on any such release so much of those obligations as is so owed and as benefits the property or, as the case may be, the part of the property to be released shall be extinguished;

(ii) if any of those obligations are owed otherwise than to such person as aforesaid, the Company shall use its best endeavours to ensure that, on any such release, so much of those obligations as is so owed and as benefits the property or, as the case may be, the part of the property to be released shall be extinguished.

(2) Save as provided in subsection (1) above the Company shall not exercise any rights which it may have as owner of the rentcharges to extinguish any of the rentcharges by release.

(3) Any property released from a rentcharge by virtue of this section shall on release from that rentcharge cease to be part of the estate for the purposes of this Act.

7.—(1) For the purposes of this section—

“the determination” means the determination in any year of the sum and amounts referred to in subsection (2) below or of either the sum or the amounts as required by that subsection;

“the preceding financial year” means the financial year immediately preceding the relevant financial year;

“the relevant financial year” means the financial year for which the determination is being made;

“the relevant total sum” means the total sum for the relevant financial year;

“the total sum” means the total sum referred to in subsection (2) (a) below.

(2) Subject as hereinafter provided not later than 30th June in each year the Company shall determine—

(a) the total sum to be raised by means of the rentcharges to enable it to discharge its functions in relation to the estate during the financial year beginning with 1st April in that year;

(b) the amount of the total sum to be raised from domestic properties within the estate; and

(c) the amount of the total sum to be raised from non-domestic hereditaments within the estate.

(3) In making its determination of the amounts referred to in subsection (2) (b) and (c) above for the transitional financial year the Company shall ensure that the ratio which the amounts to be raised from domestic properties and non-domestic hereditaments respectively by means of the rentcharges bear to each other is the same as the ratio which the amounts receivable from domestic properties and non-domestic hereditaments respectively by means of the rentcharges bore to each other in the preceding financial year after allowance is made for any property which may have been released, or which the Company may intend to release during the transitional financial year, under section 6 (Release of properties from rentcharges) of this Act, from the rentcharges to which it was, or, as the case may be, is, subject.

(4) In making its determination of the amounts referred to in subsection (2) (b) and (c) above for any financial year other than the transitional financial year the Company shall have regard to—

Determination of total sum and of amounts of total sum to be borne by domestic properties and non-domestic hereditaments.

- (a) the ratio which the amounts receivable from domestic properties and non-domestic hereditaments respectively by means of the rentcharges bore to each other in the preceding financial year; and
- (b) any increase or decrease in—
 - (i) the number of domestic properties;
 - (ii) the number of points allocated to domestic properties in accordance with section 12 (Domestic property list) of this Act;
 - (iii) the number of non-domestic hereditaments; or
 - (iv) the rateable values of non-domestic hereditaments;
 within the estate during the preceding financial year.

(5) Subject as hereinafter provided, before making the determination for any financial year the Company shall not later than 1st May in the relevant financial year give to each member of the Company notice—

- (a) specifying the sum it proposes to determine as the relevant total sum;
- (b) specifying the amounts it proposes to determine as the amounts of the relevant total sum to be raised from domestic properties and non-domestic hereditaments respectively within the estate;
- (c) specifying for any financial year other than the transitional financial year any difference between the ratio which the amounts of the relevant total sum to be raised by means of the rentcharges from domestic properties and non-domestic hereditaments respectively within the estate bear to each other and the ratio which the amounts receivable by means of the rentcharges from domestic properties and non-domestic hereditaments respectively within the estate, bore to each other in the preceding financial year;
- (d) specifying for the transitional financial year the poundages referred to in subsection (2) of section 8 (Amounts payable for transitional financial year as rentcharges on domestic properties) of this Act and subsection (2) of section 9 (Amounts payable for transitional financial year as rentcharges on non-domestic hereditaments) of this Act or, as the case may be, for any financial year other than the transitional financial year the charge per point referred to in subsection (2) of section 10 (Amounts payable for other financial years as rentcharges on domestic properties) of this Act and the poundage referred to in subsection (2) of section 11 (Amounts payable for other financial years as rentcharges on non-domestic hereditaments) of this Act;
- (e) stating that before 21st May in the relevant financial year any member of the Company may by notice to the Company object to the proposal referred to in paragraph (a) above;
- (f) stating for any financial year other than the transitional financial year that before 21st May in that year any member of the Company may by notice to the Company object to the proposal referred to in paragraph (b) above on the grounds that the Company has not had sufficient regard to the factors referred to in subsection (4) (a) and (b) above.

(6) If before the date referred to in subsection (5) (e) above members of the Company representing not less than one-tenth of the total voting rights of all members of the Company having at the commencement of the relevant financial year the right to vote at general meetings of the Company have given notice to the Company of their objection to the proposal referred to in subsection (5) (a) above and such objections are not withdrawn the directors

of the Company shall within 21 days proceed to convene an extraordinary general meeting of the Company for a date not later than 30th June for the purpose of considering an ordinary resolution to approve the proposal referred to in subsection (5) (a) above.

(7) If an extraordinary general meeting is held in accordance with subsection (6) above and a resolution to approve the proposal referred to in subsection (5) (a) above is not carried at that meeting or any adjournment thereof the Company shall, if the proposal the subject of the resolution relates to the transitional financial year, determine the total sum as the same amount as the total amount receivable by means of the rentcharges during the preceding financial year, or, if the proposal the subject of the resolution relates to any financial year other than the transitional financial year, determine the total sum as the same sum as that determined as the total sum for the preceding financial year.

(8) If before the date referred to in subsection (5) (f) above members of the Company representing either—

- (a) not less than one-tenth of the total voting rights of all members of the Company having at the commencement of the relevant financial year the right to vote at general meetings of the Company; or
- (b) a majority of the total voting rights of all commercial members of the Company having at the commencement of the relevant financial year the right to vote at general meetings of the Company;

have given notice to the Company of their objection to the proposal referred to in subsection (5) (b) above in accordance with the said subsection (5) (f) and such objections are not withdrawn the determination of the amounts referred to in subsection (2) (b) and (c) above shall be referred to arbitration.

(9) If by reason of the objections made under the last foregoing subsection determination of the amounts referred to in subsection (2) (b) and (c) above has not been made by 30th June in the relevant financial year the Company shall make an interim determination of the said amounts in accordance with the proposal referred to in subsection (5) (b) above and sections 10 (Amounts payable for other financial years as rentcharges on domestic properties) and 11 (Amounts payable for other financial years as rentcharges on non-domestic hereditaments) of this Act shall have effect as if the references therein to “the relevant amount” included the amounts determined by such interim determination.

(10) If the amounts referred to in subsection (2) (b) and (c) above as determined by arbitration are different from the amounts determined by interim determination under the last foregoing subsection the Company shall at its discretion either—

- (a) revise accordingly the calculations of the amounts to be paid as the rentcharges for the relevant financial year; or
- (b) take into account the difference between the amounts determined by interim determination and the amounts determined by arbitration when determining the amounts referred to in subsection (2) (b) and (c) above for the first subsequent financial year in which it is reasonably practicable so to do.

(11) A reference to arbitration under this section shall be to a single arbitrator to be appointed by agreement between the parties or, failing agreement, by the President of the Royal Institution of Chartered Surveyors.

(12) Save as otherwise provided in this section the determination shall be in accordance with the proposal in that regard notified to members of the Company in accordance with subsection (5) above.

(13) (a) Save as otherwise provided in this section the determination shall be made by the directors of the Company by resolution and shall be evidenced in writing under the seal of the Company.

(b) Every document purporting to be an instrument issued by the Company under seal evidencing the determination shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(14) The determination shall not be invalid merely because it is made after 30th June.

(15) (a) For the purposes of this subsection—

“the notice” means the notice required under subsection (5) above to be given to each member of the Company;

“registered address” as respects any member of the Company means the address of that member entered in the Company’s register of members.

(b) Subject to the provisions of paragraph (c) below the notice may be given to any member of the Company either—

(i) personally; or

(ii) by sending it by post in a prepaid envelope addressed to the member at his registered address; or

(iii) by leaving it at the member’s registered address.

(c) If a member of the Company whose registered address is not within the United Kingdom has given to the Company an address within the United Kingdom at which notices may be given to him he shall be entitled to have the notice given to him at that address but otherwise no such member shall be entitled to receive the notice from the Company.

(d) The accidental omission to give the notice to, or the non-receipt of the notice by, any member of the Company in any financial year shall not invalidate the determination.

Amounts payable for transitional financial year as rentcharges on domestic properties.

8.—(1) This section has effect to determine the amount to be paid for the transitional financial year as the rentcharge in respect of a domestic property subject to a rentcharge.

(2) The Company shall determine the poundage which, when levied at a uniform rate in the pound calculated on the total of the net annual values of each domestic property subject to a rentcharge within the estate appearing in the valuation list in force for the day before the appointed day, would raise the relevant amount.

(3) The amount of the rentcharge shall be calculated in accordance with the formula—

$$A \times B.$$

(4) (a) This subsection applies for the purpose of subsection (3) above.

(b) A is in each case the net annual value of the property subject to the rentcharge appearing in the valuation list in force for the day before the appointed day.

(c) B is the poundage determined by the Company in accordance with subsection (2) above.

(5) For the purposes of subsections (2) and (4) above no account shall be taken of any alterations in the valuation list which may be made on or after the appointed day.

(6) For the purposes of this section “the relevant amount” means the amount referred to in subsection (2) (b) of section 7 (Determination of total sum and of amounts of total sum to be borne by domestic properties and non-domestic hereditaments) of this Act as determined by the Company for the transitional financial year.

9.—(1) This section has effect to determine the amount to be paid for the transitional financial year as the rentcharge in respect of a non-domestic hereditament subject to a rentcharge.

Amounts payable for transitional financial year as rentcharges on non-domestic hereditaments.

(2) The Company shall determine the poundage which, when levied at a uniform rate in the pound calculated on the total of the net annual values of each non-domestic hereditament subject to a rentcharge within the estate appearing in the valuation list in force for the day before the appointed day, would raise the relevant amount.

(3) The amount of the rentcharge shall be calculated in accordance with the formula—

$$A \times B.$$

(4) (a) This subsection applies for the purpose of subsection (3) above.

(b) A is in each case the net annual value of the property subject to the rentcharge appearing in the valuation list in force for the day before the appointed day.

(c) B is the poundage determined by the Company in accordance with subsection (2) above.

(5) For the purposes of subsections (2) and (4) above no account shall be taken of any alterations in the valuation list which may be made on or after the appointed day.

(6) For the purposes of this section “the relevant amount” means the amount referred to in subsection (2) (c) of section 7 (Determination of total sum and of amounts of total sum to be borne by domestic properties and non-domestic hereditaments) of this Act as determined by the Company for the transitional financial year.

10.—(1) This section has effect to determine the amount to be paid for any financial year other than the transitional financial year as the rentcharge in respect of a domestic property subject to a rentcharge.

Amounts payable for other financial years as rentcharges on domestic properties.

(2) The Company shall determine the charge per point which, when levied at a uniform rate calculated on the total number of points recorded on the domestic property list on the first day of the relevant financial year, would raise the relevant amount.

(3) The amount of the rentcharge shall be calculated in accordance with the formula—

$$A \times B.$$

(4) (a) This subsection applies for the purpose of subsection (3) above.

(b) A is in each case the number of points allocated to the property and recorded on the domestic property list on the first day of the relevant financial year.

(c) B is the charge per point determined by the Company in accordance with subsection (2) above.

(5) For the purposes of this section—

“the relevant amount” means the amount referred to in subsection (2) (b) of section 7 (Determination of total sum and of amounts of total sum to be borne by domestic properties and non-domestic hereditaments) of this Act as determined by the Company for the relevant financial year;

“the relevant financial year” means the financial year in respect of which the amount to be paid as the rentcharges is being determined.

Amounts payable for other financial years as rentcharges on non-domestic hereditaments.

11.—(1) This section has effect to determine the amount to be paid for any financial year other than the transitional financial year as the rentcharge in respect of a non-domestic hereditament subject to a rentcharge.

(2) The Company shall determine the poundage which, when levied at a uniform rate in the pound calculated on the total of the rateable values of each non-domestic hereditament subject to a rentcharge within the estate shown in the local non-domestic rating list in force for the first day of the relevant financial year, would raise the relevant amount.

(3) The amount of the rentcharge shall be calculated in accordance with the formula—

$$A \times B.$$

(4) (a) This subsection applies for the purpose of subsection (3) above.

(b) A is in each case the rateable value of the property subject to the rentcharge appearing in the local non-domestic rating list in force for the first day of the relevant financial year.

(c) B is the poundage determined by the Company in accordance with subsection (2) above.

(5) For the purposes of subsections (2) and (4) above no account shall be taken of any alterations in the local non-domestic rating list which may be made after the first day of the relevant financial year.

(6) For the purposes of this section—

“the relevant amount” means the amount referred to in subsection (2) (c) of section 7 (Determination of total sum and of amounts of total sum to be borne by domestic properties and non-domestic hereditaments) of this Act as determined by the Company for the relevant financial year;

“the relevant financial year” means the financial year in respect of which the amount to be paid as the rentcharges is being determined.

Domestic property list.

12.—(1) The Company shall so soon as may be reasonably practicable after the passing of this Act compile and thereafter maintain a list of domestic properties subject to rentcharges within the estate.

(2) The Company shall record on the list the number of habitable rooms and garages in each domestic property so listed.

(3) The Company shall allocate points to each domestic property on the list in accordance with subsections (4) and (5) below and shall record on the list the total number of points allocated to each property.

(4) The Company shall allocate 10 points to any domestic property containing one habitable room and in addition shall allocate to any domestic property containing more than one habitable room a further five points for each additional habitable room contained in the property.

(5) The Company shall allocate to any domestic property containing one or more garages five points for each garage contained within the property.

13.—(1) The Company may serve a notice on a person who is an owner or occupier of a domestic property within the estate requiring him to supply the Company with such information as the Company may specify for the purpose of carrying out its functions under section 12 (Domestic property list) of this Act.

Preparation of and alterations to domestic property list.

(2) The Company may make such entries in the domestic property list as it considers appropriate having regard to any information supplied to the Company under subsection (1) above or any other relevant information available to the Company.

(3) The Company shall take such steps as it considers reasonable to inform the owner or occupier of a domestic property within the estate of the entries made in respect of that property in the domestic property list.

(4) (a) If in the course of the exercise of its functions any information comes to the notice of the Company which leads it to suppose that the domestic property list requires alteration the Company may make such alteration to the list as it considers appropriate.

(b) The Company shall take such steps as it considers reasonable to inform the owner or occupier of a domestic property within the estate of any alteration to the entries made in respect of that property in the domestic property list.

(5) An owner or occupier of a domestic property within the estate may, at a reasonable time and without making payment, inspect the domestic property list at the registered office of the Company.

(6) Any dispute or difference which may arise between the Company and the owner or occupier of a domestic property within the estate as to the entries in respect of that property in the domestic property list shall be referred to and settled by a single arbitrator to be appointed by agreement between the parties or, failing agreement, on the application of either party (after notice in writing to the other), by the President of the Royal Institution of Chartered Surveyors and following the settlement of the dispute or difference the Company shall if necessary and so soon as may be reasonably practicable alter the entries relating to that property in the domestic property list.

(7) No calculation or determination made by the Company by or under the powers of this Act shall be invalid merely because of inaccuracies in the domestic property list.

14.—(1) For the purposes of this section —

“intended action” means action which the Company intends to take in exercise of the powers referred to in subsection (2) (a) below; and

“the undertakers” means the East Midlands Electricity Board, a water undertaker or sewerage undertaker within the meaning of section 11 of the Water Act 1989, a public gas supplier within the meaning of Part I of the Gas Act 1986 and the operator of a telecommunications code system within the meaning of the Telecommunications Act 1984, or any of them.

Stopping up of roads and traffic regulation.

1989 c. 15.

1986 c. 44.

1984 c. 12.

(2) Subject to the following provisions of this section, so long as the estate roads continue not to be highways maintainable at the public expense the Company may within the estate, for the benefit of the estate generally, so far as it considers it reasonable—

- (a) stop up or obstruct estate roads for all traffic or for any class of traffic or subject to the reservation of a footpath or cycle path; and
- (b) institute and maintain traffic regulation or other measures for prohibiting, restricting, facilitating or regulating the use of estate roads by traffic of any class including but without prejudice to the generality of the foregoing—
 - (i) requiring vehicular traffic to proceed in a specified direction or prohibiting its so proceeding; and
 - (ii) prohibiting or restricting the use of heavy commercial vehicles on any estate road.

(3) As from the stopping up or obstruction of any estate road for all traffic or for any class of traffic under subsection (2) (a) above all rights of way subsisting over that road so far as they would otherwise be exercisable by traffic or, as the case may be, by traffic of that class shall be suspended.

(4) If at any time the Company re-opens for all traffic or for any class of traffic an estate road which has been stopped up or obstructed under subsection (2) (a) above any rights of way over that road which may have been suspended under subsection (3) above shall be exercisable by traffic or, as the case may be, by traffic of the class for which the road has been re-opened as if the road had not been stopped up or obstructed.

(5) Not less than three months before exercising under subsection (2) above as respects a particular estate road any power referred to in paragraph (a) of that subsection the Company shall —

- (a) give notice of the intended action to —
 - (i) each owner and occupier of land adjoining the road;
 - (ii) such of the undertakers as immediately before the notice is given have or use for the purposes of their undertaking any apparatus under, in, upon, over, along or across the road; and
 - (iii) the Post Office;
- (b) post in a conspicuous manner at either end of the road a notice stating the intended action.

(6) If within the period of three months from the giving of notice of intended action under subsection (5) above notice of objection to the intended action so notified is given to the Company by —

- (a) the owner or occupier of any land within the estate; or
- (b) the Post Office;

and the objection is not withdrawn the Company shall not then take that action unless the action is approved by the members of the Company by ordinary resolution at a general meeting of the Company.

(7) Where notice of objection to intended action has been given under subsection (6) above and a resolution to approve the intended action as referred to in that subsection has been considered at a general meeting of the Company but not passed the Company shall not give further notice of the same intended action before the expiration of a period of 7 months from the date or, as the case may be, the last date on which the resolution was considered by the general meeting.

(8) If a resolution to approve intended action, as referred to in subsection (6) above, is not passed at the first general meeting of the Company at which it is put or at any adjournment thereof another resolution to approve the

same intended action shall not be put to a subsequent general meeting of the Company unless subsequent notice of the same intended action has been given under subsection (5) above in accordance with subsection (7) above.

(9) Any person referred to in subsection (6) above who gives notice to the Company of objection to intended action notified under subsection (5) above within the period of three months from the giving of notice of the intended action so notified and does not withdraw his objection and who is not a member of the Company shall be entitled —

- (a) to be given notice of the general meeting at which the resolution to approve the intended action is to be considered, as if he were a member of the Company and his usual or last known address were his registered address; and
- (b) to attend and speak at the general meeting while the resolution to approve the intended action is being considered.

(10) Not less than 28 days before exercising under subsection (2) above as respects a particular estate road any power referred to in paragraph (b) of that subsection the Company shall —

- (a) give notice of the intended action to —
 - (i) such of the undertakers as immediately before the notice is given have or use for the purposes of their undertaking any apparatus under, in, upon, over, along or across the road; and
 - (ii) the Post Office; and
- (b) post in a conspicuous manner at either end of the road a notice stating the intended action;

and the Company shall not take such action until it has considered any representations which it may receive within the period of 28 days from —

- (a) owners or occupiers of land within the estate; or
- (b) the Post Office.

(11) The Company shall not exercise the powers of this section as respects a particular estate road other than an estate footpath in such a way as to deny reasonable access whether pedestrian or vehicular to —

- (a) any land adjoining the road; or
- (b) any other land which is accessible only from the road.

(12) Notwithstanding the exercise of any of the powers of this section, the undertakers may exercise the same rights in respect of apparatus under, in, upon, over, along or across any estate road as they enjoyed immediately prior to the exercise of such powers and nothing in this section shall authorise the Company to alter or interfere with any such apparatus or relieve the Company from liability for damage done by it to such apparatus or loss caused to the undertakers in the exercise of the powers of this section.

(13) In exercising the powers of this section, the Company shall not render unreasonably inconvenient to the undertakers access by them to any of their apparatus and shall, in so far as such access is materially obstructed and the undertakers so request, provide alternative means of access to such apparatus.

(14) The Company shall not exercise the powers of this section as respects any estate road in which is situate a post box belonging to the Post Office in such a way as to deny the Post Office vehicular access to that post box.

(15) The Company shall indemnify and hold harmless the original covenantors from and against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered

from, or incurred by, the original covenantors arising out of or in consequence of any exercise of the Company's powers under this section which gives rise to any liability or increased liability on the part of the original covenantors under any of the relevant covenants, or to any other right of action against the original covenantors, in relation to any property or otherwise:

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

Reckoning
of periods.

15. Where the day or the last day on which anything is required or permitted by or in pursuance of this Act to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days above mentioned.

Local land
charge.

16. The liability of the owners of properties forming part of the estate to pay the original rentcharges and any rentcharges created pursuant to section 5 (Duty to create new rentcharges) of this Act shall be a local land charge.

Notices.
1936 c. 49.

17. The following sections of the Public Health Act 1936:—

section 283 (1) (Notices to be in writing, forms of notices, &c.);

section 285 (Service of notices, &c.);

shall apply to this Act as if references therein to a council included references to the Company, as if the references therein to an officer of the council included a reference to the Secretary of the Company and as if references therein to that Act included references to this Act.

Provisions
as to transfer
by Company.

18.—(1) In this section —

“the 1986 conveyance” means the conveyance of 14th March 1986 whereby the residue of the Park comprising the private roads, certain open land and certain properties were vested in the Company together with the original rentcharges;

“relevant interest” means —

(a) the right to receive any of the rentcharges conveyed to the Company by the 1986 conveyance; or

(b) any other property conveyed to the Company by the 1986 conveyance and in respect of which a relevant covenant has been given;

“relevant transfer” means any assignment, transfer or other disposal by the Company of any relevant interest and includes any transfer of any relevant interest resulting from any reconstruction, amalgamation or other alteration in the identity of the holder of that interest;

“the transferee” means the owner or holder for the time being of any relevant interest following any relevant transfer.

(2) Upon the occurrence at any time after the passing of this Act of any relevant transfer, the covenants as to future performance and observance of covenants, obligations, agreements, stipulations, declarations and any other matters relating to the Park and for indemnity given by the Nottingham Park Estate Limited in clause 5 of the 1986 conveyance, to the extent that they relate to any relevant interest, shall be enforceable by the covenantee directly against both the Nottingham Park Estate Limited and the transferee

as fully and effectively as if the said covenants had originally been given in relation to the relevant interest jointly and severally by the Nottingham Park Estate Limited and the transferee.

19. Nothing in this Act shall prejudice or affect the powers of a street works authority under Part XI of the Highways Act 1980 in relation to any of the estate roads.

Saving for
Part XI of
Highways
Act 1980.
1980 c. 66.

20. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Costs of Act.

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Nottingham Park Estate Act 1990

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