



CHAPTER xlii

An Act to empower the Trent River Board to acquire lands to stop up part of the river Trent and for other purposes. [1st August 1951.]

WHEREAS the Trent River Board (hereinafter referred to as "the Board") were constituted by the Trent River Board Constitution Order 1950 made by the Minister of Agriculture and Fisheries and the Minister of Health under the River Boards Act 1948 as the river board for the Trent River Board area defined by the Trent River Board Area Order 1950. 11 & 12 Geo. 6. c. 32.

And whereas by an Act 23 George 3. chapter 48 the Company of Proprietors of the River Trent Navigation were incorporated for the purpose of completing and maintaining the navigation of the river Trent from a place called Wilden Ferry in the counties of Derby and Leicester or one of them to Gainsborough in the county of Lincoln: 23 Geo. 3. c. 48.

And whereas by an Act 34 George 3. chapter 95 further powers were conferred upon the said company including power to make and complete a navigable side-cut (hereinafter referred to as "the Holme Cut") from the river Trent at or near to a place called Bingham Roads through certain inclosures called "the Holmes" in the townships of Adbolton and Bassingfield in the county of Nottingham or one of them to join and communicate with the said river at or near to a place called Cowford: 34 Geo. 3. c. 95.

And whereas the Holme Cut was duly completed by the said company under the powers conferred upon them by the last-recited Act:

And whereas by the Trent Navigation Act 1858 the last two recited Acts were repealed but certain sections and provisions of 21 & 22 Vict. c. xxxiv.

such last-mentioned Acts were re-enacted and the said company were continued incorporated by the same name and were empowered and required to preserve and maintain the navigation of the river Trent:

And whereas the undertaking authorised by the said Acts as extended and amended by subsequent Acts was by virtue of the 10 & 11 Geo. 6. Transport Act 1947 transferred to and vested in the British c. 49. Transport Commission:

And whereas the river Trent is a main river of the Board for 20 & 21 Geo. 5. the purposes of Part II of the Land Drainage Act 1930: c. 44.

And whereas the Board have prepared and are in course of carrying out a scheme for the construction of works for improving the drainage of the river Trent and for preventing and controlling the flooding of lands within their area:

And whereas the said works include the construction of a new cut (hereinafter called "the New Holme Cut") adjoining the Holme Cut in the parish of Holme Pierrepont in the rural district of Bingham in the county of Nottingham:

And whereas the construction of the New Holme Cut will be carried out under the general powers of a catchment board under the said Act of 1930 which were conferred upon the Board by the said Act of 1948:

And whereas the construction of the New Holme Cut will render unnecessary for navigation or drainage purposes a loop of the river Trent between the commencement and termination of that cut and it is expedient that the provisions contained in this Act for or in connection with the stopping up of the said loop of the river Trent should be enacted:

And whereas it is expedient that for the purposes of or in connection with the construction of the New Holme Cut and the stopping up of the said loop of the river Trent the powers for the compulsory acquisition of lands contained in this Act should be conferred upon the Board:

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 the consent of the Minister of Local Government and Planning and of the Minister of Agriculture and Fisheries to the promotion of the Bill for this Act has been obtained:

And whereas a plan showing the lands which may be compulsorily acquired or used under the powers of this Act together

with a book of reference to such plan containing the names of the owners or reputed owners of the lessees or reputed lessees and of the occupiers of all such lands has been deposited with the clerk of the county council of the administrative county of Nottingham and with the town clerk of the city and county of Nottingham and such plan and book of reference are in this Act respectively referred to as the deposited plan and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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. This Act may be cited as the Trent River Board Act 1951. Short title.
2. The Lands Clauses Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act with the following exceptions and modification:—
 - (a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; Incorporation of Lands Clauses Acts.
8 & 9 Vict. c. 18.
 - (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.
- 3.—(1) In and for the purposes of this Act the several words and expressions to which meanings are assigned by the Act of 1930 or by the Acts wholly or partly incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
 - (2) In this Act unless the subject or context otherwise requires—
 - “ the Act of 1930 ” means the Land Drainage Act 1930 ;
 - “ the Board ” means the Trent River Board ;
 - “ land ” has the meaning assigned to that expression by section 81 of the Act of 1930 in addition to the meaning assigned to the expression “ lands ” by section 3 of the Lands Clauses Consolidation Act 1845 ;
 - “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified respectively by the Acquisition of Land (Assessment of Compensation) Act 1919 the Town and Country Planning Act 1947 and the Lands Tribunal Act 1949 ; 9 & 10 Geo. 5. c. 57.
10 & 11 Geo. 6. c. 51.
12 13 & 14 Geo. 6. c. 42.
 - “ the New Holme Cut ” means the cut in the parish of Holme Pierrepont in the rural district of Bingham in the county of Nottingham to be constructed by the Board under

the powers of the Act of 1930 adjoining the existing Holme Cut ;

“ the tribunal ” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 and the Lands Tribunal Act 1949.

Power to
acquire lands.

4.—(1) Subject to the provisions of this Act the Board may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of or in connection with or ancillary to the construction of the New Holme Cut or otherwise for the general purposes of the Board.

(2) The powers of the Board for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-one.

Correction
of errors in
deposited plan
and book of
reference.

5.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the administrative county of Nottingham or in the city of Nottingham (as the case may be) 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 the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council of the administrative county of Nottingham and with the town clerk of the city of Nottingham and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council with whom a copy of the deposited plan (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

6. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice in writing of their intention to exercise the powers of this section the Board may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Board shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

7. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard
of recent
improvements
and interests.

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty ; or

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

8.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

Extinction of
private rights
of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

9.—(1) The Board may—

(a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act ;

Retention and
disposal of
land.

(b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit ;

(c) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest ;

- (d) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;
- (e) on any such exchange pay or receive money for equality of exchange :

Provided that the Board shall not without the consent of the Minister of Local Government and Planning and the Minister of Agriculture and Fisheries acting jointly sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Ministers is necessary or has been obtained.

(2) Nothing in this section shall release the Board or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Board or any persons from or through whom the Board have derived title to it.

Stopping up
of loop of
river Trent.

10.—(1) At any time after the completion of the New Holme Cut the Board may stop up the whole or so much thereof as they may think fit of the loop of the river Trent shown upon the deposited plan as proposed to be stopped up.

(2) Upon such stopping up—

- (a) all rights of navigation along on or over the said loop of the river Trent or the portion thereof so stopped up as aforesaid and all rights of user by vessels barges or other boats of the said loop or such portion and all rights of way or other rights along or over the towpaths or haling paths adjoining the said loop or such portion shall cease and be extinguished ;
- (b) the said loop or such portion shall for all purposes cease to form part of the navigation referred to in any enactment relating to the navigation of the river Trent and the British Transport Commission shall accordingly cease to be under any obligation (whether statutory or otherwise) to cleanse scour deepen enlarge straighten contract or improve the said loop or such portion or to keep preserve or maintain the same in a good and navigable state and condition or to maintain the said towing paths or haling paths ;
- (c) the said loop or such portion shall cease to form part of the main river of the Board for the purposes of the Act of 1930 and the Minister of Agriculture and Fisheries shall vary the map approved by him under

section 6 (Definition of main river) of the River Boards Act 1948 in such manner as appears to him to be necessary to give effect to the provisions of this paragraph and the map as so varied shall be deemed to have been varied in accordance with the provisions of that section.

(3) The Board may fill in the said loop of the river Trent or the portion thereof stopped up under this section with materials excavated in the construction of any works of the Board or with such other materials as they think fit and may construct erect and maintain all such walls banks embankments and other structures erections and works as they may think fit for severing the said loop or such portion from the adjoining portions thereof and for preventing the flow of water along or through the said loop or such portion and may thereon therein thereunder or thereover erect and maintain all such fences walls gates bridges drains and other works as they may think necessary or convenient for the proper use or enjoyment of the lands abutting on the said loop or such portion.

(4) (a) Nothing in this section or done by the Board thereunder shall in any way alter or affect the boundary between any local areas formed by the said loop of the river Trent but such boundary shall continue as if the said loop or such portion had not been stopped up and this Act had not been passed.

(b) Before stopping up any part of the said loop of the river Trent the Board shall record upon a plan the course of that loop and shall deposit such plan at the offices of the Board and the said plan shall be open at all times during ordinary business hours to inspection by any person interested in the said loop of the river Trent who shall be entitled without payment of a fee to make copies of the said plan.

11. Notwithstanding anything contained in section IV (Certain sections of repealed Acts in schedule to this Act continued as if inserted in this Act) of the Trent Navigation Act 1858 as from the acquisition by the Board of the lands numbered 3 and 4 on the deposited plan in the parish of Holme Pierrepont section XXVI (Bridges to be made over the canal within Mr. Pierrepont's grounds) of the Act 34 George 3. chapter 95 shall be and is hereby repealed and accordingly as on and from such acquisition the schedule to the said Act of 1858 shall be read and have effect as if the said section XXVI were omitted therefrom. Repeal of section XXVI of Act of 1794.

12. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

Costs of Act.

13. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the 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 Board.

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