

[21 & 22 GEO. 5.] *Public Works Facilities* [Ch. lxxvii.]
Scheme (Nottingham Corporation) Confirmation
Act, 1931.



CHAPTER lxxvii.

An Act to confirm a Scheme made by the Minister of Health under the Public Works Facilities Act 1930 relating to the Nottingham Corporation. A.D. 1931.
—
[31st July 1931.]

WHEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Health has made a Scheme which needs confirmation by Parliament : 20 & 21 Geo. 5. c. 50.

Be it therefore 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 :—

1. The Scheme of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Nottingham Corporation) Confirmation Act 1931. Short title.

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SCHEDULE.

NOTTINGHAM CORPORATION.

Nottingham Corporation.

Scheme under the Public Works Facilities Act 1930 empowering the Nottingham Corporation to construct waterworks and for other purposes.

WHEREAS for the purpose of supplying water within the extended limits hereinafter mentioned the lord mayor aldermen and citizens of the city of Nottingham acting by the council (in this scheme referred to as "the Corporation") are desirous of providing constructing and carrying out the works described in this Scheme;

And whereas the Corporation require to acquire compulsorily and enter upon the lands shown on the deposited plans and book of reference required for the purposes of the works to be executed under the powers proposed to be conferred by this Scheme;

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

- (a) For and in connection with the construction of aqueducts eighteen thousand three hundred and one pounds;
- (b) For and in connection with the construction of boosting pumping stations five thousand pounds;
- (c) For and in connection with water mains services and plant one hundred and twelve thousand six hundred and ninety-nine pounds;
- (d) For and in connection with the provision of a water tank two thousand pounds;
- (e) For and in connection with the purchase of mains plant and apparatus belonging to the Basford district council eighteen thousand pounds;

And whereas the powers contained in this Scheme are required by the Corporation for the purpose of enabling them to execute the said works or are incidental or consequential provisions necessary for giving full effect to this Scheme;

And whereas the Minister of Health is satisfied—

- (a) that the works will contribute to the relief of unemployment; and

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- (b) that the relief of unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on statutory undertakers by local Acts; and
- (d) that the powers so conferred will not enable the Corporation to undertake functions of a different nature from those already within their statutory powers :

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Now therefore the Minister of Health in pursuance of the powers given to him by section 1 of the Public Works Facilities Act 1930 and of all other powers enabling him in that behalf hereby makes the following Scheme :—

1.—(1) This Scheme may be cited as the Nottingham Corporation (Waterworks) Scheme 1931.

Short title and commencement.

(2) This Scheme shall come into force upon the date upon which the Act which confirms this Scheme is passed and that date is in this Scheme referred to as “the commencement of this Scheme.”

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of this Scheme and are not inconsistent with the provisions of this Scheme) are hereby incorporated with and form part of this Scheme (namely) :—

Incorporation of Acts.

(1) The Lands Clauses Acts with the following exceptions and modifications :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 shall not be so incorporated with this Scheme; and

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(c) In lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provision shall have effect :—

No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the arbitrator determines that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting

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the amenity or convenience of the house and if he so determines he may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the local authority or statutory undertakers that part of the house building manufactory park or garden :

(2) Section 77 of the Railways Clauses Consolidation Act 1845 and sections 78 to 85 of that Act :

(3) The Waterworks Clauses Act 1847 except—

(a) the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44 ;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ; and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers) : and

(4) Sections 13 to 21 of the Waterworks Clauses Act 1863.

Interpreta-
tion.

3. In this Scheme unless the subject or context otherwise requires—

“ The deposited plans ” “ the deposited sections ” and “ the deposited book of reference ” referred to in this Scheme are the plans sections and book of reference deposited with the clerk of the Nottinghamshire county council for the purposes of this Scheme ;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919.

Power to
make water-
works.

4. Subject to the provisions of this Scheme the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of Nottingham (that is to say) :—

Waterwork No. 1 An aqueduct conduit or line or lines of pipes commencing in the urban district of Eastwood by a junction with the existing aqueduct of the Corporation at the intersection of the centre lines of Nottingham Road and Mansfield Road passing through the said urban district and the parishes of Brinsley Selston and Annesley in the rural district of Basford and terminating in Salmon Lane in the said parish of Annesley at a point 760 yards east of the intersection of the centre lines of Alfretton Road and Salmon Lane ;

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Waterwork No. 2 A boosting pumping station in the said parish of Selston in the field No. 1041 on the 1/2500 Ordnance map of the said parish (edition 1916 Nottinghamshire sheet No. XXXII. 10) the centre of the boosting station being at a point 483 yards or thereabouts measured in a north-easterly direction from the eastern corner of Yewtree Inn and 233 yards or thereabouts west of the southerly corner of the plantation known as Willeylane Plantation;

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Waterwork No. 3 An aqueduct conduit or line or lines of pipes commencing in the parish of South Wilford in the rural district of Basford by a junction with the existing aqueduct of the Corporation at the intersection of the centre lines of Landmere Lane with the Old Road passing through the said parish and through the parishes of Edwalton Plumtree Normanton-on-the-Wolds Keyworth and Stanton-on-the-Wolds in the rural district of Bingham and terminating in the said parish of Stanton-on-the-Wolds at the intended elevated tank Waterwork No. 5 hereinafter described at a point 277 yards or thereabouts east of All Saints Church Stanton-on-the-Wolds;

Waterwork No. 4 A boosting pumping station in the said parish of Normanton-on-the-Wolds in the field No. 46 on the 1/2500 Ordnance map of the said parish (edition 1914 Nottinghamshire sheet No. XLVI. 8) the centre of the boosting station being at a point 650 yards or thereabouts measured in a southerly direction from the southern corner of St. Mary's Church Plumtree and 273 yards or thereabouts west of the western corner of Plumtree station;

Waterwork No. 5 An elevated water tank in the said parish of Stanton-on-the-Wolds in the field No. 50 on the 1/2500 Ordnance map of the said parish (edition 1921 Nottinghamshire sheet No. XLVI. 12) the centre of the tank being at a point 277 yards or thereabouts measured in an easterly direction from the eastern corner of All Saints Church Stanton-on-the-Wolds and 140 yards or thereabouts east of the western corner of field No. 50.

5. Subject to the provisions and for the purposes of this Scheme the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference :

Power to
take lands.

Provided that the Corporation shall not under the provisions of this Scheme acquire otherwise than by agreement any land which is the property of any local authority or has been acquired by statutory undertakers for the purposes of their undertaking.

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Period for compulsory purchase of lands.

Power to deviate in construction of works.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Scheme shall cease after the expiration of three years from the first day of January nineteen hundred and thirty-one.

7. In the construction of the waterworks authorised by this Scheme the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent :

Provided that except for the purposes of crossing over a stream or railway no part of the aqueducts authorised by this Scheme shall be raised above the surface of the ground except so far as is shown on the deposited sections.

Period for completion of water-works.

8. If the works authorised by this Scheme and shown on the deposited plans and sections or any part or parts thereof are not completed within three years from the first day of January nineteen hundred and thirty-one then on the expiration of that period the powers granted by this Scheme for making those works shall cease as to such of them or so much thereof respectively as are not then completed :

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the works and lay down additional lines of pipes as and when occasion may require.

Works to form part of water undertaking.

9. The waterworks to be constructed by the Corporation under the authority of this Scheme shall for all purposes be deemed to be part of the water undertaking of the Corporation.

Extension of limits of supply of water.

10. The limits within which the Corporation may supply water shall extend to and include the contributory places of Bradmore Bunny Cossall Ruddington Strelley Annesley Barton-in-Fabis Bilborough Calverton Clifton-with-Glapton Felley Gamston Gotham Lambley Newstead Selston Thrumpton Trowell and Woodborough in the rural district of Basford in the county of Nottingham and the contributory places of Aslockton Bingham Car Colston Clipston Colston Bassett Cotgrave Cropwell Bishop Cropwell Butler East Bridgford Elton Flawborough Flintham Granby Hawksworth Hickling Holme Pierrepont Keyworth Kinoulton Kneeton Langar-cum-Barnstone Normanton-on-the-Wolds Orston Owthorpe Plumtree Saxondale Scarrington Screveton Shelford Shelton Sibthorpe Stanton-on-the-Wolds Thoroton Tollerton Tythby Upper Broughton Whatton Widmerpool and Wiverton Hall in the rural district of Bingham in the said county and the Corporation may for the purposes of such supply exercise within the said contributory places the same powers as they are authorised to exercise under the Acts and

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Orders relating to their water undertaking and shall be subject to the same obligations as they are subject to in respect of water supply under the said Acts and Orders.

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11.—(1) So soon as the Corporation commence to supply water under the powers of this Scheme all agreements for the supply of water by the Corporation to any premises or property in the rural district of Basford which may have been entered into between the Corporation and the Basford rural district council shall cease and determine.

Basford rural council and Bingham rural council to cease to supply water.

(2) So soon as the Corporation commence to supply water under the powers of this Scheme all agreements for the supply of water by the Corporation to any premises or property in the rural district of Bingham which may have been entered into between the Corporation and the Bingham rural district council shall cease and determine.

(3) As from the thirty-first day of March nineteen hundred and thirty-two or such later date as the Minister of Health may by order determine the Basford rural district council shall cease to supply water within so much of their district as is situate within the county of Nottingham and as from such date the Bingham rural district council shall cease to supply water within their district.

12. The Corporation shall purchase and the Basford rural district council shall sell for the sum of £18,000 the mains plant meters fittings and apparatus belonging to the Basford rural district council within the urban district of Kirkby-in-Ashfield and the parishes of Annesley Selston Gotham Bradmore Bunny Cossall and Ruddington in the said Basford rural district in the county of Nottingham.

Corporation to purchase plant &c. of Basford rural council.

13. The purposes of this Scheme shall be deemed to be purposes of the Nottingham Corporation Act 1929 in respect of which the Corporation may with the consent of the Minister of Health borrow under subsection (3) of section 62 of that Act.

Power to borrow.

14. Nothing in this Scheme shall extend to or authorise any interference with any electric lines or other works of the Derbyshire and Nottinghamshire Electric Power Company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899.

For protection of Derbyshire and Nottinghamshire Electric Power Company.

15. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of the aqueducts conduits or lines of pipes authorised by this Scheme.

Application of Waterworks Clauses Act 1847 to works authorised by Scheme.

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For pro-
tection of
London and
North
Eastern
Railway
Company.

16. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect with respect to the exercise by the Corporation of the powers conferred on the Corporation by this Scheme and with respect to any works to be executed by the Corporation in exercise of such powers :—

- (1) In laying and also (except in cases of emergency) in effecting repairs or renewals of any mains pipes culverts or other works (hereinafter referred to as "the authorised works") over upon across or under any railway canal work or property of the company the Corporation shall execute such works in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the company. Such authorised works and any repairs or renewals thereof shall be executed with all reasonable dispatch and under the direction and superintendence (if the same be given) and to the reasonable satisfaction of the said engineer :

Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (2) The Corporation shall with all reasonable dispatch restore and make good to the reasonable satisfaction of the said engineer the railways canals and other property of the company and the roads of or maintainable by the company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the company so elect they may themselves execute and maintain the authorised works over or under any railway canal or works of the company or any roads of or maintainable by the company other than the actual laying down and maintenance of mains and pipes and may recover from the Corporation the reasonable expenses incurred by the company in connection therewith :
- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railways canals or other property of the company or any interruption to the passage or conduct of traffic over any such railway or at any station thereof and if any such injury damage or interruption arises from the acts or operations of the Corporation or by reason of the

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failure of the Corporation to maintain the authorised works or from the bursting leakage or failure of the authorised works (not being due to the acts or defaults of the company its servants or agents) all such injury or damage shall forthwith be made good by the Corporation or if the company so elect they may themselves execute the works at the expense of the Corporation and the Corporation shall indemnify the company from all claims in respect of such injury damage or interruption and shall make compensation to the company for or in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided :

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- (5) In the event of the Corporation failing to maintain the authorised works where they pass under or over or in any way affect the railways canals or other property of the company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary during or by reason of the construction of the authorised works or in effecting repairs or renewals thereof to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railways or canals of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the employment by them during the construction repair or renewal of the authorised works over under or across the railways or other property of the company of a sufficient number of inspectors signalmen or watchmen to be appointed by the company for watching and protecting the said railways and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any

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person or persons in the employ of the Corporation or their contractors :

- (8) If at any time it is found necessary in order to enable the Company to carry out any alterations widenings or extensions of their existing railways or works that the position of the authorised works shall be altered the Corporation shall on receiving not less than one month's notice in writing from the said engineer so to do at the Corporation's own cost and with all reasonable dispatch alter the position of the same in accordance with plans sections and specifications previously submitted to and reasonably approved by the Corporation or their engineer so far as may be reasonably necessary to enable the Company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (9) Any additional expense which the Company may reasonably incur in widening altering reconstructing repairing or maintaining their railways or other works by reason of the existence of the works of the Corporation upon across over or under the same shall be paid by the Corporation :
- (10) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be agreed upon by the company and the Corporation or failing agreement to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of London Midland and Scottish Railway Company.

17. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as " the company ") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in relation to the exercise by the Corporation of any of their powers relating to their water undertaking within the contributory places mentioned in the section of this Scheme of which the marginal note is " Extension of limits of supply of water " and also in relation to the construction and maintenance of Waterwork No. 3 by this Scheme authorised :—

- (1) The Corporation shall before they commence the construction of so much of any works as shall or may pass over or under or adjoin or in any way affect the railways works or property of the company (which parts of the works of the Corporation are in this

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section referred to as "the works") submit to the principal engineer of the company (in this section referred to as "the principal engineer") plans sections and specifications of the works for the reasonable approval of the principal engineer and on such plans shall show the stages by which it is intended to carry out the works. Provided that if within one month from the submission of such plans sections and specifications the principal engineer does not signify his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof :

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- (2) The works shall be constructed only according to such plans sections and specifications as shall be approved or deemed as aforesaid to be approved or determined by arbitration under this section and shall be constructed under the superintendence (if given) and to the reasonable satisfaction of the principal engineer :
- (3) The Corporation shall on demand repay to the company the reasonable expense of the employment by the company during the execution of the works of a sufficient number of inspectors and watchmen to be appointed by the company for watching their railway with reference to the execution of the works and for preventing as far as may be any interference obstruction danger or accident from the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them in connection with the execution of the works :
- (4) The Corporation shall before carrying out so much of the works as will be below the existing level of the ground construct such temporary or permanent works as may be reasonably necessary to support the railway works and property of the company and in the event of the Corporation constructing any of the works under or adjacent to any bridge of the company at a lower level than the foundations of such bridge any underpinning which may be reasonably necessary to ensure the stability of such bridge in consequence of the carrying out of such work shall (on the company giving at least seven days' notice thereof to the Corporation) be executed by the company but in all things at the expense of the Corporation :
- (5) If by reason of any works or proceedings of the Corporation or of their contractors or workmen or of the leakage bursting or failure of any of the works otherwise than by reason of any act or default of the company the railways or any of the works or lands of the company or any road

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or bridge or level crossing or the approaches thereto which the company are or may be liable to maintain shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense and to the reasonable satisfaction of the principal engineer and in the event of their failing so to do or in case of emergency the company may do all such works and things as may be reasonably requisite to make good the same and recover the expenditure reasonably so incurred from the Corporation and if any interruption shall be caused to the traffic of the said railways by reason of any of the works or of any such leakage bursting or failure as aforesaid the Corporation shall make good and repay to the Company any loss damage or expense which they may sustain or be put to by reason of such interruption :

- (6) Any dispute or difference which may arise between the company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration 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 Arbitration Act 1889 shall apply to any such arbitration.

For pro-
tection of
Ilkeston
Corporation:

18. If and when the Corporation supply water to the premises in the parish of Trowell taking water at the commencement of this Scheme from the mayor aldermen and burgesses of the borough of Ilkeston (in this section called "the Ilkeston Corporation") the Corporation will compensate the Ilkeston Corporation on account of any expenses the Ilkeston Corporation may have been put to in the laying of mains such compensation to be determined in the absence of agreement by arbitration.

Application
of provisions
of Telegraph
Act 1878.

19. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.

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