

SCHEDULES

SCHEDULE 9

MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO SEWERAGE AND DRAINAGE

PART III

PROVISIONS REPRODUCED FROM PART II OF PUBLIC HEALTH (LONDON) ACT 1936

Construction, maintenance and operation of sewers, etc.

- 1 (1) For the purpose of exercising their functions under the enactments mentioned in section 37 (1) of this Act, the Greater London Council may construct a public sewer—
- (a) in, under or over any street, or in or under any cellar or vault below any street;
 - (b) in, on or over any land not forming part of a street; and
 - (c) in, under or over the bed, banks or shores of the River Thames.
- (2) Where the Greater London Council propose in the exercise of their powers under this paragraph to construct a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority other than the Council or the council of a London borough or county district, they shall before adopting plans for the construction of the sewer give notice of their proposals to that authority; and if that authority within twenty-eight days of the giving of the notice to them serve on the Greater London Council notice of objection to the proposals, the Council shall not proceed with the proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals with or without modification.
- (3) Section 31 (2) of the Land Drainage Act 1961 (which requires the consent of a river authority to the erection, alteration or repair of structures in, over or under watercourses) shall not apply to any work executed under this paragraph.
- (4) The foregoing provisions of this paragraph shall not be construed as exempting the Council from compliance with any relevant requirement imposed by or by virtue of section 279 or any other provision of Part XII of the Public Health Act 1936 or by or by virtue of the Public Utilities Street Works Act 1950.
- (5) Except where notice has to be given by the Greater London Council in pursuance of sub-paragraph (2) of this paragraph or of any requirement mentioned in sub-paragraph (4) thereof, no notice need be given by them of any exercise of the powers conferred by this paragraph.
- 2 (1) Where any sewer or part of a sewage disposal works vested in the Greater London Council interrupts or will interrupt communications between any premises and any other land or between several parts of the same premises, the Greater London

Council may construct such bridges, arches, roads, passages or culverts as they think appropriate for restoring or preserving those communications or may instead pay such compensation to the owners and occupiers of the premises affected as may be agreed with them or as may be just.

- (2) Without prejudice to any duty imposed on them by any other enactment, any bridges, arches, roads, passages or culverts constructed in pursuance of this paragraph shall be maintained by the Greater London Council.
- 3 No works under or over the main navigable channel of the River Lee shall be executed by the Greater London Council in pursuance of the enactments mentioned in section 37 (1) of this Act or in pursuance of this Part of this Schedule, unless—
- (a) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and
 - (b) in the case of any work over any part of the navigation, the soffit of the work is at least eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet:

Provided that the British Waterways Board, upon the application of the Greater London Council, may allow a variation of the said dimensions or any of them.

- 4 (1) Notwithstanding anything in sections 30, 31 and 331 of the Public Health Act 1936, the Greater London Council—
- (a) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the London borough numbered 17 in Part I of Schedule 1 to this Act south of the bridge carrying Abbey road over that river or, as the case may be, that creek ; and
 - (b) may permit any storm water discharged under this paragraph into the said river or creek to flow thence into Bow Creek and thence into the River Thames:

Provided that the Greater London Council—

- (i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the sewerage area of the Greater London Council; and
 - (ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the Council under this paragraph.
- (2) The Greater London Council shall, at the request of the British Waterways Board, cause to be removed at the expense of the Council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said Board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the Council of storm water into the said river or creek under this paragraph.

Any dispute arising under this sub-paragraph between the Greater London Council and the British Waterways Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by (the Minister of Transport on the application of either party to the dispute.

- (3) Save as otherwise agreed in writing between the Greater London Council and the Lee Conservancy Catchment Board, the Council, in exercise of their powers under this paragraph, shall not begin any such part of the works required for the purpose

of a storm outlet as may involve interference with any river, watercourse, sewer, drain, pipe, river wall or defence or other work which is under the management or control of the Board by virtue of the transfer to them under the Land Drainage Act 1930 of powers formerly exercisable by 'the council of the county borough of West Ham under the West Ham Corporation (Improvements) Act 1888, unless the Greater London Council have given to the Board at least one month's previous notice of the Council's intention to begin that part of the works aforesaid, together with a plan and section thereof; and in respect of that part of the works and the execution and maintenance thereof, the Council shall comply with all such reasonable requirements as may be communicated to them in writing by the Board within fourteen days after service of the said notice upon them, and that part of the works shall be executed to the reasonable satisfaction of the Board and the reasonable expenses incurred by the Board in connection therewith shall be paid by the Council.

Any dispute arising under this sub-paragraph between the Greater London Council and the said Board shall be determined by an arbitrator who shall, in default of agreement, be appointed by the President of the Institution of Civil Engineers on the application of either party to the dispute.

- 5 (1) For the purpose of securing the efficient maintenance of the main and general sewerage of their sewerage area, the Greater London Council shall make such orders as they think proper—
- (a) for the guidance, direction and control of councils of London boroughs and county districts in relation to the levels, construction, abandonment, alteration, maintenance and cleansing of sewers in their respective areas ;
 - (b) for securing that proper communications are made between the various sewers vested in the councils of London boroughs and county districts and between those sewers and the sewers vested in the Greater London Council;
 - (c) generally for the guidance, direction and control of councils of London boroughs and county districts in the discharge of their functions in relation to sewerage.
- (2) Orders under this paragraph may be so framed as to apply generally or to any particular case or class of case and may make different provision for different cases.
- (3) Where the Greater London Council propose to make an order under this paragraph they shall serve a copy of a draft of the order on such as will be affected of the councils of the boroughs and county districts wholly or partially situate within their sewerage area, and any council affected may within six weeks of the service on them of a copy of the draft order refer to the Minister the question whether the order or any provision thereof should be made or whether it should contain other provisions in addition to or in substitution for those contained in the draft order ; and on the determination of the reference the Minister may confirm or disallow the draft order and, if he confirms it, may make such modifications thereof as he thinks fit.
- (4) An order under this paragraph shall not be made until the expiration of six weeks beginning with the service of the last copy of the draft order to be served or, if it is referred to the Minister, until the Minister has determined the reference and confirmed the order with or without modifications.
- (5) On its coming into force, an order under this paragraph shall be binding on the councils of London boroughs and county districts.
- 6 (1) The Greater London Council may make byelaws—

- (a) for regulating the dimensions, form and mode of construction, and the maintenance, cleansing and repair, of pipes, drains and other means of communication with sewers, and the traps and apparatus connected therewith, and for prescribing the levels at which such means of communication, traps and apparatus as aforesaid are to be laid ;
- (b) for requiring persons who are about to construct, reconstruct, or alter pipes, drains or other means of communication with a sewer, or the traps or apparatus connected therewith, to deposit with the local authority such plans, sections and particulars of the proposed work as may be necessary for the purpose of ascertaining whether it will comply with the requirements of the enactments mentioned in section 37 (1) of this Act, of this Part of this Schedule and of any byelaws under this paragraph:

Provided that byelaws made under paragraph (b) of this sub-paragraph—

- (i) shall not require the deposit of plans or sections in the case of any repair which does not involve the alteration or entire reconstruction of any such means of communication as aforesaid or of the traps or apparatus connected with a sewer, and
- (ii) in a case where the alteration of a drain must be carried out at once, shall not require the deposit of plans, sections and particulars of the proposed work before it is begun, but may require the deposit thereof within such period after the commencement of the work as may be specified in the byelaws.

- (2) Byelaws under this paragraph shall only apply to the inner London boroughs.
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- (1) Where the council of a London borough or county district propose to construct a public sewer or to make a communication between any sewer or drain of theirs and a sewer vested in the Greater London Council, they shall, before beginning any works for the purpose, give notice of the proposal to the Council and shall not proceed with a proposal to make any such communication except with the written approval and in accordance with the directions of the Council.
 - (2) Any notice under this paragraph shall be accompanied by—
 - (a) plans and sections of the sewer or communication, as the case may be, drawn to such convenient scale, and showing its location and such other matters, as the Council may direct, and
 - (b) such other particulars of the proposal as the Council may direct.
 - (3) Any dispute as to whether any approval under this paragraph has been unreasonably withheld or whether any directions thereunder are unreasonable shall, in default of agreement, be determined by the Minister.
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- (1) Where proposals for the carrying out of any work have been finally approved under paragraph 7 of this Part of this Schedule, then, without the requisite approval—
 - (a) the proposals shall not be substantially departed from; and
 - (b) if the work is not completed within two years of the approval of the original proposals, it shall not be proceeded with.
 - (2) The said paragraph 7 shall apply in relation to an application for approval under this paragraph as it applies in relation to the original proposal, except that where it is proposed to depart in any respect from the original proposals, the plans, sections and any particulars required by that paragraph shall show the nature of the variation.

- (3) This paragraph shall apply in relation to proposals approved thereunder as it applies in relation to proposals originally approved under the said paragraph 7.
- 9 The Greater London Council or the council of an inner London borough may, so far as may be necessary for the execution in the sewerage area of the Council or in that borough, as the case may be, of any works by that council under the enactments mentioned in section 37 (1) of this Act or under this Part of this Schedule, close or stop up any street.