



CHAPTER xv.

An Act to extend the period limited by the Nottingham Corporation (Trent Navigation Transfer) Act 1915 for the construction of certain works to empower the corporation of Nottingham to borrow further money in respect of such works or some of them and for other purposes. A.D. 1922.

[31st May 1922.]

WHEREAS the undertaking authorised by the Trent Navigation Acts 1858 and 1884 by the Trent (Burton-upon-Trent and Humber) Navigation Act 1887 was transferred to the Trent (Burton-upon-Trent and Humber) Navigation Company whose name was by the Trent Navigation Act 1892 changed to the Trent Navigation Company (in this Act called "the company") and certain further powers were conferred upon the company by the said Act of 1887 :

And whereas by the Trent Navigation Act 1906 (in this Act called "the Act of 1906") the company were authorised to make and maintain (inter alia) the locks cuts and weirs therein described as Stoke Bardolph Lock Gunthorpe Lock Hazleford Lock Holme Pierrepont Lock and Newark Nether Lock and the other works described in that Act for the improvement of the navigation of the River Trent :

And whereas by the Nottingham Corporation (Trent Navigation Transfer) Act 1915 (in this Act called "the Act of 1915") the portion of the Trent Navigation lying between Trent Bridge in the city of Nottingham and Averham Weir in the parish of Averham in the county of Nottingham and all cuts canals weirs locks river works

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A.D. 1922. towing paths lock-houses ferries easements watercourses and water rights then vested in or possessed or exerciseable by the company as part of the said portion of the Trent Navigation or any improvement thereof and the land purchased by the company at Hazleford for or in connection with the construction of the lock there authorised by the Act of 1906 (all of which were in the said Act of 1915 and are in this Act referred to as "the navigation") were transferred to and vested in the mayor aldermen and citizens of the city of Nottingham and county of the same city (in this Act called "the Corporation" and "the city" respectively):

And whereas by the Act of 1915 the time limited by the Act of 1906 for the completion of the works described in section 4 of that Act as "(A) Stoke Bardolph Lock" "(B) Gunthorpe Lock" "(C) Hazleford Lock" and "(E) Holme Pierrepont Lock" was extended until the expiration of ten years from the passing of the Act of 1915 and the Corporation were empowered by that Act to construct such works within the time so limited:

And whereas the time limited by the Act of 1906 for the completion of the works described in section 4 of that Act as "(F) Newark Nether Lock" was also extended by the Act of 1915 until the expiration of ten years from the passing of that Act:

And whereas it is expedient that the time for constructing and completing all the said works should be extended:

And whereas the Corporation were empowered by the Act of 1915 to borrow money for and in connection with the deepening and improvement of the navigation:

And whereas owing to the increase in the cost of labour and materials since the passing of the Act of 1915 it is necessary for the Corporation to borrow further moneys as by this Act authorised for the construction and completion of such of the said works authorised by the Act of 1906 as the Corporation have been empowered to construct and for the deepening and improvement of the navigation:

And whereas it is expedient to make such other provision as this Act contains:

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

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And whereas estimates have been prepared by the Corporation of the increased cost of the construction and completion of the works hereinbefore referred to and of the deepening and improving of the navigation and such estimates are as follows :—

	£
For the construction and completion of the locks and works to be constructed by the Corporation - - -	170,312
For the deepening and improvement of the navigation - - - - -	77,720

And whereas the several works included in such estimates are permanent works and it is expedient that the Corporation should be empowered to borrow money for the purpose of such works as provided by this Act :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

1. This Act may be cited as the Nottingham Corporation (Trent Navigation) Act 1922. Short title.

2.—(1) The period limited by section 18 (Period for completion of works) of the Act of 1906 as extended by the Act of 1915 for the completion of so much of the works authorised by the Act of 1906 and described in section 4 thereof as “(A) Stoke Bardolph Lock” “(B) Gunthorpe Lock” “(C) Hazleford Lock” and “(E) Holme Pierrepont Lock” as have not been constructed is hereby extended until the expiration of ten years from the passing of this Act. Extension of time for completion of works.

(2) The period limited by the said section 18 of the Act of 1906 as extended by the Act of 1915 for the construction and completion by the company of the works authorised by the Act of 1906 and described in section 4 thereof as “(F) Newark Nether Lock” is hereby extended until the expiration of ten years from the passing of this Act.

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Amend-
ment of
section 46
of Act of
1906.

3.—(1) Notwithstanding anything contained in section 46 (For protection of Nottinghamshire County Council and other authorities) of the Act of 1906 with respect to the order in which Hazleford Weir Gunthorpe Weir and Stoke Bardolph Weir authorised by that Act are to be completed the Corporation may complete the said weirs in such order as the Corporation may determine :

Provided that the Corporation shall not complete any of the said weirs without obtaining the previous consent in writing of the Nottinghamshire County Council under the hand of their clerk such consent not to be unreasonably withheld.

(2) Subsection (6) of section 46 of the Act of 1906 is hereby repealed and in lieu thereof the following provisions shall apply and have effect :—

If the weir or weirs constructed shall be found to have the effect of raising the level of floods in the River Trent or its tributaries by reason of the non-completion of the dredging operations provided for by subsection (5) of section 46 of the Act of 1906 the Corporation shall either carry out the aforesaid dredging operations before any of the remaining weirs are constructed or modify the weirs by such Act authorised whether or not then constructed to such extent as may be necessary in order to prevent such increased flooding.

(3) Any difference which may arise between the Corporation and the Nottinghamshire County Council with regard to subsection (1) of this section or between the Corporation and the Nottinghamshire County Council or any of the district councils of the districts in which the said weirs are situate with regard to subsection (2) of this section shall in default of agreement be referred to an engineer or other person to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

Power to
borrow.

4.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table

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the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

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1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(a) The construction and completion of the works authorised by the Act of 1906 and therein described as "(A) Stoke Bardolph Lock" "(B) Gunthorpe Lock" "(C) Hazleford Lock" and "(E) Holme Pierrepont Lock."	£ 170,312	The revenue of the undertaking of the Corporation under the Act of 1915 and this Act and the district fund and general district rate of the city.	Fifty years from the date or dates of borrowing.
(b) The deepening and improvement of the navigation.	77,720	The revenue of the undertaking of the Corporation under the Act of 1915 and this Act and the district fund and general district rate of the city.	Sixty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite	The revenue of the undertaking of the Corporation under the Act of 1915 and this Act and the district fund and general district rate of the city.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for the purposes of this Act.

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(b) In order to secure the repayment of any money borrowed under this Act with the consent of the Minister of Transport and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister.

(c) Any money borrowed under this Act with the consent of the Minister of Transport shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister.

(3) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 25 (Power to use one form of mortgage for all purposes) of the Nottingham Corporation Act 1910.

Incor-
poration of
provisions
from
previous
Acts of Cor-
poration.

5. The following sections of the Nottingham Improvement Act 1897, the Nottingham Corporation Act 1905 the Nottingham Corporation Act 1910 and the Act of 1915 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with the necessary modifications were set out in this Act (namely):—

THE NOTTINGHAM IMPROVEMENT ACT 1897.

- Section 25 (Certain regulations of Public Health Act as to borrowing not to apply);
Section 26 (Mode of raising money);
Section 27 (Provisions of Public Health Act as to mortgages to apply);
Section 29 (Mode of payment off of money borrowed);
Section 30 (Sinking fund) Provided that the said section shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted in subsection (1) (b) of that section instead of the words "three pounds per centum per annum";
Section 31 (Protection of lender from inquiry);
Section 32 (Corporation not to regard trusts);
Section 33 (Appointment of receiver);

- Section 35 (Annual return to Local Government Board); A.D. 1922.
Section 36 (Application of money borrowed); and
Section 37 (Inquiries by Local Government Board).

THE NOTTINGHAM CORPORATION ACT 1905.

- Section 46 (Expenses of execution of Act);
Section 62 (Recovery of penalties);
Section 64 (Audit of accounts).

THE NOTTINGHAM CORPORATION ACT 1910.

- Section 26 (Application of section 265 of Public Health Act 1875).

THE ACT OF 1915.

- Section 30 (Separate accounts to be kept).

6. The Corporation every year within six months after the date to which the separate accounts of their receipts and expenditure which they are required by section 30 of the Act of 1915 to keep are made up shall send a copy of such accounts to the Minister of Transport and the Corporation shall as from the expiration of that period be liable to a penalty not exceeding five pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Accounts to be sent to Minister of Transport.

7. All powers rights or remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of Act cumulative.

8. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown rights.

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Costs of
Act.

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

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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