



CHAPTER xxxvi.

An Act to authorise the lord mayor aldermen and citizens of the city of Nottingham and county of the same city to construct waterworks and to provide and work trolley vehicles on a further route to make further provision with regard to the water and transport undertakings of the said lord mayor aldermen and citizens to provide for the transfer to them of the yarn and textile testing bureau of the University College of Nottingham to make further financial provision and for other purposes. [31st July 1947.]

WHEREAS the city of Nottingham and county of the same city (in this Act called "the city") is under the municipal and local government of the lord mayor aldermen and citizens of the city (in this Act called "the Corporation") and the Corporation supply water within and in considerable areas outside the city:

And whereas it is expedient to empower the Corporation to construct and maintain the pumping station well and other waterworks described in this Act:

And whereas it is expedient to extend the time for the completion of certain of the waterworks authorised by the Nottingham Corporation Act 1938 and to confer the further powers upon the Corporation with regard to their water undertaking contained in this Act: 1 & 2 Geo. 6.
c. xciv.

And whereas the Corporation carry on a transport undertaking within and beyond the city and it is expedient to empower the Corporation to provide and work trolley vehicles on the further route beyond the city described in this Act:

And whereas it is expedient that the yarn and textile testing bureau authorised by the Nottingham Corporation Act 1925 and the buildings appliances engines apparatus and plant 15 & 16 Geo. 5.
c. cix.

at present forming part of the University College of Nottingham in the city should be transferred to the Corporation together with the powers rights and privileges which the said college are authorised to exercise with regard to the said bureau and that the other provisions with regard to the said bureau contained in this Act should be enacted:

And whereas it is expedient that the powers of the Corporation with regard to the borrowing of money and the formation of funds and other financial matters should be enlarged as by this Act provided:

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:

And whereas estimates have been prepared by the Corporation for and in connection with the following purposes:—

	£
(a) The purchase of lands and easements	4,150
(b) The construction of so much of Waterwork No. 1 authorised by this Act as does not consist of machinery ...	111,887
(c) The provision of machinery in connection with Waterwork No. 1 authorised by this Act... ..	65,593
(d) The construction of Waterworks Nos. 2 3 and 5 authorised by this Act	304,112
(e) The construction of Waterwork No. 4 authorised by this Act	75,182
(f) The additional cost of the construction of the following waterworks authorised by the Act of 1938:—	
(i). So much of Waterworks Nos. 1 and 5 as does not consist of machinery... ..	55,323
(ii) The provision of machinery in connection with Waterworks Nos. 1 and 5	7,051
(iii) Waterworks Nos. 2 3 6 7 9 12 and 13	34,728
(iv) Waterworks Nos. 4 8 and 10	120,277
(v) Waterwork No. 11	5,982
(g) The provision of trolley vehicles ...	4,426
(h) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles	11,111

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 23 & 24
Geo. 5. c. 51.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Nottingham which plans sections and book of reference 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.

1. This Act may be cited as the Nottingham Corporation Act 1947. Short title.

2. This Act is divided into Parts as follows (that is to say):— Division of
Act into
Parts.

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Waterworks and water supply.
- Part IV.—Trolley vehicles.
- Part V.—Yarn and textile testing bureau.
- Part VI.—Financial and miscellaneous.

3. The following enactments (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):— Incorporation
of Acts.

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

(a) Section 92 (Parties not to be required to sell part of a house) and sections 127 to 132 of the

PART I.
—cont.
8 & 9 Vict.
c. 18.

Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

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

8 & 9 Geo. 6.
c. 42.

(2) The following provisions of the Third Schedule to the Water Act 1945:—

Part II (Works and lands) except sections 2 7 and 9;

Part IV (Minerals underlying waterworks);

In Part VI (Breaking open streets &c.) sections 22 23 (except paragraph (b) of the proviso to that section) 24 26 27 and 28;

Part XIV (Pollution of water by manufacture &c. of gas);

In Part XVI (General and miscellaneous) sections 80 83 84 87 90 92 93 and 94:

8 & 9 Vict.
c. 20.

(3) 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 waterworks authorised by this Act and “the centre of the railway” means the centre of such waterworks respectively.

Inter-
pretation
of terms.
26 Geo. 5.
& 1 Edw. 8.
c. 49.

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 Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“The city” means the city of Nottingham and county of the same city;

“The Corporation” means the lord mayor aldermen and citizens of the city acting by the council of the city;

“The town clerk” means the town clerk of the city;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;

Each of the expressions set out in the first column of the following table means the Act or Order set out opposite thereto in the second column of that table:—		PART I. —cont.
“ The Order of 1877 ”	The Nottingham and District Tramways Order 1877;	40 & 41 Vict. c. cxxiv.
“ The Act of 1897 ”	The Nottingham Improvement Act 1897;	60 & 61 Vict. c. ccxxxviii.
“ The Act of 1899 ”	The Nottingham Corporation Act 1899;	62 & 63 Vict. c. ci.
“ The Act of 1900 ”	The Nottingham Corporation Act 1900;	63 & 64 Vict. c. cxxxii.
“ The Act of 1902 ”	The Nottingham Corporation Act 1902;	2 Edw. 7. c. ccxxxiii.
“ The Act of 1905 ”	The Nottingham Corporation Act 1905;	5 Edw. 7. c. clxxv.
“ The Act of 1910 ”	The Nottingham Corporation Act 1910;	10 Edw. 7. & 1 Geo. 5. c. xliv.
“ The Act of 1913 ”	The Nottingham Corporation Act 1913;	3 & 4 Geo. 5. c. cxiii.
“ The Act of 1920 ”	The Nottingham Corporation Act 1920;	10 & 11 Geo. 5. c. lxvi.
“ The Act of 1923 ”	The Nottingham Corporation Act 1923;	13 & 14 Geo. 5. c. c.
“ The Act of 1925 ”	The Nottingham Corporation Act 1925;	
“ The Act of 1929 ”	The Nottingham Corporation Act 1929;	19 & 20 Geo. 5. c. lxi.
“ The Act of 1930 ”	The Nottingham Corporation Act 1930;	20 & 21 Geo. 5. c. cxiv.
“ The Act of 1938 ”	The Nottingham Corporation Act 1938;	
“ The Lands Clauses Acts ”	means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;	9 & 10 Geo. 5. c. 57.
“ The county ”	means the administrative county of Nottingham;	
“ The county council ”	means the county council of the county;	
“ The Act of 1933 ”	means the Local Government Act 1933;	
“ The Act of 1936 ”	means the Public Health Act 1936;	
“ Trolley vehicle ”	means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source.	

PART II.

LANDS.

Power to
take lands.

5. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works authorised by Part III (Waterworks and water supply) of this Act and for other the purposes of the water undertaking of the Corporation.

Correction
of errors in
deposited
plans and
book of
reference.

6.—(1) If there is any omission misstatement 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 Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

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

(3) Any such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish with the clerk of the council of that parish and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

(4) Any certificate or copy and duplicate deposited under this section shall be kept by such clerks respectively with the other documents to which the same relate.

Period for
com-
pulsory
purchase
of lands.

7. The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of December nineteen hundred and fifty.

Agreements
with
owners of
property
&c.

8. The Corporation subject to the provisions of this Act may enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands

or property for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

9. No person shall be required to sell a part only of any house building or factory 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 factory park or garden unless the arbitrator to whom the question of compensation is referred determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the arbitrator so determine compensation shall be awarded 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 Corporation that part of the house building factory park or garden.

As to taking parts of certain properties.

10. At any time after notice to treat has been served for any land or easement which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land or easement not less than fourteen days' notice enter on and take possession of the land or such part thereof or easement therein as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land or easement of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Further powers of entry.

11.—(1) Any private right of way over land which the Corporation are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

Extinction of private rights of way.

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation in case of dispute shall be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

PART II.

—cont.

Appropriation of
land
abutting
on Elm
Avenue
and Cranmer
Street.46 & 47
Vict.

c. lxxviii.

12.—(1) Paragraphs (3) to (6) inclusive of section 26 of the Nottingham Corporation Act 1883 are hereby repealed in relation to the land abutting upon Elm Avenue and Cranmer Street in the city described in this section.

(2) The Corporation may appropriate and use the land described in this section for educational purposes.

(3) The land referred to in this section is as follows:—

All that piece of land in the city containing 2.588 acres and bounded on or towards the west by Elm Avenue on or towards the south in part by premises belonging to the executors of T. Burrows in other part by premises belonging to the executors of J. W. Harwood in other part by premises belonging to the trustees of the Gordon Boys' Home and in the remaining part by Cranmer Street on or towards the north in part by other land of the Corporation and in the remaining part by premises belonging to Griffin and Spalding Limited and on or towards the east in various parts by premises belonging to the said Griffin and Spalding Limited the executors of Robert Deplidge Arthur Spinks Edward Louis Rogers the said executors of J. W. Harwood and the said trustees of the Gordon Boys' Home.

PART III.

WATERWORKS AND WATER SUPPLY.

13.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following waterworks in the county (namely):—

Waterwork No. 1 A pumping station (to be called "the Halam pumping station") with a well or wells boreholes adits tunnels shafts and other works and conveniences connected therewith or ancillary thereto to be situate in the parish of Halam in the rural district of Southwell in the enclosure numbered 388 on the 1/2500 Ordnance map of the said parish (edition 1919) Nottinghamshire sheet No. XXXIV.2;

Waterwork No. 2 An aqueduct conduit or line or lines of pipes commencing at the Halam pumping station passing through the said parish of Halam and the parish of Southwell to and terminating in the parish of Oxtun in the said rural district in the Oxtun service reservoir (Waterwork No. 4 by this Act authorised);

Power to
make
water-
works.

Waterwork No. 3 A waste water conduit to be situate in the said parish of Halam commencing by a junction with Waterwork No. 2 by this Act authorised in the enclosure numbered 388 on the said 1/2500 Ordnance map (edition 1919) Nottinghamshire sheet No. XXXIV.2 and terminating at the stream which flows past the junction of Cutlersforth with Halam Lane and thence into the Halam Beck;

Waterwork No. 4 A service reservoir (to be called "the Oxton service reservoir") to be situate in the said parish of Oxton in the enclosure numbered 352 on the 1/2500 Ordnance map of the said parish (edition 1920) Nottinghamshire sheet No. XXXIV.5;

Waterwork No. 5 An aqueduct conduit or line or lines of pipes commencing at the Oxton service reservoir passing through the parishes of Oxton Epperstone Lowdham Gunthorpe and Bulcote in the said rural district over the river Trent by means of a pipe bridge through the parishes of Shelford Radcliffe-on-Trent Holme Pierrepont and Gamston in the rural district of Bingham to and terminating in the urban district of West Bridgford at the existing Wilford service reservoir in the enclosure numbered 261A on the 1/2500 Ordnance map (edition 1914) Nottinghamshire sheet No. XLII.14.

(2) In addition to the waterworks hereinbefore described the Corporation may upon any lands for the time being belonging to them or in or over which they have or obtain easements make and maintain all such roads tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

14. In the construction of the waterworks authorised by this Act 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 not exceeding six feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream canal or railway no part of the aqueducts conduits or lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to deviate in construction of waterworks.

PART III.
—cont.
Period for
completion
of water-
works and
enlarge-
ment of
works.

15.—(1) If the waterworks authorised by this Act and shown on the deposited plans and sections are not completed by the thirty-first day of December nineteen hundred and fifty-seven then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

(2) The Corporation may extend enlarge alter reconstruct renew or remove any of the waterworks and plant constructed under this Act as and when occasion may require and also may in the case of the Waterworks Nos. 2 and 5 authorised by this Act lay down additional lines of pipes as and when necessary in order to maintain a continuous supply of water.

Power to
take
waters.

16. The Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by the well or wells and pumping station and works connected therewith by this Act authorised.

Power to
discharge
waste
water and
purified
sewage
effluent
into
stream
flowing into
Halam
Beck.

17.—(1) The Corporation during and after the construction of the pumping station Waterwork No. 1 authorised by this Act may discharge into the stream which flows past the junction of Cutlersforth with Halam Lane and thence into the Halam Beck waste water and purified sewage effluent from the said Waterwork No. 1 and from any temporary or permanent huts or dwelling-houses adjacent to the said work:

Provided that any water or sewage effluent so discharged shall be free from mud solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

(2) The rate at which the Corporation may cause water to be discharged into the said stream which flows into the Halam Beck shall not exceed such a rate as may be agreed between the Corporation and the county council or as failing agreement may be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers to be reasonable having regard to all the circumstances of the case and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration.

(3) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

power the amount of compensation to be settled in case of difference by arbitration.

PART III.
—cont.

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

Water-works to form part of water undertaking.

19.—(1) If at any time during the construction or after the completion by the Corporation of Waterwork No. 1 authorised by this Act it shall be proved by the mayor aldermen and burgesses of the borough of Newark (in this section called "the Newark Corporation") that pumping at the said Waterwork No. 1 has caused through no default of the Newark Corporation a diminution of the supply of water obtainable from the Farnsfield Well of the Newark Corporation as the same exists immediately before such diminution of supply the Corporation shall upon the receipt of the written request of the town clerk of Newark afford to the Newark Corporation a supply of water at the Halam service reservoir of that corporation equal to the amount of such diminution or at the option of the Corporation shall pay to the Newark Corporation the cost of any works which it may be necessary to construct in order to obtain from the said Farnsfield Well the same (but no greater) quantity of water which the Newark Corporation were able to obtain from that well immediately before such diminution occurred. Provided that in the estimation or calculation of the supply of water obtainable from the Farnsfield Well before such diminution as aforesaid any supply of water obtained from the said well by overpumping for a limited period shall not be taken into account.

For protection of Newark Corporation.

(2) The Newark Corporation shall pay to the Corporation for water supplied under subsection (1) of this section such sums as shall be agreed from time to time between the two corporations or settled by arbitration under this section provided that no such sum shall be less than the cost to the Corporation for the time being of affording such supply.

(3) Any difference arising under this section shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the Newark Corporation or failing such agreement to be appointed on the application of either corporation (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such reference and determination.

PART III.

—cont.

For protection of
Derbyshire
and
Nottinghamshire
Electric
Power
Company.

20. For the protection of the Derbyshire and Nottinghamshire Electric Power Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall during the construction and use of the works authorised by this Part of this Act (in this section referred to as "the works") take all reasonable precautions to prevent interference with any electric line and other works of the company upon across under above or adjoining any lands through which the works shall be constructed and so as to cause no interruption to any supply of electricity afforded by the company:
- (2) If the construction and use of the works makes it necessary for the company to alter divert or reconstruct any electric line or other works of the company the reasonable costs and expenses of the company incurred in so doing shall be paid by the Corporation to the company:
- (3) If any injury or interruption as aforesaid shall arise from or in any way be due to any of the acts works and operations of the Corporation the Corporation shall make compensation to the company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:
- (4) If the Corporation shall at any time after the passing of this Act purchase or lease any lands through which the works shall be constructed and on which the company have erected or laid and are using any electric line or other works in exercise of facilities conferred on the company by an agreement with or licence from the owner of such lands the Corporation shall grant similar facilities to the company on terms and conditions not less favourable than those contained in such agreement or licence:
- (5) The provisions of this section shall be in addition to and not in substitution for the rights and powers of the company under the Electricity (Supply) Acts 1882 to 1936 and any statutory modification thereof:
- (6) The expression "electric line" shall have the same meaning as in the Electricity (Supply) Acts 1882 to 1936 and for the purpose of this section shall include poles standards guards stays wires cables and apparatus used by the company in connection therewith:

(7) Any difference which shall arise between the Corporation and the company under this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration.

21. The time for completing Waterworks Nos. 1 4 5 and 8 authorised by the Act of 1938 is extended until the thirty-first day of December nineteen hundred and fifty-seven.

Extension of time for completion of waterworks authorised in 1938.

22. On and after the first day of October nineteen hundred and forty-seven notwithstanding anything contained in section 23 (Corporation to supply water in bulk to Southwell Rural District Council) of the Nottingham Corporation Water Act 1897 the price to be paid to the Corporation by the Southwell Rural District Council (in this section called "the council") for water supplied to the council by the Corporation in pursuance of the said section shall be ninepence for every thousand gallons. Provided that the Minister on an application made to him by the Corporation or the council after notice in writing to the other of them may by order make such alteration of the said price as he may consider reasonable.

As to supply of water to Southwell Rural District Council.
60 & 61 Vict. c. cc.

23.—(1) Notwithstanding anything in any enactment a person shall not be entitled to demand or continue to receive a supply of water from the Corporation for the purposes only of a stand-by supply for any premises (whether for the whole or any part of the requirements of such person at such premises) to which the Corporation are not bound to supply water otherwise than by measure and which have a separate supply of water unless he has agreed with the Corporation to pay to them such annual sum in addition to any charge for water supplied as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises.

Supply of water where person has separate supply.

(2) Any question arising under this section—

(a) as to whether a supply of water is demanded or received for the purposes only of a stand-by supply;
or

PART III.
—cont.

(b) as to whether any premises have a separate supply of water; or

(c) as to the amount of the said annual sum to be specified in the agreement;

shall in default of agreement be determined by arbitration.

For
protection
of
navigation.

24.—(1) In the construction and subsequent maintenance of the pipe bridge by means of which Waterwork No. 5 authorised by this Act is to be carried over the river Trent (in this section called "the bridge") the Corporation shall not deviate below the level of the underside of the bridge shown on the deposited sections namely sixty-nine feet above Ordnance datum and in the execution of any works of maintenance or repair involving the temporary diminution of the headway of the bridge the Corporation so far as practicable shall not interfere with the navigation of and traffic on the said river.

(2) If at any time during or after the construction of the bridge the engineer of the body for the time being responsible for the maintenance and improvement of the river Trent at the place at which it will be crossed by the bridge (in this section called "the navigation engineer") shall be of the opinion that it is reasonably necessary that the hauling path should be diverted so as to pass under the bridge the Corporation shall at the request of the navigation engineer execute such works as may be required to continue the hauling path between the northern pier of the bridge and the said river with proper approaches thereto from the existing hauling path both upstream and downstream of the bridge and shall after the execution of the works maintain in good order repair and condition the hauling path as so diverted and the immediate approaches thereto:

Provided that the navigation engineer shall not request the Corporation to execute any works to continue the hauling path as aforesaid unless the body for the time being responsible for the maintenance and improvement of the river Trent as aforesaid has first decided that a hauling path is to be constructed under the bridge authorised by the Nottinghamshire County Council (Gunthorpe Bridge) Act 1925 in pursuance of an agreement dated the seventh day of October nineteen hundred and twenty-seven and made between the county council of the one part and the Corporation of the other part:

Provided further that the Corporation shall not be required under this subsection to execute any works (other than maintenance works) beyond such works the actual cost of the construction of which does not exceed two hundred and fifty pounds.

15 & 16
Geo. 5.
c. lvii.

(3) Any difference arising under this section shall be referred to and determined by an arbitrator to be agreed upon between the parties to the difference or failing such agreement to be appointed on the application of either party (after notice in writing by the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such reference and determination.

25. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall apply and have effect except so far as may otherwise be agreed in writing between the Corporation and the company (that is to say):—

For protection
of London
Midland and
Scottish
Railway
Company.

(1) The Corporation shall not acquire compulsorily any lands or property of the company save and except that the Corporation may acquire and the company on being requested so to do by the Corporation shall sell to the Corporation an easement or right of using so much of the lands or property of the company as may be necessary for the construction maintenance renewal user alteration and removal of Waterwork No. 5 and any works connected therewith (hereinafter referred to as "the works"):

(2) Whenever the works are laid or constructed in any way affecting any railways lands or property of the company the same and any maintenance repairs or renewal thereof shall be done under the superintendence (if given) and to the reasonable satisfaction of the principal engineer of the company (in this section referred to as "the principal engineer") and except in cases of repairs or emergency the Corporation before commencing such works shall deliver to the principal engineer plans sections and particulars thereof for his reasonable approval. Such plans sections and particulars shall (except in cases of emergency) be delivered at least twenty-one days before the commencement of the works to which they relate. Provided that if at the expiration of that period the principal engineer shall not have signified his approval or disapproval of the same he shall be deemed to have approved thereof:

(3) The works if carried under the railway of the company or under any public road crossing such railway on the level shall for their entire length across

PART III.
—cont.

the said railway be laid and carried by means of steel or cast iron pipes founded on and surrounded by portland cement concrete of such thickness as may be agreed between the Corporation and the company or determined under this section and so that no part of such work shall be less than three feet six inches below the level of the rails of the said railway at the point of crossing:

- (4) The Corporation shall restore and make good to the reasonable satisfaction of the principal engineer the railways works and property of the company and the roads belonging to or maintainable by them so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation and the works shall be constructed executed and maintained so as to cause as little injury as may be to the railways works or property of the company and so as not to cause any interruption or interference to the passage or conduct of the traffic over the said railways and if by the execution of the works any injury shall arise to the said railways works or property or interruption or interference to such traffic shall occur the Corporation shall make compensation to the company in respect of such injury interruption or interference:
- (5) In the event of the Corporation constructing the works under 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 laying 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 cost of the Corporation:
- (6) The Corporation shall at all times maintain the works in substantial repair and good order and condition to the reasonable satisfaction of the principal engineer and if and whenever the Corporation fail so to do the company may make and do all such things as may be reasonably requisite in that behalf and the expenditure so incurred by the company shall be repaid to them by the Corporation:
- (7) If by reason of any acts or operations of the Corporation or their workmen or of their contractors when engaged upon any of the works or of the leakage bursting or failure of any of the works the railways works or property of the company shall be injured or damaged otherwise than by reason of any act or

default of the company 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 the case of emergency the company may do all such works or things as may be reasonably requisite to make good the same and recover the expenditure so incurred from the Corporation and if any interruption or interference shall be caused to the traffic of the said railway by reason of any of the works or by 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 or interference:

- (8) The Corporation shall bear and pay to the company the reasonable expense of the employment by them during the construction and maintenance of the works of such inspectors signalmen or watchmen as may be reasonably necessary for inspecting such works and for watching the railways of the company affected by the works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the works and for preventing danger and accident and as far as may be all interference interruption and obstruction from any of the operations or from the acts or defaults of the Corporation or their contractors when engaged upon the works or any person or persons in the employ of the Corporation or their respective contractors when so engaged:
- (9) Before the Corporation commence the construction of any of the works any temporary works which may be reasonably necessary to ensure the stability of the railways and works of the company affected by the works may and shall if so required by the company be carried out by the company for the Corporation according to plans sections and particulars to be previously submitted to and agreed with the Corporation or determined under this section and the reasonable costs thereof and any expenses incurred in connection therewith (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the company in and about such works) shall be repaid by the Corporation to the company:

PART III.
—cont.

- (10) Any additional expense which the company may reasonably incur in pursuance of any powers existing at the passing of this Act in widening altering reconstructing repairing or maintaining their railway or other works by reason of the existence of the works shall be paid by the Corporation:
- (11) Should it be necessary in connection with any of the works or the subsequent repair maintenance renewal alteration or removal thereof to alter or remove any telegraph posts wires or other telegraphic telephonic or signalling or other apparatus belonging to or maintained by the company the Corporation shall pay to the company all expenses reasonably incurred by them in connection with such alteration or removal and with the erection of other posts wires or apparatus in substitution for those so altered or removed:
- (12) If the company give to the Corporation notice that they themselves desire to construct or carry out any of the works (other than the actual laying down and repair of the said Waterwork No. 5) they may themselves construct or carry out the same under the superintendence (if given) and to the reasonable satisfaction of the water engineer of the Corporation in accordance with plans sections and particulars to be previously submitted to and approved by such engineer or determined under this section and recover the reasonable costs thereof from the Corporation:
- (13) Any dispute or difference which may arise between the company and the Corporation or their water engineer 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 be settled by arbitration by an engineer to be agreed between the company and the Corporation or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such reference or determination.

For protection
of London
and North
Eastern
Railway
Company.

26. 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

between the Corporation and the company in writing apply and have effect:—

PART III.
—cont.

- (1) The expression " railway property " where used in this section shall include any land railway canal or convenience belonging to or worked by the company:
- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not except as in this section provided enter upon take appropriate or use any railway property:
- (3) The Corporation may purchase and take and if required so to do the company shall sell and grant an easement or right of constructing and maintaining Waterwork No. 5 by this Act authorised in upon or over so much of the railway property shown on the deposited plans as may be required therefor according to the estate and interest of the company in and subject to all easements rights and covenants affecting the said part of the railway property in accordance with the provisions of this Act:
- (4) The consideration to be paid for any easement or right to be acquired by the Corporation under the last preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:
- (5) Waterwork No. 5 by this Act authorised and all works connected therewith where the same will be constructed in under or across or will otherwise affect railway property shall be constructed and maintained in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the company (in this section referred to as " the engineer ") and all such works shall be constructed and repaired in such manner and at such times as shall be previously reasonably approved by the engineer and under his superintendence and to his reasonable satisfaction. The Corporation shall give to the engineer not less than twenty-eight days' notice in writing before executing any works of construction and (except in cases of emergency when the longest practicable notice shall be given) before commencing to execute any works of repair in over or affecting railway property:

PART III.
—cont.—

- (6) If owing to or by reason of the execution user or failure of the said works of the Corporation or any act or omission of the Corporation or of their agents or any person in the employment of the Corporation or their agents in connection with such works any railway property shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do the company may make good the same and the reasonable expense thereof shall be repaid to the company by the Corporation on demand and the Corporation shall indemnify and hold harmless the company from and against all losses which the company may sustain and all claims or demands upon or against the company and shall pay all costs charges and expenses which the company may be reasonably put to or incur arising out of or by reason of the execution maintenance renewal user or failure of any of the said works of the Corporation or any act or omission in connection therewith of the Corporation or their agents or any person in the employment of the Corporation or their agents:
- (7) If any difference shall arise between the Corporation and the company under subsections (5) and (6) of this section (other than a difference as to the meaning or construction thereof) such difference shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice to the other and subject thereto the provisions of the Arbitration Acts 1889 to 1934 and any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration.

PART IV.

TROLLEY VEHICLES.

27. The Corporation may subject to the provisions of this Act run trolley vehicles upon the following route in addition to any routes upon which they are already authorised to use trolley vehicles:—

A route in the urban district of Carlton in the county commencing in Main Street East at Post Office Square by a junction with the existing trolley vehicle route thence proceeding along Main Street East to its junction with Manor Road thence along Manor Road to its junction

with Station Road and thence along Station Road to and terminating at the point of commencement in Main Street East Provided that the Corporation shall run trolley vehicles upon the said route as one-way traffic in a clockwise direction.

PART IV.
—cont.

28. If the Corporation shall not have commenced to run trolley vehicles along the route authorised by this Act within five years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Act with reference to the running of trolley vehicles along the said route shall cease to be exerciseable.

Period for commencement of trolley vehicle services.

29. The restrictions contained in the enactments relating to the payment of fares in respect of the carriage of passengers upon the tramways of the Corporation applied to the carriage of passengers upon the trolley vehicles of the Corporation shall not extend to any special trolley vehicles or to any special service of trolley vehicles run by the Corporation on extraordinary occasions and in respect of such special trolley vehicles and services the Corporation may demand and take such fares as they shall think fit:

Provision with regard to special trolley vehicles and services.

Provided that the running of such special trolley vehicles or special services of trolley vehicles shall in no way curtail the ordinary service of trolley vehicles.

30. The following provisions of the Order of 1877 the Act of 1897 the Act of 1899 the Act of 1900 the Act of 1902 the Act of 1905 the Act of 1913 the Act of 1923 the Act of 1925 and the Act of 1930 shall subject to the provisions of this Act extend and apply to the provision maintenance and working of trolley vehicles under the powers of this Act as if those provisions with the necessary modifications were re-enacted in this Part of this Act (namely):—

Application of further provisions to trolley vehicles.

The Order of 1877—

Section 23 (Promoters not bound to carry goods);

Section 24 (Payment of tolls);

Section 25 (Provisions as to arbitration);

So much of Table B contained in the schedule to the said Order as relates to tolls for small parcels.

The Act of 1897—

Section 42 (Provisions as to motive power);

Section 43 (Construction of electric works);

Section 44 (Restrictions on use of electric power);

Section 46 (Byelaws);

Ch. xxxvi. *Nottingham Corporation* 10 & 11 GEO. 6.
Act, 1947.

PART IV.
—cont.
33 & 34
Vict. c. 78.

Section 47 (Amendment of the Tramways Act 1870 as to byelaws by local authority);

Section 50 (Prohibiting the raising of fares on Sundays and holidays).

The Act of 1899—

Section 20 (Tramways not to be opened until certified by Board of Trade);

Section 23 (Passengers' luggage);

Section 24 (Form and delivery of notices).

The Act of 1900—

Section 16 (Attachment of brackets to buildings).

The Act of 1902—

Section 11 (Corporation may appoint stopping and starting places);

Section 13 (Cheap fares for labouring classes).

The Act of 1905—

Section 5 (Supply of energy from electricity works);

Section 6 (As to electrical works &c.);

Section 7 (Apparatus used for mechanical power to be deemed part of tramway);

Section 14 (Regulations by Corporation);

Section 17 (Periodical revision of rates and charges);

Section 18 (As to running through cars and charges for same).

The Act of 1913—

Section 14 (Fares rates and charges) (as amended by the Act of 1925);

Section 17 (For protection of Postmaster-General);

Section 18 (Duties on licences for trolley vehicles);

Section 20 (Shelters or waiting rooms);

Section 21 (Penalty for malicious damage).

The Act of 1923—

Section 22 (Power to appoint stages).

The Act of 1925—

Section 30 (Application of Tramways Act 1870 to trolley vehicles);

Section 33 (Power to carry certain goods and luggage and dogs on trolley vehicles).

The Act of 1930—

Section 9 (For protection of road authorities):

Provided that for the purposes of such extension and application—

- (a) Section 17 (Periodical revision of rates and charges) of the Act of 1905 shall be read and have effect as if in respect of the trolley vehicle route authorised by this Act the Carlton Urban District Council or twenty inhabitant ratepayers of that district were included in the said section;
- (b) Nothing in this Act shall authorise the Corporation to erect sheds or shelters or waiting rooms on the public streets or roads on any trolley vehicle route outside the city except with the consent of the local authority and the road authority;
- (c) Any starting or stopping station or place appointed by the Corporation under section 11 of the Act of 1902 in relation to the route authorised by this Act shall be subject to the previous approval of the county council and the Carlton Urban District Council;
- (d) Section 9 of the Act of 1930 shall be read and have effect as if “ council of ” had been inserted therein in lieu of “ councils of Arnold and ” and as if “ forming part of the existing tramways of the Corporation in the said county ” had been omitted therefrom.

31. The trolley vehicle route and the powers relating thereto authorised by this Part of this Act shall be deemed to form part of the transport undertaking of the Corporation.

Trolley vehicle route to form part of transport undertaking.

32. The trolley vehicles of the Corporation shall not be deemed to be stage carriages for the purposes of sections 13 to 15 of the Railway Passenger Duty Act 1842 but for the purpose of calculating the number of passengers in excess of the seating capacity that may be carried thereon shall be deemed to be public service vehicles.

Trolley vehicles not to be deemed stage carriages for certain purposes.
5 & 6 Vict. c. 79.

33.—(1) The trolley vehicles of the Corporation shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Trolley vehicles not to be deemed omnibuses.
52 & 53 Vict. c. 14.

(2) Section 31 (Vehicles not to be deemed light locomotives) of the Act of 1925 is hereby repealed.

34. The Public Service Vehicles (Lost Property) Regulations 1934 made by the Minister of Transport in exercise of the powers vested in him under or by virtue of the Road

As to lost property.

PART IV.
—cont.

Traffic Acts 1930 to 1937 and any regulations amending extending or in substitution for the said regulations shall extend and apply mutatis mutandis in respect of property found in the trolley vehicles of the Corporation as if such trolley vehicles were public service vehicles.

For protection
of Postmaster-
General.

35. The provisions of section 16 (For protection of Postmaster-General) of the Act of 1902 as amended by section 42 (Amendment of section 16 (b) (4) of Nottingham Corporation Act 1902) of the Act of 1929 shall extend and apply to the provision maintenance and working of trolley vehicles under the powers of this Act as if those provisions with the necessary modifications were re-enacted in this Part of this Act.

For
protection
of
county
council
and
urban
district
council of
Carlton.

36. The following provisions for the protection of the county council and the urban district council of Carlton (each of whom is in this section referred to as "the road authority") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect (that is to say):—

- (1) (a) All posts and apparatus erected or placed by the Corporation in connection with the trolley vehicle route authorised by this Act in over or under any street or road shall be placed in such position as the road authority may approve;
(b) All posts shall be set back into recesses to be constructed at the expense of the Corporation at the back of the footpaths where so required by the surveyor of the road authority;
- (2) The Corporation shall not attach any brackets wires or apparatus to any buildings of which the road authority are the owners without the consent in writing of the road authority;
- (3) All posts and apparatus erected or placed by the Corporation in connection with the trolley vehicle route authorised by this Act in over or under any street or road may be used without any payment being required by the Corporation by the road authority for the fixing thereto or the suspension therefrom of apparatus for lighting the street or road Provided that any apparatus and the method of fixing or suspension thereof shall be previously approved by the Corporation and the work of fixing or suspension shall be carried out to the satisfaction of the Corporation.

PART V.

YARN AND TEXTILE TESTING BUREAU.

37.—(1) The powers rights and privileges conferred by Part VII (Establishment of yarn and textile testing bureau by the college) of the Act of 1925 on the University College of Nottingham are by virtue of this Part of this Act transferred to the Corporation and sections 36 37 39 and 40 of the Act of 1925 shall be read and have effect as if the words "the Corporation" were substituted for the words "the college" throughout those sections and as if the words "the town clerk" were substituted for the words "the honorary secretary of the college" in section 37 of the Act of 1925.

Transfer of yarn and textile testing bureau to Corporation.

(2) (a) All lands buildings appliances engines apparatus and plant which the said college may have acquired erected and provided under subsection (1) of section 36 of the Act of 1925 are also by virtue of this Part of this Act transferred to the Corporation for such a sum of money as may be agreed between the said college and the Corporation or in default of agreement settled by arbitration.

(b) The provision of any appliances engines apparatus or plant for the purposes of the said powers by the Corporation or the advance by them of any money to the said college for such provision before the passing of this Act is hereby sanctioned and confirmed but any sum expended or advanced as aforesaid shall be deducted from the money to be paid by the Corporation to the said college under paragraph (a) of this subsection.

(c) If the amount or value of the consideration for the sale of the property transferred to the Corporation by virtue of this Part of this Act is not ascertained on or before the passing of this Act the date of the final ascertainment of the amount or value of the consideration shall for the purpose of section 12 of the Finance Act 1895 (which relates to stamp duty in cases of property vested by Act of Parliament) be treated as the date of vesting.

58 & 59 Vict. c. 16.

(3) Every certificate issued under the powers transferred to the Corporation by this Part of this Act shall be under their common seal and every such certificate or any copy thereof verified under the hand of the town clerk shall be receivable in evidence of the facts certified in any court of judicature

PART V.
—cont.

or in any proceedings at law or in equity or bankruptcy or in any criminal proceedings.

(4) Section 41 (Application of surplus income from textile testing business) of the Act of 1925 is hereby repealed.

Application
of surplus
income
from
textile
testing
business.

38. Any moneys coming into the hands of the Corporation in respect of textile testing business over and above the outgoings in respect thereof in any year shall be applied by the Corporation to the benefit of the inhabitants and the improvement of the city.

Delegation
of powers.

39. The Corporation may delegate or otherwise make arrangements for the exercise of the powers rights and privileges transferred to them by virtue of this Part of this Act to or with any joint education committee of representatives of the Corporation and of local authorities in the county or in the administrative county of Derby established by the Minister of Education under paragraph 3 of Part II of the First Schedule to the Education Act 1944 to administer the Nottingham and District Technical College and such committee are hereby authorised to exercise the said powers rights and privileges.

7 & 8 Geo. 6.
c. 31.

For protection
of University
College of
Nottingham.

40. The University College of Nottingham shall not incur any liability in respect of any certificate which has been issued by them under Part VII of the Act of 1925 nor in respect of any yarns fabrics or loose textile materials and other matters and things of the like character which may have been deposited with them for examination testing or certification beyond such liability as may have arisen from negligence or misconduct on the part of any officer or servant in the employment of the said college.

PART VI.

FINANCIAL AND MISCELLANEOUS.

Power to
borrow.

41.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and the Corporation shall pay off all moneys so borrowed within such periods as they may determine not

exceeding those respectively mentioned in the third column of the said table (namely):—

PART VI.
—cont.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for the purposes of this Act.	£ 4,150	Sixty years from the date or dates of borrowing.
(b) The construction of so much of Waterwork No. 1 by this Act authorised as does not consist of machinery.	111,887	Forty years from the date or dates of borrowing.
(c) The provision of machinery in connection with Waterwork No. 1 by this Act authorised.	65,593	Twenty years from the date or dates of borrowing.
(d) The construction of Waterworks Nos. 2 3 and 5 by this Act authorised.	304,112	Forty years from the date or dates of borrowing.
(e) The construction of Waterwork No. 4 by this Act authorised.	75,182	Thirty-five years from the date or dates of borrowing.
(f) The additional cost of the construction of the following waterworks authorised by the Act of 1938—		
(i) So much of Waterworks Nos. 1 and 5 as does not consist of machinery.	55,323	Forty years from the date or dates of borrowing.
(ii) The provision of machinery in connection with Waterworks Nos. 1 and 5.	7,051	Twenty years from the date or dates of borrowing.
(iii) Waterworks Nos. 2 3 6 7 9 12 and 13.	34,728	Forty years from the date or dates of borrowing.
(iv) Waterworks Nos. 4 8 and 10.	120,277	Thirty-five years from the date or dates of borrowing.
(v) Waterwork No. 11 ...	5,982	Thirty years from the date or dates of borrowing.
(g) The provision of trolley vehicles.	4,426	Ten years from the date or dates of borrowing.
(h) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	11,111	Twenty years from the date or dates of borrowing.
(i) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

PART VI.
—cont.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

Saving for
powers of
Treasury.
2 & 3 Geo. 6.
c. 62.
9 Geo. 6.
c. 10.

9 & 10
Geo. 6. c. 58.

42. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order under section (1) of the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

As to exercise
of borrowing
powers.
8 & 9 Geo. 6.
c. 18.

43. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Amendment
of section 41
of Nottingham
Corporation
Act 1935.
25 & 26
Geo. 5. c. cxix.

44. Subsection (2) of section 41 (Renewal and repairs fund) of the Nottingham Corporation Act 1935 shall be read and have effect as if in the said subsection the word "fourpence" were inserted instead of the word "twopence" and as if the words "one hundred and fifty thousand pounds" were inserted instead of the words "seventy-five thousand pounds."

Amendment
of section 42
of Nottingham
Corporation
Act 1935.

45. Section 42 (Capital fund) of the Nottingham Corporation Act 1935 shall be read and have effect as if the word "sixpence" were inserted instead of the word "twopence" in the proviso to subsection (1) of that section.

Corporation
stock to be
transferable
by instrument
in writing.
43 & 44
Vict. c. ccviii.

46.—(1) In this section and in the schedule to this Act—
"the appointed day" means the date of the passing of this Act;

"the Loans Act" means the Nottingham Corporation Loans Act 1880;

"Corporation stock" means capital stock issued under the Loans Act;

"the bank" means the Bank of England.

(2) As from the appointed day—

(a) The Corporation may from time to time enter into such arrangements as they may think proper with the

bank for carrying into effect the unrepealed provisions of the Loans Act as amended by this section and the schedule to this Act with reference to the registration and transfer of Corporation stock and the management thereof and for the proper remuneration of the bank with reference thereto. Provided that if the register referred to in the said schedule shall be kept by the Corporation themselves all the unrepealed provisions of the Loans Act as amended by this Act and the provisions of this section and the said schedule in which the expression "the Bank" is used shall be held to apply to the Corporation as if they had been named therein instead of the bank;

- (b) Corporation stock shall cease to be transferable in manner provided by section 14 (Transfer of Corporation stock) of the Loans Act and shall be transferable in law by instrument in writing and in no other manner;
- (c) The provisions contained in Part I of the said schedule shall have effect for the purposes of and in connection with the issue of certificates for and the registration and transfer of Corporation stock and the payment of dividends in respect thereof;
- (d) The provisions of the Loans Act specified in Part II (A) of the said schedule shall be amended as set forth therein and the provisions of the Loans Act set forth in Part II (B) of the said schedule shall be repealed.

(3) Nothing in this section or in the said schedule shall affect any Corporation stock in respect of which a stock certificate to bearer issued under section 25 (Right to stock certificates to bearer in respect of Corporation stock) of the Loans Act is for the time being outstanding.

(4) A power of attorney in force immediately before the appointed day authorising any person to effect transfers of Corporation stock shall remain in force and shall be construed as authorising that person to effect transfers of Corporation stock in accordance with the provisions of the said schedule.

(5) Nothing in this section or in the said schedule shall be construed as authorising a body corporate to execute an instrument of transfer otherwise than in accordance with the rules of law and the provisions of any instrument (including an Act of Parliament) regulating the constitution of that body with respect to the execution of instruments by that body.

PART VI.
—cont.
2 & 3 Geo. 6.
c. 100.

(6) Where an instrument of transfer of Corporation stock executed in accordance with the Government and other Stocks (Emergency Provisions) Act 1939 has been delivered to the bank but the transfer has not been completed in accordance with that Act before the appointed day the provisions of the said schedule shall apply in relation to the transfer of that Corporation stock.

Incorporation
of provisions
of local Acts
of 1897 1910
1923 1929 and
1938.

47. The following sections of the Act of 1897 the Act of 1910 the Act of 1923 the Act of 1929 and the Act of 1938 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 Act of 1897—

Section 13 (Proceeds of sale of surplus lands).

The Act of 1910—

Section 17 (Provisions as to compensation);

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

The Act of 1923—

Section 132 (Informations by whom to be laid);

Section 133 (Saving for indictments &c.).

The Act of 1929—

Section 28 (Power to enter upon property for survey and valuation);

Section 29 (Purchase of lands for exchange);

Section 30 (Power to reinstate owners of property);

Section 32 (Acquisition of easements).

The Act of 1938—

Section 10 (Power to make allowances to certain persons displaced);

Section 29 (For protection of owners of certain wells);

Section 43 (For protection of county council);

Section 44 (For preservation of amenities);

Section 81 (For protection of River Trent Catchment Board):

Provided that in the application of—

(a) section 17 of the Act of 1910 that section shall be read and have effect as if the twentieth day of November nineteen hundred and forty-six were therein referred to instead of the first day of January nineteen hundred and ten;

(b) subsection (1) of section 29 of the Act of 1938 "Waterwork No. 1" shall be substituted for "(as the case may require) Waterwork No. 1 or Waterwork No. 5.";

PART VI.
—cont.

(c) section 43 of the Act of 1938—

(i) Subsections (4) and (13) shall be omitted;

(ii) In subsection (5) "24 of the Third Schedule to the Water Act 1945" shall be substituted for "31 of the Waterworks Clauses Act 1847.";

10 & 11 Vict.
c. 17.

(iii) In subsection (11) "26 of the Third Schedule to the Water Act 1945" shall be substituted for "32 of the Waterworks Clauses Act 1847.";

(d) section 44 of the Act of 1938 "Halam and Oxtun" shall be substituted for "Rufford Lambley Bestwood Park Arnold and Kimberley.";

(e) in the application of section 81 of the Act of 1938 that section shall be read and have effect as if—

(i) the expression "authorised work" meant a work authorised by Part III of this Act;

(ii) the words "or of the Water Act 1945" were inserted in subsection (11) after the words "any other provision of this Act."

48. The sections of the Act of 1936 mentioned in this section shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Application
of sections of
Act of
1936.

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 293 (Recovery of expenses &c.);

Section 296 (Summary proceedings for offences);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative).

49. The following provisions for the protection of the county council shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Corporation have effect with respect to the execution of the works authorised by Part III (Waterworks and water supply) of this Act or the exercise in or affecting

For pro-
tection of
county
council.

PART VI.
—cont.

any county road or county bridge of any of the powers of this Act (that is to say):—

- (1) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof incorporated by this Act and of the sections of this Act of which the respective marginal notes are "Further powers of entry" and "Extinction of private rights of way" shall not apply with respect to any lands of the county council:
- (2) Notwithstanding anything in this Act or shown on the deposited plans or sections the Corporation shall not lay any mains pipes or apparatus in the portion of the Lowdham-Oxton Road (B688) in the parish of Lowdham which runs from the south-east corner of the grounds of Lowdham Vicarage for a distance of 400 feet in a south-easterly direction.

Saving for
certain
requirements
&c.

50. Nothing in this Act shall authorise the development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of access to or from any road or as to the submission of plans and specifications or the giving of notices to any authority. Provided that this section shall not apply to or affect the execution by the Corporation of any works shown on the deposited plans and sections nor shall anything in this section deprive the Corporation of any exemption (whether absolute or conditional) to which they are entitled under any enactment referred to in this section.

Arbitration.

51. Where under this Act any question or dispute is to be referred to an arbitrator or determined by arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) then unless other provision is made the reference shall be to an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed by the Minister of Health and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply accordingly.

Saving for
town and
country
planning.

52.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in

respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

PART VI.
—cont.

(2) In this section the expression "Town and Country Planning Acts" means—

- (a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and
- (b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

22 & 23
Geo. 5. c. 48.
6 & 7 Geo. 6.
c. 29.
7 & 8 Geo. 6.
c. 47.
9 & 10 Geo. 6.
c. 68.

53. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Crown rights.

54. 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 general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

The SCHEDULE referred to in the foregoing Act.

PART I.

REGISTRATION.

1.—(1) There shall be kept with the bank a register wherein shall be entered the names and addresses of all persons who are for the time being holders of Corporation stock and the amounts of Corporation stock of which they are respectively for the time being holders.

(2) The register shall be prima facie evidence of any matters directed or authorised by the Loans Act or by this schedule to be entered therein and of the title of the persons whose names are entered therein as holders of amounts of Corporation stock.

CERTIFICATES.

2.—(1) The bank shall give to a holder of Corporation stock a certificate of the proprietorship thereof specifying the amount of Corporation stock to which the holder is entitled (in this schedule referred to as a "stock certificate").

(2) A stock certificate shall be prima facie evidence of the title of the person named therein to the Corporation stock specified therein.

(3) A stock certificate shall bear a facsimile of the signature of the chief accountant of the bank or if the register shall be kept by the Corporation a stock certificate shall be sealed with their corporate seal.

(4) If a stock certificate is worn out or damaged the bank may on production thereof and on payment of a fee not exceeding two shillings and sixpence cancel it and give a similar stock certificate to the person in whom the property in the stock certificate and in the Corporation stock therein specified is then vested.

(5) If a stock certificate is lost or destroyed the bank may on proof thereof to their satisfaction and on such indemnity as they may require and on payment of a fee not exceeding two shillings and sixpence give a similar stock certificate to the person entitled to the certificate lost or destroyed.

(6) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the register.

(7) Where the names of two or more persons are entered in the stock register as joint holders of an amount of stock nothing contained in the foregoing provisions of this paragraph shall be construed as requiring the bank to issue more than one certificate in respect of that amount of stock and delivery of a certificate to one of several joint holders shall be sufficient delivery to all of them.

(8) Nothing in this schedule shall require the bank to give to a person who was a holder of Corporation stock immediately before the appointed day a stock certificate except on application in writing.

TRANSFER OF STOCK.

3.—(1) Corporation stock shall be transferable by instrument in writing in any usual or common form executed by all parties to the transfer and delivered to and retained by the bank.

(2) The instrument of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(3) An authority to execute an instrument of transfer of Corporation stock shall be in writing and the execution of the instrument containing any such authority shall be attested by a credible witness.

(4) The bank shall after reasonable notice and on delivery up of the old stock certificate or on such proof as they may require that it cannot be produced and on indemnity being given to their satisfaction give effect to the transfer by entering in the register such particulars as are necessary to show the effect of the transfer and shall deliver to the transferee a new stock certificate.

(5) A transferor of Corporation stock shall be deemed to remain the owner thereof until the bank have given effect to the transfer.

(6) Where two or more persons are registered as owners of any Corporation stock such persons shall be deemed to be joint owners with right of survivorship between them.

(7) The bank may before giving effect to a transfer require evidence to their satisfaction of the right of the transferor to make the transfer.

DIVIDENDS.

4. The bank may strike the balance for a dividend on Corporation stock on any day not being more than thirty-seven days before the day on which the dividend is payable and any person who is on the day on which the balance is so struck entered in the register as a holder of Corporation stock shall as between himself and any transferee of that Corporation stock be entitled to the dividend next payable thereon.

5.—(1) Dividends on Corporation stock shall be paid by the bank by means of warrants sent through the post to the registered address of the holder (or in the case of joint holders to the registered address of that one of them whose name stands first on the register) or to such other person and to such other address as the holder (or in the case of joint holders all the holders) may direct in writing addressed to the bank.

(2) The posting of any such warrant as aforesaid in a prepaid letter directed to such address as aforesaid shall as respects the liability of the Corporation and of the bank be equivalent to the delivery of the warrant to the holder himself.

(3) Every warrant as aforesaid so sent by post shall be deemed to be a cheque and the Corporation in relation thereto shall be deemed to be a banker within the Bills of Exchange Act 1882.

(4) For the purposes of this paragraph the executor or administrator or the executors or administrators of a deceased holder shall be deemed to be the holder or joint holders (as the case may require) of the Corporation stock of such holder.

PART II.

(A)

In section 15 the word "register" shall be substituted for the words "transfer books" in each place where those words occur and the words "any Act relating to Corporation stock (in this Act referred to as 'the register')" shall be substituted for the words "this Act" where those words first occur;

In Section 25 the word "register" shall be substituted for the words "said transfer books" where those words occur;

In sections 27 29 and 30 and in the Second Schedule the word "register" shall be substituted for the words "transfer books" in every place where those words occur;

Section 30 shall be read and have effect as if the words "express implied or constructive" had been inserted after the word "trust" where it first occurs.

(B)

Section 13;

In section 14 the words from "Books shall" to "acceptance thereof" both inclusive and the words from "Except as" to "in law" both inclusive;

Sections 16 20 21 22 23 and 24;

In Section 27 the words "as stock transferable therein";

In Section 28 the words "stock receipts and";

In Section 29 the words "stock receipt or";

In Section 30 the words "stock receipt or of any";

In Section 43 the words "stock receipt and a";

In the Second Schedule the words from "On the issue of a stock receipt" to the words "and sixpence" both inclusive.

PRINTED BY SIR NORMAN GIBB SCORGIE, C.V.O., C.B.E.
Controller of His Majesty's Stationery Office and King's Printer of Acts
of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh, 2;
39-41 King Street, Manchester, 2; 1 St. Andrew's Crescent, Cardiff;
Tower Lane, Bristol, 1; 80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 1s. 6d. net