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SCHEDULES

SCHEDULE 4

Section 6.

PROVISIONS AS TO RIVER AUTHORITIES

Corporate status of river authorities

- 1 A river authority shall be a body corporate with perpetual succession and a common seal.

Terms of office of members of river authorities

- 2 (1) This paragraph applies to the members of a river authority other than any additional member appointed by virtue of section 8(4) of this Act and any local authority member appointed under subsection (5) of that section by reason of the appointment of such an additional member.
- (2) The first members to whom this paragraph applies shall come into office on the day on which the authority comes into existence, or, in the case of a member who is for any reason appointed after that day, on the day on which the appointment is made, and, subject to the following provisions of this Schedule, shall hold office until the end of October in such year as may be specified for the purposes of this paragraph in the order establishing the authority.
- (3) Any other members to whom this paragraph applies shall come into office at the beginning of the November next following the day on which they are appointed, and, subject to the following provisions of this Schedule, shall hold office for a term of three years:

Provided that if for any reason any member is appointed on or after the day on which he ought to have come into office, he shall come into office on the day on which he is appointed and shall hold office for the remainder of the said term.

- (4) Where the constitution of the authority is varied by an order made under section 3 or section 10 of this Act, any members to whom this paragraph applies who are required by or under the order to vacate their office shall do so notwithstanding the preceding provisions of this paragraph, and any new members of the authority appointed to give effect to the variation shall hold office so long only as the remaining members to whom this paragraph applies will hold office.
- 3 Any additional member of a river authority appointed by virtue of section 8 (4) of this Act—
- (a) shall come into office on the first day of the year for which the drainage charge in question is raised, or (if later) the day of his appointment, and
 - (b) subject to the following provisions of this Schedule, shall hold office until the expiry of the terms of office of members of the authority to whom the preceding paragraph applies, except that, if for any year beginning within

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that period nether a general nor a special drainage charge is raised by the authority, he shall cease to hold office at the end of the preceding year ;
 and any local authority member appointed under section 8(5) of this Act by reason of the appointment of such an additional member shall come into office on the day on which the additional member comes into office, or, (if later) the day of his appointment, and, subject to the following provisions of this Schedule, shall hold office for so long as the additional member holds office.

Vacation of office by members of river authorities

- 4 A member of a river authority may resign his office at any time by notice in writing under his hand given to the chairman of the authority.
- 5 (1) A member of a river authority shall vacate his office if he—
- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors ; or
 - (b) is surcharged to an extent exceeding five hundred pounds at any audit by a district auditor (whether or not the audit relates to the accounts of the river authority); or
 - (c) is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence, and ordered to be imprisoned for a period of not less than three months without the option of a fine ; or
 - (d) has, for a period of six consecutive months, been absent from meetings of the river authority, otherwise than by reason of illness or some other cause approved during that period by the river authority.
- (2) For the purposes of head (d) of the preceding sub-paragraph, the attendance of a member of a river authority at a meeting of any committee of the authority of which he is a member, or of any joint committee to which he has been appointed by the authority, shall be treated as attendance at a meeting of the river authority.

Appointments to fill casual vacancies

- 6 (1) Where, for any reason whatsoever, the place of a member of a river authority becomes vacant before the end of his term of office, the vacancy—
- (a) shall, if the unexpired portion of the term of office of the vacating member is six months or more, be filled by the appointment under this paragraph of a new member, and
 - (b) may be so filled in any other case.
- (2) Subject to the next following sub-paragraph, an appointment made under this paragraph in respect of any vacancy shall be made by the Minister of the Crown, councils or council, or other body, by whom the vacating member was appointed, or, if the vacating member was appointed jointly by any councils and they are unable to agree on an appointment, by the Ministers on behalf of those councils ; and where the vacating member was appointed from amongst persons nominated by any council, the new member shall be appointed similarly.
- (3) Where the vacating member was appointed by the Ministers on behalf of any councils, the new member shall be appointed by the councils in question jointly, or, if those councils are unable to agree on an appointment, by the Ministers on their behalf.

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7 A person appointed under the last preceding paragraph to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

Disqualification for, and re-appointment to, membership of river authorities

8 (1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a river authority if he—

- (a) is a paid officer or servant of the authority ; or
- (b) has been adjudged bankrupt, or has made a composition or arrangement with his creditors ; or
- (c) has, within the period of five years ending on the date on which his qualification for appointment falls to be determined, been surcharged to an extent exceeding five hundred pounds at any audit by a district auditor ; or
- (d) has, within that period, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence, and ordered to be imprisoned for a period not less than three months without the option of a fine.

(2) For the purposes of head (a) of the preceding sub-paragraph, a person shall not be regarded as a paid officer or servant of a river authority by reason only that expenses incurred by him in the performance of his duties are defrayed by the authority.

(3) The disqualification attaching to a person under head (b) of sub-paragraph (1) of this paragraph by reason of his having been adjudged bankrupt shall cease—

- (a) if the bankruptcy is annulled, either on the ground that he ought not to be adjudged bankrupt, or on the ground that his debts have been paid in full, on the date of the annulment; or
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge ; or
- (c) in any other case, on the expiry of five years from the date of his discharge.

(4) The disqualification attaching to a person under that head by reason of his having made a composition or arrangement with his creditors shall cease—

- (a) if he pays his debts in full, on the date on which the payment is completed ; or
- (b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(5) For the purposes of heads (c) and (d) of sub-paragraph (1) of this paragraph, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which it is finally disposed of, or abandoned, or fails by reason of the non-prosecution thereof, shall be taken to be the date of the surcharge or conviction, as the case may be.

9 Subject to the provisions of this Schedule, a vacating member of a river authority shall be eligible for re-appointment.

First meetings of river authorities

10 The first meeting of a river authority shall be held on such day, and at such time and place, as may be appointed by the Ministers, and the Ministers shall make arrangements for notice of the meeting to be sent by post to each member of the authority not less than fourteen days before the day so appointed.

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Appointment of committees

- 11 (1) Every river authority shall appoint a finance committee for regulating and controlling the finance of the authority.
- (2) A river authority may appoint a committee for any such general purpose as in the opinion of the authority would be better regulated and managed by means of a committee.
- (3) A river authority may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any of the functions of the authority except their power to issue precepts or borrow money.
- 12 A river authority may concur with any one or more other river authorities in appointing a joint committee of those authorities for any purpose in which they are jointly interested, and may delegate to the committee, with or without restrictions or conditions, as they think fit, any of the functions of the river authority relating to the purpose for which the joint committee is formed, except their powers to issue precepts or borrow money.

Members of committees

- 13 (1) The number of members of a committee appointed under paragraph 11 or paragraph 12 of this Schedule, and the terms of office of the members thereof, shall be fixed by the river authority or authorities by whom the committee is appointed.
- (2) The persons appointed by a river authority to be members of any such committee shall in the case of a finance committee or joint committee be members of the river authority, but may in any other case include, to a number not exceeding one-third of the total number of members of the committee, persons who are not members of the river authority.
- (3) A person who is disqualified under paragraph 8 of this Schedule for being a member of a river authority shall be disqualified for being a member of any committee appointed under this Schedule.
- (4) Every member of a committee appointed under this Schedule who, at the time of his appointment, was a member of the river authority by whom he was appointed shall, upon ceasing to be a member of that authority, also cease to be a member of the committee:

Provided that for the purposes of this provision a member of a river authority shall not be deemed by reason of retirement to have ceased to be a member of the authority if he has been reappointed a member thereof not later than the day of his retirement.

Proceedings of river authorities and committees

- 14 The proceedings of a river authority, or of any committee appointed under this Schedule, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the authority or committee.
- 15 (1) A river authority may make rules with respect to—
- (a) the proceedings (including quorum, place of meeting and notices to be given of meetings) of the authority or any committee appointed by the authority under paragraph 11 of this Schedule, and

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- (b) the appointment of a chairman and a vice-chairman of the authority or any such committee.
- (2) The powers conferred by the preceding sub-paragraph may be exercised in relation to a joint committee appointed under paragraph 12 of this Schedule by the river authorities by which the committee was appointed.
- (3) Subject to rules made under this paragraph, this proceedings of any committee appointed under this Schedule shall be such as the committee may determine.
- 16 (1) Any member of a river authority appointed by the National Coal Board may authorise another person—
- (a) to attend in his stead at meetings of the authority, or of any committee appointed under this Schedule of which he is also a member, and
- (b) to exercise on his behalf all or any of his rights as a member of the authority or committee ;
- and, in relation to such a member, paragraph 5(1)(d) of this Schedule shall have effect accordingly.
- (2) Any authority given under the preceding sub-paragraph shall be in writing, and may be given in respect of a particular meeting or in respect of all meetings until it expires or is revoked.
- 17 (1) Subject to the following provisions of this paragraph, the provisions of subsections (1) to (7) of section 76 of the Local Government Act 1933 (which relates to the disability of members of local authorities for voting on any question with respect to contracts, proposed contracts or other matters in which they have a pecuniary interest) shall apply in relation to members of a river authority, or of any committee appointed under this Schedule, as those provisions apply in relation to members of local authorities.
- (2) In their application by virtue of this paragraph, the said provisions shall have effect as if, for the references therein to meetings of the local authority and the clerk of that authority, there were substituted respectively—
- (a) in relation to members of a river authority, or of any committee appointed by a river authority under paragraph 11 of this Schedule, references to meetings of the river authority or, as the case may be, of the committee, and to the clerk of the river authority, and
- (b) in relation to members of any joint committee, references to meetings of the committee, and to the clerk of the committee.
- (3) Where a member of any committee appointed under paragraph 11 of this Schedule is not a member of the river authority by which the committee was appointed, the power conferred on him by subsection (5) of the said section 76, as applied by this paragraph, to inspect the book to be kept under that subsection shall be limited to an inspection of the entries in the book relating to members of the committee.
- (4) Without prejudice to the proviso to subsection (1) of the said section 76 (which limits the disabilities imposed by that section), that section shall not by virtue of this paragraph apply—
- (a) to any interest which a member of a river authority or committee may have in the preparation or revision of a charging scheme or in the raising of any drainage rates or the levying of any general or special drainage charges, or

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- (b) to any interest in any other matter which such a member may have as the holder of, or as an applicant or prospective applicant for, a licence under this Act, where it is an interest which he has in common with all other holders of, or applicants or prospective applicants for, such licences, or in common with all other persons belonging to a class of such holders, applicants or prospective applicants.
- (5) The Ministers may, subject to such conditions as they may think fit to impose, remove any disability imposed by the said section 76 in its application by virtue of this paragraph—
- (a) in any case in which the number of members of a river authority or committee so disabled at any one time would, in the opinion of the Ministers, be so great a proportion of the whole as to impede the transaction of business, or
 - (b) in any other case in which, in the opinion of the Ministers, it is in the interest of the inhabitants of the river authority area or areas in question that the disability should be removed.
- (6) Rules made under paragraph 15 of this Schedule may provide for the exclusion of a member of the river authority or committee to which they relate from a meeting of the authority or committee during the consideration of any matter in respect of which a disability is imposed on him by the said section 76 in its application by virtue of this paragraph.
- 18 (1) A minute of the proceedings of a meeting of a river authority, or of any committee appointed under this Schedule, purporting to be signed at that or the next ensuing meeting by the chairman of the meeting to the proceedings of which the minute relates, or by the chairman of the next ensuing meeting, shall be evidence of the proceedings, and shall be received in evidence without further proof; and until the contrary is proved, every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held, and all the proceedings had at the meeting to have been duly had, and, where the proceedings are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.
- (2) Subject to the next following sub-paragraph, the minutes of proceedings of meetings of a river authority shall be open to the inspection of any local government elector for any part of the river authority area, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy of, or extracts from, any such minutes.
- In this sub-paragraph "local government elector" means a person registered as a local government elector in a register for the time being in force under the Representation of the People Acts.
- (3) The last preceding sub-paragraph does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under this Act.

Authentication of documents

- 19 Any notice or other document which a river authority are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the authority by their clerk or by any other officer authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular

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document; and any document purporting to bear the signature of the clerk of the river authority, or of a person expressed to be duly authorised by them to sign such a document, or that particular document, shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the river authority.

In this paragraph the expression " signature " includes a facsimile of a signature by whatever process reproduced.

Officers and servants

- 20 A river authority shall appoint such officers and servants as the authority think fit.
- 21 (1) A person shall, so long as he is, and for twelve months after he ceases to be, a member of a river authority, be disqualified for being appointed as a paid officer or servant of the authority.
- (2) For the purposes of the preceding sub-paragraph, a person shall not be regarded as a paid officer or servant of a river authority by reason only that expenses incurred by him in the performance of his duties are defrayed by the authority.
- 22 Section 119 of the Local Government Act 1933 (which provides for the taking of security by a local authority in respect of any officer employed by them and any other person likely to be entrusted with money or property 'belonging to them) shall have effect as if references therein to a local authority, and to officers employed by a local authority, included respectively references to a river authority and to officers and servants appointed by a river authority.
- 23 Section 120 of the said Act of 1933 (which relates to the accountability of officers of local authorities) shall have effect in relation to any officer or servant appointed by a river authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications and, in particular, with the omission in subsection (2) of that section of the words from " to the treasurer " to " or otherwise ".
- 24 Section 123 of the said Act of 1933 (which requires an officer of a local authority to disclose his interest in any contract of the authority) shall have effect in relation to any officer or servant appointed by a river authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications and, in particular, as if the reference in subsection (1) of that section to subsections (2) and (3) of section 76 of that Act were a reference to those subsections as applied by paragraph 17 of this Schedule, and the reference in subsection (4) thereof to a joint committee appointed under Part III of that Act were a reference to a joint committee appointed under paragraph 12 of this Schedule.

Remuneration and expenses

- 25 (1) The Ministers may, if they think fit, authorise a river authority to pay to the chairman of the authority by way of remuneration such sum as the Ministers think fit.
- (2) A river authority shall pay to their officers and servants such salaries or other remuneration as the authority think fit.
- 26 (1) A river authority may defray—
- (a) any reasonable expenses incurred by members of the authority, or of any committee thereof, in attending a conference or meeting convened by one or more river authorities, or by any association of river authorities or other

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organisation to whose activities the river authority are empowered by this Schedule to contribute, for the purpose of discussing any matter connected with the discharge of the functions of river authorities;

- (b) any reasonable expenses incurred in contributing towards the cost, or purchasing reports of the proceedings, of any such conference or meeting;
 - (c) subject to the next following sub-paragraph, any travelling or other expenses properly incurred by or on behalf of any members of the authority in making official or courtesy visits (whether inside or outside the United Kingdom) on behalf of the authority ;
 - (d) any expenses incurred in the reception and entertainment by way of official courtesy of—
 - (i) distinguished persons residing in the area of the river authority, or visiting that area or any works outside that area operated by the river authority, or
 - (ii) persons representative of, or connected with, other river authorities or similar services, whether inside or outside the United Kingdom, or in the supply of information to any such persons ;
 - (e) any reasonable expenses incurred in connection with ceremonies connected with the performance by the river authority of any of their functions.
- (2) The amount defrayed by a river authority under head (c) of the preceding sub-paragraph in respect of expenses incurred by a member of the authority in connection with a visit within the United Kingdom shall not exceed the payments which the member would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act 1948, if the making of the visit had been an approved duty of the member within the meaning of that section.

Expenses and accounts of joint committees

- 27 (1) The expenses incurred by a joint committee appointed under paragraph 12 of this Schedule shall be defrayed by the river authorities by whom the committee as appointed in such proportions as they may agree upon or, in case of disagreement, as may be determined by the Ministers.
- (2) The accounts of any such committee shall be made up yearly to the end of March, and shall be subject to audit by a district auditor.

Arrangements for handling receipts and payments

- 28 Every river authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of an officer designated by the authority for that purpose.

Power to promote and oppose legislation

- 29 A river authority, or two or more river authorities acting jointly, may promote or oppose Bills in Parliament, or may apply for or oppose applications for orders, byelaws, schemes or awards to be made under any Act.

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Appearance in legal proceedings

- 30 Section 277 of the Local Government Act 1933 (which relates to the appearance of local authorities in legal proceedings) shall have effect in relation to a river authority as it has effect in relation to a local authority within the meaning of that Act.

Contracts of river authorities

- 31 (1) A river authority may enter into contracts necessary for the performance of any of their functions.
- (2) All contracts made by a river authority, or by a committee of a river authority, shall be made in accordance with the rules of the authority, and, in the case of contracts for the supply of goods or materials or for the execution of works, the rules shall—
- (a) require that, except as otherwise provided by or under the rules, notice of the intention of the authority or committee, as the case may be, to enter into the contract shall be published and tenders invited, and
 - (b) regulate the manner in which such notice shall be published and tenders invited.
- (3) A person entering into a contract with a river authority or a committee of a river authority shall not be bound to inquire whether the rules of the authority which apply to the contract have been complied with; and all contracts entered into by a river authority or such a committee, if otherwise valid, shall have full force and effect notwithstanding that the rules applicable thereto have not been complied with.

Subscriptions to associations, and contributions for research

- 32 A river authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—
- (a) of any association of river authorities formed for the purpose of consultation as to the common interests of river authorities and the discussion of matters connected with the performance of functions of river authorities ;
 - (b) of such associations of officers of river authorities, being associations formed for the purpose mentioned in the preceding sub-paragraph, as may be approved by the Ministers,
- and may make reasonable contributions for furthering research in matters with which river authorities and their officers are concerned.

Trustee Investments Act 1961

- 33 Any river authority which, apart from this paragraph, would not be included among the authorities to which paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act 1961 applies shall by virtue of this Act be included among those authorities.