



CHAPTER lvii.

An Act to authorise the County Council of the administrative county of Nottingham to acquire the undertaking of the Gunthorpe Bridge Company to authorise the County Council to construct a new bridge at Gunthorpe across the River Trent and for other purposes. A.D. 1925.

[31st July 1925.]

WHEREAS by the Gunthorpe Bridge Act 1870 the Gunthorpe Bridge Company (in this Act called "the company") were empowered to make and maintain a bridge in the township of Gunthorpe in the parish of Lowdham in the county of Nottingham and other works and to take tolls for the use of such bridge :

And whereas the said bridge has become inadequate for the traffic of the county and it is expedient that the company should be empowered to sell and that the Nottinghamshire County Council (in this Act called "the County Council") should be empowered to acquire the said undertaking of the company and to erect a new bridge as authorised by this Act in lieu of the said bridge and to abolish the tolls at present in existence :

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

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 County Council for the purposes hereinafter mentioned and such estimates are as follows :—

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|--|---------|
| | £ |
| For and in connection with the purchase of land for and the construction of the bridge and approach roads authorised by this Act - - - - - | 120,700 |

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the Bill for this Act the requirements of the Borough Funds Act 1872 so far as the same are applicable have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Nottingham and are in this Act respectively referred to as the deposited plans sections and book of reference :

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) :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Nottinghamshire County Council (Gunthorpe Bridge) Act 1925.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Lands.

Part IV.—Works.

Part V.—Finance and miscellaneous.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

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—
Incorporation
of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the County Council and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the bridge roads and embankments authorised by this Act.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpre-
tation.

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

"The county" means the administrative county of Nottingham;

"The County Council" means the Nottinghamshire County Council;

"The clerk" means the clerk of the County Council;

"The county fund" and "the county rate" mean respectively the county fund and the county rate of the county;

"The company" means the Gunthorpe Bridge Company;

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“The appointed day” shall be the thirty-first day of December nineteen hundred and twenty-seven or such earlier or later date as may be agreed between the County Council and the company;

“The tribunal” means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

“The scheduled agreement” means the agreement set forth in the First Schedule to this Act;

“The undertaking of the company” includes the existing Gunthorpe Bridge and the site thereof and approaches thereto and all lands rights powers property privileges and interests acquired under or by virtue of the Gunthorpe Bridge Act 1870 or used or enjoyed with or in connection with the said bridge howsoever the same may have been acquired but excepting any stocks shares securities or other investments or moneys in the bank or elsewhere comprising the reserve fund of the company and all moneys standing to the credit of the company at their bankers or in the hands of any other body or person or persons on their behalf.

PART II.

TRANSFER OF UNDERTAKING.

Confir-
mation of
scheduled
agreement.

5.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals and subject to the modification that paragraph 2 of the provisions mutually agreed between the parties shall be read and have effect as if the Minister of Transport were therein referred to instead of His Majesty's Treasury.

(2) The sale of the undertaking of the company shall be carried into effect by a deed which may be in the form set forth in the Second Schedule to this Act or to the like effect or in such other form as may be agreed between the company and the County Council and on the execution of the deed by the company the undertaking of the company shall by virtue of the deed and of this Act be

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transferred to and become vested in the County Council and such transfer and vesting are referred to in this Act as "the transfer."

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6. All books and documents which had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the County Council.

Books &c.
to remain
evidence.

7.—(1) From and after the date of the transfer the company shall continue to exist only for the purpose of discharging paying and satisfying the charges debts debentures and liabilities upon or affecting the undertaking of the company or due or payable by the company and for the purpose of bringing or defending any actions accrued or accruing and of receiving and recovering the sums payable to the company as provided by this Act and distributing or otherwise applying the same and the purchase money and any other moneys payable to the company in accordance with the provisions of this Act and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company. The directors of the company who are in office on the date of the transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused. The directors shall be entitled to retain and pay to themselves out of the purchase money and other moneys to be received by them as aforesaid a sum not exceeding one hundred and five pounds as compensation for their loss of office and as remuneration for their services in winding up the affairs of the company and carrying into effect the purposes of this Act such sum to be divided amongst them as they shall agree or failing agreement equally. Provided that a director appointed after the date of the transfer shall not in any event be entitled to receive a sum exceeding ten pounds ten shillings.

Company
to wind
up affairs.

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(2) Forthwith after the date of the transfer the directors of the company shall proceed to wind up the affairs of the company and after discharging paying and satisfying the charges debts debentures and liabilities upon or affecting the undertaking of the company or due from or payable by the company and the settlement of outstanding actions as aforesaid (including the costs and expenses of and incidental to the winding up of the affairs of the company and carrying into effect the purposes of this Act the sum payable by way of compensation and remuneration of directors as aforesaid and the sum of one hundred pounds which shall be paid to the company's toll-keeper as compensation for loss of employment) shall pay and distribute the net moneys remaining in their hands and available for distribution to and among the several persons who at the date of the transfer are the registered holders of shares in the capital of the company or their respective executors administrators or assigns according to the amount of the shares held by them respectively and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the date of the transfer as the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid Save as herein expressly provided no director or servant of the company shall be entitled to any compensation for loss of his office or employment.

(3) If the directors of the company are for six months after the date of the transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same or if there is no person able to give an effectual receipt therefor the directors may pay the said money into the High Court or where the amount does not exceed five hundred pounds into the county court of Nottinghamshire holden at Nottingham under any Act for the time being in force for the relief

of trustees and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to the money so paid in. A.D. 1925. —

8. When and so soon as the company shall have completed the winding up of their affairs the company shall by virtue of this Act be dissolved and wholly cease to exist. Dissolution of company.

9. As from the appointed day the Gunthorpe Bridge Act 1870 shall be repealed. Repeal of Company's Act.

10. Upon the opening for traffic of the bridge by this Act authorised the existing Gunthorpe Bridge shall be closed and the County Council shall thereupon be authorised and shall forthwith proceed to demolish the said bridge and to remove the same without being liable for any damages or compensation in respect of such removal. Closing and demolition of Gunthorpe Bridge.

PART III.

LANDS.

11. Subject to the provisions and for the purposes of this Act the County Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to acquire lands.

12. The powers of the County Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

13. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Nottingham for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and Correction of errors in deposited plans and book of reference.

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A.D. 1925. such certificate shall be deposited with the clerk of the peace for the county of Nottingham and a duplicate thereof shall also be deposited with the clerk to the parish council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk to the parish council respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to take the lands and execute the works in accordance with such certificate.

Provisions
as to new
buildings
and
interests.

14. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the twentieth day of November nineteen hundred and twenty-four if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Purchase of
additional
lands by
agreement.

15. The County Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the County Council in pursuance of this section shall not at any time exceed five acres Provided that the County Council shall not create or permit the creation or continuance of any nuisance on any such lands.

Persons
under
disability
may grant
easements
&c.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the County Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and

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rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1925.

17. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the County Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Retention sale and disposal of lands.

18. So long as any lands remain to be acquired by the County Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the County Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health : Application of capital moneys on disposal of lands.

Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase ;

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(b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

As to private rights of way over lands taken compulsorily.

19. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the County Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

PART IV.

WORKS.

Power to construct works.

20. Subject to the provisions of this Act the County Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident or ancillary thereto.

The works hereinbefore referred to and authorised by this Act will be situate in the county and are—

Work No. 1 A public carriage-road and embankment in the parish of Gunthorpe from the main road between East Bridgford and Lowdham to the north bank of the River Trent;

Work No. 2 A public carriage-road and embankment in the said parish of Gunthorpe from a point about 315 yards west of the south-west corner of the Unicorn Inn to the said main road between East Bridgford and Lowdham;

Work No. 3 A bridge across the River Trent in the said parish of Gunthorpe and the parish of Shelford at a point about 440 yards west of the south end of the Gunthorpe Toll Bridge;

Work No. 4 A public carriage-road and embankment (to be constructed partly by widening and embanking the existing district road between East Bridgford and Shelford) in the said parish of

Shelford commencing at a point about 616 yards and terminating at a point about 253 yards west of the south end of the said Gunthorpe Toll Bridge; A.D. 1925.

Work No. 5 A public carriage-road and approach to the said bridge (Work No. 3) on the south side of the said River Trent commencing in the said parish of Shelford passing into the parish of East Bridgford and terminating in the said parish of Shelford by a junction with the main road called the Fosse Way.

21. In constructing the works authorised by this Act the County Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards. Limits of deviation.

22.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the County Council may in connection with the works authorised by this Act and for the purposes thereof make junctions and communications with any existing streets and roads which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets or roads for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the County Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section. Subsidiary works.

(2) Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of

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(3) Provided also that the County Council shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

For protection of Nottingham Corporation.

23. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection of the mayor aldermen and citizens of the city of Nottingham (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the County Council and the corporation apply and have effect (that is to say) :—

- (1) The bridge (Work No. 3) by this Act authorised (in this section referred to as "the bridge") shall be constructed with five arches namely a central arch with a clear span of 125 feet two side arches each with a clear span of 101.5 feet and one flood arch at each end of the bridge with a clear span of 11 feet such spans being measured respectively at right angles to the piers at the springings of each arch The level of the centre of the underside of each arch shall be in the case of the central arch not less than 68 feet above Ordnance datum in the case of the two side arches not less than 66.5 feet above Ordnance datum and in the case of the two flood arches not less than 60 feet above Ordnance datum :
- (2) The County Council shall not deviate from the lines or levels shown on the deposited plans and sections in such a manner as to lessen the headway or span of any of the openings of the bridge as shown on the said deposited plans and sections :
- (3) The County Council shall before they commence the construction of any temporary or permanent works in connection with the bridge or with any alteration or diversion of the towing path of the River Trent (in this section referred to as "the river") other than works which do

not relate to or affect the navigation of the river or the towing path deposit with the navigation engineer of the corporation (in this section referred to as "the engineer") for his approval proper and sufficient plans sections detailed drawings and specifications of such works Provided that if the engineer for the space of one month after such deposit does not signify his disapproval of the said plans sections drawings and specifications he shall be deemed to have approved thereof and if he shall disapprove the same then such plans sections drawings and specifications shall be submitted to and approved by an engineer to be appointed as in this section provided The said works shall be constructed at the cost charges and expenses of the County Council and only according to such plans sections drawings and specifications as shall be approved as aforesaid and so far as concerns the works referred to in this section under the superintendence and to the reasonable satisfaction of the engineer :

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- (4) All works in connection with the bridge or the alteration or diversion of the said towing path shall when commenced be proceeded with and completed as soon as reasonably practicable and the County Council shall upon the completion of the work remove any temporary works and materials for temporary works which may have been erected or placed in the river or on over or under the bed shores or banks thereof in connection therewith and if and whenever the County Council fail so to do after receipt of notice from the corporation the corporation may remove the same and the sum which shall have been reasonably expended in so doing shall be repaid to the corporation by the County Council :
- (5) The demolition of the existing Gunthorpe Bridge (in this section referred to as "the existing bridge") shall be proceeded with and carried out with all reasonable expedition in such manner as the corporation reasonably approve and the County Council shall remove entirely from the

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river and from the bed shores and banks thereof all temporary works erected or placed in the river or on over or under the bed shores or banks thereof in connection with such demolition and all materials resulting from such demolition and shall also take up and remove from the river and from the bed shores and banks thereof the piers and foundations of the existing bridge but nothing in this subsection shall be deemed to impose upon the County Council any obligation to remove the abutments of the existing bridge on the north and south banks of the river or to remove any other foundations existing structures or works lying at a greater depth than 38·75 feet above Ordnance datum :

- (6) In the construction and subsequent maintenance and repair of the bridge and any works in the river or on over or under the bed shores or banks thereof and in the demolition of the existing bridge so far as practicable no interference shall be caused to the navigation of and traffic on the river and if it shall be necessary owing to or in consequence of the works aforesaid to provide any temporary towing facilities or to carry out any dredging in order to enable vessels to navigate safely the same shall be provided or carried out at the expense of the County Council and if and whenever the County Council fail so to do after receipt of notice from the corporation the corporation may provide or carry out the same and the sum which shall have been reasonably expended in so doing shall be repaid to the corporation by the County Council :
- (7) The County Council shall during the progress of any works (whether temporary or permanent) by this Act authorised in the river or on over or under the bed shores or banks thereof and during the subsequent repairs of any such works and during the demolition of the existing bridge hang out and exhibit on or near to the works every night from sunset to sunrise such lights (to be kept burning by and at the expense of the County Council) and during every day such marks as shall be proper and sufficient for the navigation and safe guidance of vessels The said lights and

marks shall from time to time be altered by the County Council in such manner and be of such kind and number and be so placed and used as the corporation shall approve or direct and if the County Council fail so to exhibit and keep burning such lights and to exhibit such marks they shall for every such offence forfeit to the corporation ten pounds: A.D. 1925.

- (8) The space between the piers of the central arch and the two side arches of the bridge shall at all times after the completion of the bridge be preserved as an open and uninterrupted navigable waterway and the flood arches at each end of the bridge shall at all times be kept open and free for the passage of water. Provided that nothing in this subsection contained shall be deemed to impose upon the County Council any obligation to carry out any works of dredging or other works apart from the said bridge necessary for the maintenance of the navigation:
- (9) The County Council shall at all times maintain the bridge and other works in the position and at the levels prescribed by this section in substantial repair and good order to the reasonable satisfaction in all respects of the engineer and if and whenever the County Council fail so to do after receipt of notice from the corporation the corporation may make or do such repairs in and upon as well the lands of the County Council as their own lands and the sum from time to time certified by the engineer to have been reasonably expended in so doing shall be repaid to the corporation by the County Council:
- (10) The County Council shall be responsible for and make good to the corporation all costs losses damages and expenses which may be occasioned to the corporation or to any of their works or property or to the traffic on the river or otherwise by reason of the execution or failure of the bridge or the works in connection therewith or otherwise in the exercise of the powers of this Act or of any act or omission of the County Council or of any of the persons in their employ or of their contractors or others and the County Council shall effectually indemnify and hold

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harmless the corporation from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission. Provided that in the event of any claim being made or action brought against the corporation involving the County Council and arising out of the matters referred to and in respect of which the County Council is liable under this section the County Council shall be immediately notified thereof and they shall with the assistance if they so require of the corporation but at the sole expense of the County Council conduct all negotiations for the settlement of the same or of any litigation that may arise therefrom and in such case the corporation shall at the expense of the County Council afford all available assistance for any such purpose :

- (11) Any difference which shall arise under this section between the County Council and the corporation or their engineers shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Power to
alter steps
areas pipes
&c.

24. Within the limits of deviation shown on the deposited plans the County Council may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires which for the purpose of conveying gas water or electricity to any house or other place shall be laid and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Temporary
stoppage
of streets.

25.—(1) The County Council during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and

interfere with any street or road and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street or road from passing along and using the same. A.D. 1925.

(2) The County Council shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

PART V.

FINANCE AND MISCELLANEOUS.

26.—(1) The County Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table 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 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):—

| 1. | 2. | 3. | 4. |
|---|--------------------|----------------------------------|--|
| Purpose. | Amount. | Charges. | Period for Repayment. |
| (a) For the purchase money payable by the County Council under the scheduled agreement. | £ 9,500 | The county fund and county rate. | Forty years from the date or dates of borrowing. |
| (b) For the payment of any further sums payable by the County Council under the scheduled agreement and for defraying the costs and expenses incident to the purchase and transfer of the undertaking of the company to the County Council (other than the County Council's costs of this Act). | The sum requisite. | The county fund and county rate. | Forty years from the date or dates of borrowing. |

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| 1. | 2. | 3. | 4. |
|---|--|----------------------------------|---|
| Purpose. | Amount. | Charges. | Period for Repay- ment. |
| (c) For and in connection with the purchase of land for the bridge and approach roads authorised by this Act. | £ 1,969 | The county fund and county rate. | Sixty years from the date or dates of borrowing. |
| (d) For the construction of the bridge authorised by this Act. | The sum necessary not exceeding £62,644. | The county fund and county rate. | Thirty years from the date or dates of borrowing. |
| (e) For the construction of the roads and approach roads and culverts. | The sum necessary not exceeding £56,087. | The county fund and county rate. | Fifty years from the date or dates of borrowing. |
| (f) For paying the costs charges and expenses of this Act. | The sum requisite. | The county fund and county rate. | Five years from the passing of this Act. |

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

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the County Council may mortgage or charge such fund or rate as may be prescribed by the Minister of Health.

Regulations in section 69 of Local Government Act 1888 not to apply.

27.—(1) The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 69 (Borrowing by County Council) of the Local Government Act 1888 and in calculating the amount which the County Council may borrow under that Act or any other enactment any sums which they may borrow under this Act shall not be reckoned. Subject as aforesaid any loan so borrowed shall be borrowed under and subject to the provisions (so far as applicable) of the said Act of 1888 as amended by this Act save that the consent of the Minister of Health shall not be required to

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the borrowing or the period of repayment of any of the sums mentioned in subsection (1) of the section of this Act of which the marginal note is "Power to borrow,"

A.D. 1925.

(2) All sums of money which the County Council may from time to time require for the repayment of and the annual interest payable on the moneys so borrowed shall subject to the provisions of this Act be defrayed by them as payments for general county purposes or special county purposes within the meaning of and as authorised by the Local Government Act 1888 as the County Council may think fit.

28.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the County Council under this Act.

Return to
Minister of
Health
with respect
to repay-
ment of
debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or the chief accounting officer of the County Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the County Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the County Council shall notify the Minister as soon as the order is complied

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A.D. 1925.

with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Expenses of execution of Act.

29. Any expenses of the execution by the County Council of this Act with respect to which no other provision is made shall be defrayed by the County Council out of the county fund or as the County Council having regard to the nature of the expenditure shall deem just.

Application of money borrowed.

30. All moneys borrowed by the County Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Costs of Act.

31. 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 County Council out of the county fund as a general county purpose or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1925.

FIRST SCHEDULE.

MEMORANDUM OF AGREEMENT made the seventh day of November nineteen hundred and twenty-four between THE COUNCIL OF THE ADMINISTRATIVE COUNTY OF NOTTINGHAM (hereinafter called "the Council") of the one part and THE GUNTHORPE BRIDGE COMPANY (whose office is situate at Bank Chambers in the city of Nottingham (hereinafter called "the Company")) of the other part.

Stamp.

Ten
Shillings.

WHEREBY subject to the provisions of this agreement the Company agrees to sell to the Council for the sum of nine thousand five hundred pounds and the Council agrees to purchase from the Company the undertaking of the Company authorised by the Gunthorpe Bridge Act one thousand eight hundred and seventy (hereinafter called "the special Act"):

And whereby the Council and the Company agree respectively as follows:—

The Council for their part agree—

1. In the next coming session of Parliament to promote and to use their best endeavours to pass into law a Bill (hereinafter called "the Bill") to provide that on the appointed day the undertaking of the Company authorised by the special Act including the existing Gunthorpe Bridge and the site thereof and approaches thereto and all lands rights powers property privileges and interests acquired under or by virtue of the special Act or used or enjoyed with or in connection with the said bridge howsoever the same may have been acquired but excepting any stocks shares securities or other investments or moneys in the bank or elsewhere comprising the reserve fund of the Company and all moneys standing to the credit of the Company at their bankers or in the hands of any other body or person or persons on their behalf shall vest in the Council freed from all debentures mortgages charges debts and liabilities affecting the same and that any rights of the Company to take tolls and any liability of the Company to repair and maintain the bridge and approaches shall cease and be extinguished as from the appointed day and to

[Ch. Ivii.] *Nottinghamshire County* [15 & 16 Geo. 5.]
Council (Gunthorpe Bridge) Act, 1925.

A.D. 1925. provide for the winding-up of the Company and generally to give effect to this agreement and the resolutions of the highways and bridges committee of the Council and of the Council.

2. The said Bill shall particularly provide for the construction by the Council of a new bridge in place of the existing bridge and shall provide for the closing of the existing bridge upon the appointed day and for the demolition by the Council of the existing bridge after the appointed day and that the appointed day shall subject as hereinafter mentioned be the day when the said new bridge is opened for traffic.

3. The said Bill shall provide for the payment by the Council on the appointed day to the Company of the sum of nine thousand five hundred pounds as the consideration for the transfer of the undertaking including all lands rights powers property privileges and interests acquired under or by virtue of the special Act or otherwise howsoever except as aforesaid freed from all debentures mortgages charges debts and liabilities together with the costs of the Company legally and professionally incurred in and about the said sale but not exceeding in the whole the sum of one hundred pounds and further that as from the appointed day the Council shall pay interest to the Company on the said sum of nine thousand five hundred pounds or such part thereof as shall remain unpaid at the rate of six per cent. per annum until payment if such default is owing to a cause over which the Council shall have control.

4. The appointed day shall be the thirty-first day of December one thousand nine hundred and twenty-seven or such earlier or later date as may be agreed between the parties.

The Company for their part agree—

1. To use their best endeavours to assist the Council in the promotion of the said Bill or so much thereof as shall give effect to this agreement.

2. To maintain their undertaking until the appointed day in the ordinary course of business.

3. Not to enter into any contract after the making of this agreement without the consent of the Council save and except such as shall be in the ordinary course of the maintenance and conduct of the undertaking.

4. That they will pay and bear all outgoings of every kind to the appointed day and until such time be solely responsible for all actions claims and demands howsoever arising.

5. That they will discharge pay and satisfy all debentures mortgages charges debts and liabilities upon or affecting the undertaking or due from or payable by the Company including

[15 & 16 GEO. 5.] *Nottinghamshire County* [Ch. lvii.]
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therein any claim or right of action that may have accrued or be accruing and any action or proceeding which may be pending on the appointed day including any claim for compensation by the directors shareholders or servants of the Company in respect of the termination of their employment or interests or otherwise and will indemnify the Council in respect thereof.

A.D. 1925.

And it is mutually agreed between the parties hereto—

1. That the said Bill shall contain the provisions as to the winding up of the Company set out in the schedule hereto and such further provisions as may be deemed desirable by the parties hereto.

2. That if any material alteration be made in the Bill as deposited before it passes into law so as to prevent either party from giving full effect to this agreement then the other party shall be at liberty to cancel this agreement and the Council shall be at liberty to abandon the Bill. And if any obligation shall be imposed upon the Council by the Bill which the Council are unable or unwilling to comply with or if the said Bill shall for any reason fail to pass into law or if H.M. Treasury shall for any reason not consent to make the following grants (that is to say):—

- (a) A sum equal to sixty-five per cent. of the cost of construction of the proposed new bridge;
- (b) A sum equal to fifty per cent. of the cost of the acquisition of the land for and the construction of the new roads in connection with the proposed new bridge; and
- (c) A sum equal to fifty per cent. of the costs and charges in connection with the Bill;

then the Council shall be at liberty to cancel this agreement and to abandon the Bill upon the payment to the Company of any costs which may have been incurred reasonably by the Company in relation to this agreement or in endeavouring to carry out the same not exceeding in the whole the sum of £100 as hereinbefore mentioned.

In witness whereof the Council and the Company have hereunto affixed their common seals the day and year first above written.

A.D. 1925.

The SCHEDULE above referred to.

WINDING UP OF BRIDGE COMPANY.

1. From and after the date of the transfer the Company shall subsist only for the purpose of discharging paying and satisfying the charges debts debentures and liabilities upon or affecting the undertaking of the Company or due from or payable by the Company and for the purpose of bringing or defending any actions accrued or accruing and of receiving and recovering the sums payable to the Company as provided by this Act and distributing the same and the purchase money and any other moneys payable to the Company in accordance with the provisions of this Act and for winding up the affairs of the Company and carrying into effect the purposes of this Act so far as they relate to the Company and the directors of the Company who are in office at the date of the transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the Company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

2. If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing members shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

3. Forthwith after the appointed day the directors of the company shall proceed to wind up the affairs of the Company and after discharging paying and satisfying the charges debts debentures and liabilities upon or affecting the undertaking or due from or payable by the Company and the settlement of outstanding actions as aforesaid shall pay and distribute their net moneys to and among the several persons who at the date of the transfer are the registered holders of stock or shares in the capital of the Company or their respective executors administrators and assigns according to the amount of the stock or shares held by them respectively and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of stock or shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be stockholders or shareholders of the Company and the receipt in writing of such persons or of their executors or

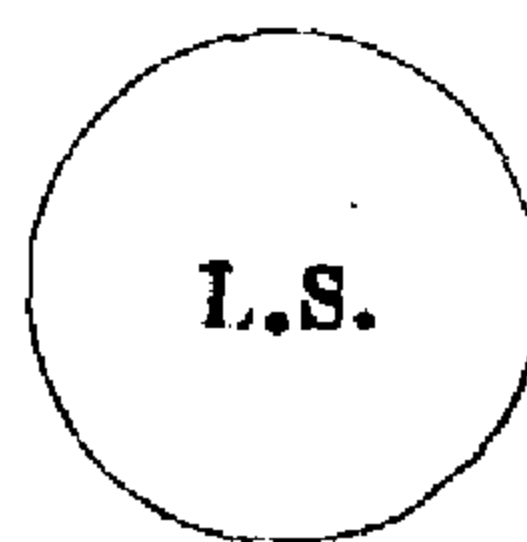
[15 & 16 GEO. 5.] *Nottinghamshire County Council (Gunthorpe Bridge) Act, 1925.* [Ch. lvii.]

administrators or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the stock shares or interest in respect whereof that money is paid. A.D. 1925.

4. If the directors of the Company are for six months after the date of the transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Nottinghamshire holden at Nottingham under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the Company and the directors thereof from all further liability with respect to the money so paid in.

Counterpart executed thus:—

The common seal of the County Council of the administrative county of Nottingham was hereunto affixed in the presence of—

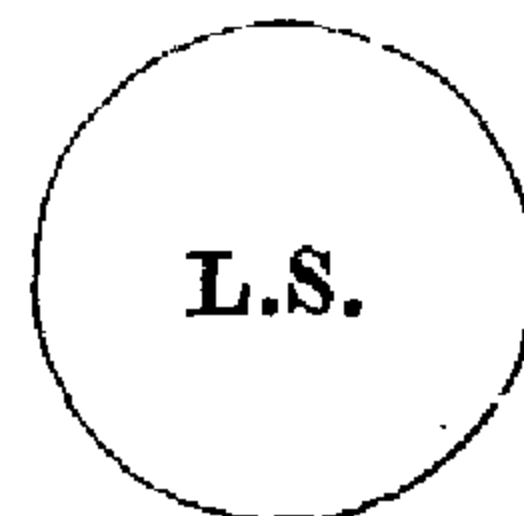


GALWAY
Chairman.

TWEEDALE MEABY
Clerk of the Nottinghamshire County Council.

Part executed by Company thus:—

The common seal of the Gunthorpe Bridge Company was hereunto affixed in the presence of—



THOMAS W. HUSKINSON }
THOS. A. HILL } Directors.
W. NÖEL PARR }
Honorary Secretary.

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SECOND SCHEDULE.

FORM OF DEED OF TRANSFER OF COMPANY'S UNDERTAKING.

Pursuant and subject to the provisions of the Nottinghamshire County Council (Gunthorpe Bridge) Act 1925 and for the consideration mentioned in the agreement set forth in the First Schedule to that Act the Gunthorpe Bridge Company hereby grant convey and assign to the County Council of the administrative county of Nottingham the undertaking property and assets of the said Company mentioned in the said agreement To hold the same freed and discharged from all debts and liabilities of the Company howsoever arising unto and to the use of the said County Council their successors and assigns subject as in the said agreement mentioned And the said County Council do hereby accept the same accordingly.

In witness whereof the parties hereto have hereunto affixed their respective common seals the _____ day of
nineteen hundred and twenty-

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