



CHAPTER xlvi

An Act to confer powers upon the London County Council and the Kent County Council for the improvement and protection of, and the prevention of flooding from, the river Ravensbourne and its tributaries, and for purposes connected therewith.

[3rd August, 1961.]

WHEREAS the river Ravensbourne and its tributaries (hereinafter referred to as "the said rivers") flow for the most part through the counties of London and Kent:

And whereas in times past considerable damage and public inconvenience has been caused by the flooding over the adjoining lands of the waters in the said rivers:

And whereas the channels and culverts of the said rivers are in many places inadequate to permit flood waters to pass down the same and the flow of water therein is in many places impeded by accumulations of silt, weeds and other obstructions:

And whereas the risk of flooding from the said rivers has been increased and is likely to increase by reason of the development which has taken place, or which may be expected to take place, in the upper reaches of the said rivers and in the areas in London and Kent through which the said rivers pass:

And whereas the said areas are not situate within the area of any river board:

And whereas it is expedient that powers should be conferred upon the county councils of London and Kent, as in this Act provided, for the improvement and protection of the said rivers and the prevention of flooding therefrom:

And whereas it is expedient that the other powers contained in this Act should be conferred and 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 in relation to the promotion of the Bill for this Act the London County Council have complied with the requirements of section 151 of the London Government Act, 1939, and the Kent County Council have complied with the requirements of Part XIII of the Local Government Act, 1933:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen'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

- Short title. 1. This Act may be cited as the River Ravensbourne, &c., (*Improvement and Flood Prevention*) Act, 1961.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Improvement and protection of streams.
Part III.—Miscellaneous and general.
- Interpretation. 3.—(1) In this Act unless the subject or context otherwise requires—
“ the Act of 1930 ” means the Land Drainage Act, 1930;
“ the Act of 1936 ” means the Public Health Act, 1936;
“ the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946;
“ the Act of 1948 ” means the River Boards Act, 1948;
“ the Act of 1951 ” means the Rivers (Prevention of Pollution) Act, 1951;
“ bank ” in relation to any stream includes any wall or other structure confining the stream;
“ the Council ” has the meaning assigned to that expression by section 6 (Exercise of powers of Act) of this Act;
“ daily fine ” means a fine for each day on which an offence is continued after conviction;
“ electric line ” has the meaning assigned to that expression by the Electric Lighting Act, 1882;
“ the Kent Council ” means the Kent County Council;
“ land ” or “ lands ” includes water and any interest in land or water and any easement or right in, to or over land or water;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“ the London Council ” means the London County Council;

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food;

“ operational land ” has the same meaning as in section 119 of the Town and Country Planning Act, 1947;

“ owner ” has the same meaning as in the Act of 1936;

“ stream ” means any of the rivers, streams, tributaries, brooks, watercourses, lakes and pools to which this Act applies, or any parts thereof, and includes the bed, banks, channels, pipes and culverts thereof, as the case may be.

(2) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

4. The Lands Clauses Acts, except sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845, so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

5.—(1) This Act applies to so much of the following rivers and streams as is situate either in the county of London or in the administrative county of Kent (that is to say):— Streams to which Act applies.

The river Ravensbourne including its tributaries—

the Chaffinch Brook;

the Beck River;

the Pool River;

the Quaggy River;

the Kid Brook;

the Kyd Brook;

the Lower Kid Brook;

and to all tributaries, brooks and watercourses (whether open or covered) flowing into those rivers or streams or any of them, or any lake or pool connected thereto, in so far as such tributaries, brooks, watercourses, lakes and pools are situate in either of those counties.

(2) For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to any part of Deptford Creek which is situate downstream from the weirs at Robinson’s Mill.

PART I
—cont.
Exercise of
powers of
Act.

6. The powers of this Act shall be exercisable—

- (a) in so far as they relate to or are exercisable in any part of the county of London by the London Council; and
- (b) in so far as they relate to or are exercisable in any part of the administrative county of Kent by the Kent Council;

and the expression “the Council” in this Act shall accordingly, unless the subject or context otherwise requires, be construed as meaning the council by whom the powers are exercisable or have been exercised.

PART II

IMPROVEMENT AND PROTECTION OF STREAMS

Power to
improve flow,
etc.

7.—(1) Subject to the provisions of this Act the Council for the purposes of preventing flooding from, or of improving and maintaining the purity and improving and freeing or keeping free from obstruction the flow of, any stream may—

- (a) dredge, cleanse and scour the stream;
- (b) reduce or remove any shoals, shelves, banks or other accumulations in the stream;
- (c) abate or remove or cause to be abated or removed all or any impediments, obstructions or nuisances whatsoever in the stream or on the banks thereof.

(2) For the purposes mentioned in subsection (1) of this section or otherwise for the purpose of improving or protecting any stream the Council may by agreement with the owner and occupier of any land execute any works in, on, under or over that land for or in connection with or ancillary to those purposes or any of them, including the widening, deepening, culverting, straightening, diverting, altering the course of, fencing or otherwise improving or maintaining any stream and the filling in, wholly or partially, of any stream.

(3) Where any person sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to such person by the Council and any dispute as to the amount of compensation shall be determined by the Lands Tribunal:

Provided that nothing in this subsection shall impose any liability on the Council to make compensation to any person—

- (a) with whom they have entered into an agreement under subsection (2) of this section for any damage caused by or resulting from the proper exercise by the Council of their powers under that subsection in accordance with the terms of the agreement; or

(b) if the Lands Tribunal shall decide that the exercise by the Council of the powers of this section was due to such person having committed a breach of the provisions of this Act or any order or byelaw made thereunder or by virtue thereof.

PART II
—cont.

8.—(1) The Council may for the purposes mentioned in subsection (2) of the last foregoing section purchase any land either by agreement or, subject as hereinafter provided, compulsorily, and may hold any land so purchased and therein, thereon, thereunder or thereover execute any such works as are referred to in the said subsection.

Acquisition of
land for
improvement,
etc., of streams.

(2) The power of the Council under the foregoing subsection to purchase land compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and the Act of 1946 shall have effect in relation to the purchase compulsorily of land under the said subsection as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946.

(3) An order made by the Council and confirmed by the Minister in pursuance of the provisions of this section may authorise the Council to create in favour of the Council and to acquire such licences, rights or easements in, on, under or over any land as may be described in the order and as the Council may require for the purpose of executing any such works as are referred to in subsection (2) of the last foregoing section, without being obliged or compelled to acquire any greater interest in the land, and accordingly the Act of 1946, and any enactment incorporated with or by that Act, shall extend and apply to the acquisition of such licences, rights or easements as if they were lands within the meaning of that Act or such enactment, subject to the following modifications:—

(a) the Council may give notice to treat in respect of such licences, rights or easements, describing the nature thereof; and

(b) no such licence, right or easement shall be deemed to be part of any house, building or manufactory, or of any park or garden belonging to a house, for the purposes of paragraph 4 of Part I of the Second Schedule to the Act of 1946:

Provided that the Minister shall not confirm any order authorising the creation and acquisition of a licence, right or easement in, on, under or over any land by virtue of the provisions of this subsection unless he considers that in all the circumstances of the case it would not be reasonable for the Council to be obliged or compelled to acquire any greater interest in that land.

PART II
—cont.

Power to
break up or
open streets.

9.—(1) For the purpose of—

- (a) executing, maintaining, inspecting, repairing or renewing any work under powers conferred by, or by virtue of, this Act, or
- (b) obtaining access or constructing and maintaining means of access to or from any such work or to or from any stream,

the Council may break up or open any street within the meaning of the Public Utilities Street Works Act, 1950.

(2) The provisions of the said Act of 1950 shall extend and apply to the exercise of the powers of this section as if the execution of any operations carried on thereunder were the execution of undertakers' works within the meaning of that Act.

Prohibition
against
dredging
without
consent of
Council.

10.—(1) No person shall dredge or raise any gravel, sand, ballast or other substance from the bed of any stream without the consent in writing of the Council, which consent may be given subject to such conditions as the Council think fit.

(2) If any person acts in contravention of this section or of any condition attached to a consent granted thereunder he shall for every such offence be liable to a fine not exceeding twenty pounds without prejudice to any other remedy or proceeding against him.

Restrictions
as to buildings,
etc., in or over
streams.

11.—(1) Notwithstanding anything in any other enactment, no person shall at any time after the passing of this Act erect, construct or place or cause or permit to be erected, constructed or placed in or directly over any stream, or in or directly over any land within a distance of twenty feet from the side of any stream, any building, structure, erection, bridge, arch, dam, weir, sluice, culvert, pipe or other work or thing (in this section referred to collectively as "work") or reconstruct or alter or cause or permit to be reconstructed or altered any work erected, constructed or placed in or directly over any stream, or in or directly over any such land as aforesaid, before or after the passing of this Act unless and until he shall have submitted for the approval of the Council plans, sections and particulars of the work and the manner in which the same is to be erected, constructed or placed or reconstructed or altered (as the case may be) and such plans, sections and particulars have been approved by the Council, with or without modifications, or settled by arbitration as hereinafter provided:

Provided that the Council shall not under this subsection disapprove any such plans, sections and particulars as aforesaid unless the work to which the plans, sections and particulars relate is likely to have the effect of interfering with the free passage of water along, or proper access to, the stream.

(2) If the Council shall not within three months after the submission of the plans, sections and particulars or within such longer period as may be agreed in writing between the Council and the applicant signify their approval or disapproval of the said plans, sections and particulars to the applicant with, in the case of disapproval, their reasons for such disapproval they shall be deemed to have approved the said plans, sections and particulars for the purposes of this section.

(3) The Council may attach to their approval any condition which they may deem proper.

(4) If the Council disapprove the plans, sections and particulars or if any difference shall arise as to the reasonableness of any conditions which the Council may attach to their approval of the plans, sections and particulars then the matter in difference shall be referred to and settled by arbitration.

(5) If any person erects, constructs or places or causes or permits to be erected, constructed or placed any work or reconstructs or alters or causes or permits to be reconstructed or altered any existing work, as the case may be, before the plans, sections and particulars thereof have been approved by the Council or settled by arbitration as hereinbefore provided or otherwise than in accordance with the plans, sections and particulars as so approved or settled or otherwise than in accordance with any conditions attached by the Council to such approval or in case of dispute settled by arbitration he shall be liable to a fine not exceeding fifty pounds.

(6) On conviction of any person under this section the court may, in addition to or in lieu of imposing a fine, make such order with regard to the removal, reinstatement or modification of the work within such time as may be specified as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom it is directed the Council may (without prejudice to the liability to any fine or to any other remedy or proceeding) cause the work to be pulled down and removed or reinstated, as the case may be, and any expense incurred by them in or in connection with the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(7) The provisions of section 44 of the Act of 1930 (which prohibits the erection of mill dams, weirs and other obstructions and the raising or alteration of obstructions to the flow of water-courses) shall cease to apply, and the powers conferred by that section shall cease to be exercisable by the Kent Council, in relation to so much of any stream as is situate in the administrative county of Kent.

PART II
—cont.

- (8) The foregoing provisions of this section shall not apply to—
- (a) any such work as is referred to in subsection (1) of section 13 (Restrictions on new connections with streams) of this Act; or
 - (b) the erection, construction, placing, reconstruction or alteration under statutory powers of any gas or water main, pipe or other apparatus or any electric line—
 - (i) in the carriageway or footway of any highway maintainable at the public expense; or
 - (ii) in a case of emergency:

Provided that in a case of emergency notice in writing together with plans, sections and particulars of the work shall be given to the Council by the person executing the work as soon as reasonably practicable.

As to covering
of streams.

12.—(1) If any stream situate in or adjoining any land laid out for building or built upon or in process of development for building purposes requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of the land to execute to their satisfaction within such time as may be specified such works as may be reasonably necessary for effecting the objects aforesaid or for substituting for such stream a drain, pipe or culvert with all necessary shoots and means of conveying surface water into the same:

Provided that nothing in this section shall authorise the Council to require the filling up or covering over, wholly or partly, of any stream wholly or partly belonging to any person other than the owner of the land so laid out for building or built upon or in process of development for building purposes.

(2) Subject to the right of appeal conferred by subsection (3) of this section any person who fails to comply with any requirement of a notice served on him under this section shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(3) Any person aggrieved by any requirement of a notice served on him by the Council under this section may appeal to a magistrates' court.

(4) Subject to such right of appeal as aforesaid if the person on whom notice is served under subsection (1) of this section fails to execute the works specified in the notice within the time thereby limited the Council may themselves execute the works and recover from that person the expenses reasonably incurred in so doing.

(5) Any person who complies with a requirement of the Kent Council under this section shall not be guilty of an offence under section 263 of the Act of 1936 by reason of the fact that the work executed in compliance with that requirement, in so far

as it consists of the culverting or covering of any stream, was not executed in accordance with plans and sections submitted to and approved by the council of the county district in which the work is situate.

PART II
—cont.

13.—(1) Not less than three months before executing any work in a stream or in, on, under or through the bank of a stream for the purpose of connecting any sewer, drain or ditch with the stream or of reconstructing or altering any existing sewer, drain or ditch the person proposing to execute the work (in this section referred to as “the applicant”) shall give notice in writing to the Council of his proposal together with plans, sections and particulars of the proposed work.

Restrictions on
new
connections
with streams.

(2) No person shall execute any such work as is referred to in the foregoing subsection except in accordance with such plans, sections and particulars as may be reasonably approved by the Council and in accordance with such conditions (if any) as the Council may reasonably impose for the purpose of preventing risk of—

- (a) flooding or silting, or
- (b) damage to the banks of the stream:

Provided that if within a period of three months after the receipt of such notice as aforesaid or within such longer period as may be agreed in writing between the Council and the applicant the Council do not signify to the applicant their disapproval of the plans, sections and particulars or impose any conditions with regard to the execution of the work they shall be deemed to have approved the plans, sections and particulars as submitted.

(3) Any dispute between the Council and the applicant under this section shall be referred to and settled by arbitration.

(4) If any person shall fail to give any such notice as is required by subsection (1) of this section or executes any such work as is referred to in that subsection otherwise than in accordance with such plans, sections, particulars and conditions as may be approved or imposed by the Council or settled by arbitration as hereinbefore provided he shall be liable to a fine not exceeding fifty pounds.

(5) On conviction of any person under this section the court may, in addition to or in lieu of imposing a fine, make such order with regard to the removal, reinstatement or modification of the work within such time as may be specified as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom it is directed the Council may (without prejudice to the liability to any fine or to any other remedy or proceeding) cause the work to be pulled down and removed or reinstated, as the case may be, and any expense

PART II
—cont.

incurred by them in or in connection with the pulling down and removing or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) This section shall not apply to—

- (a) the construction of a sewer by a metropolitan borough council under the Public Health (London) Act, 1936, or of any public sewer or work under section 15 of the Act of 1936; or
- (b) the bringing into use of any new or altered outlet or the making of a new discharge within the meaning of and in accordance with the provisions of section 7 of the Act of 1951; or
- (c) the discharge of water into any stream by the Metropolitan Water Board in pursuance of the provisions of section 34 of the Water Act, 1945, or of section 24 (Temporary discharge of water into streams) of the Metropolitan Water Board Act, 1946, or any similar provisions in any Act or Order, whether passed or made before or after the passing of this Act:

Provided that in relation to any stream the said section 34 and the said section 24 and any such similar provisions as aforesaid shall have effect as if the Council were a river board and as if the area in which the stream is situate were the river board area of the Council.

Exercise of
powers for
prevention of
pollution.

14.—(1) The functions of the London Council shall include the enforcement of the Act of 1951 with respect to any part of any stream which is situate in the county of London and the functions of enforcing the Act of 1951 shall with respect to that part cease to be exercisable by the council of the metropolitan borough in which that part is situate and accordingly—

- (a) the Act of 1951 shall have effect in relation to any such part as aforesaid as if in section 1 thereof—
 - (i) for the reference to a metropolitan borough council in sub-paragraph (iii) of paragraph (b) of subsection (1) there were substituted a reference to the London Council; and
 - (ii) for the reference to the area of a metropolitan borough in the said sub-paragraph (iii) there were substituted a reference to the area in which the part of the stream is situated; and
- (b) subsections (2) to (8) of section 18 of the Act of 1948, as amended by the Act of 1951, shall apply to any byelaws made by the London Council under section 5 of the Act of 1951 as if the London Council were a river board.

(2) The London Council and the Kent Council shall consult the one with the other (as the case may be) before giving their consent under section 7 of the Act of 1951 to the bringing into use of a new or altered outlet or to the making of a new discharge to any stream if—

(a) the outlet or point of discharge is situate in or upstream of a part of the stream which forms or adjoins the boundary between the respective counties of those councils or is situate partly in one of those counties and partly in the other; or

(b) any part of the stream downstream of the outlet or point of discharge or any other stream of which the stream is a tributary is situate in the county of the other of such councils.

(3) The functions of a metropolitan borough council under sections 17, 18 and 19 of the Public Health (London) Act, 1936, shall not be exercisable with respect to so much of any stream as is situate in the county of London except after consultation with the London Council.

(4) The powers conferred by sections 260 to 265 of the Act of 1936 shall not be exercisable with respect to so much of any stream as is situate in the administrative county of Kent except after consultation with the Kent Council.

(5) If and so long as the London Council exercise the functions conferred upon them by subsection (1) of this section, it shall not be obligatory on the Port of London Authority to carry out or enforce as regards any stream any of the provisions of sections 226 to 239 of the Port of London (Consolidation) Act, 1920:

Provided that, if at any time the London Council fail for a period of one month to comply with a written notice received by them from the Port of London Authority and requiring them to exercise or to put into force any of the said functions, the Port of London Authority shall be at liberty to exercise their powers under the said sections 226 to 239 so far as those powers are exercisable with respect to any part of any stream and in such event nothing in this Act shall limit, alter, take away or prejudicially affect any remedy, power or right which the Port of London Authority would or might have had or exercised if this Act had not been passed.

15.—(1) The Council in relation to any stream shall have the like powers of making byelaws in pursuance of subsection (1) of section 47 of the Act of 1930 as are possessed by river boards and accordingly the said subsection (1), subsections (8) and (9) of the said section 47 and subsections (2) to (8) of section 18 of the Act of 1948 shall extend and apply to and for the purpose of the making and enforcing of such byelaws and otherwise in

Byelaws.

PART II
—cont.

connection therewith as if the Council were a river board and the area in which the stream is situated were the river board area of the Council.

(2) If any person acts in contravention of, or fails to comply with, any byelaw made under or by virtue of this section, the Council may, without prejudice to any proceedings under subsection (8) of the said section 47, take such action as may be necessary to remedy the effect of the contravention or failure, and may recover the expenses reasonably incurred by them in doing so from the person in default.

Installation of
apparatus for
measuring
flows.

16. For the purpose of measuring and recording rainfall or the flow or volume of water in any stream the Council may in or near to the stream instal and maintain such gauges or apparatus and works connected therewith as they may think fit:

Provided that the Council shall not under the powers of this section enter upon or use any land without the consent of the owner and occupier thereof which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions as the owner or occupier, as the case may be, thinks fit and any dispute as to whether such consent is or is not unreasonably withheld or the conditions proposed to be attached to the consent are or are not reasonable shall be referred to and determined by the Minister of Housing and Local Government.

Acquisition
of land for
access, depots,
etc.

17.—(1) For the purpose of obtaining access to or from any stream or any work constructed in or on any stream or the banks thereof or for the purpose of providing depots or other facilities or conveniences in connection with the exercise of the functions conferred upon them by, or by virtue of, this Act the Council may acquire by agreement or, subject as hereinafter provided, compulsorily any land situate within the county of London or the administrative county of Kent, as the case may be.

(2) The power of the Council under the foregoing subsection to purchase land compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister and the Act of 1946 shall have effect in relation to the compulsory purchase of land under the said subsection as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946.

Application
of section 15 of
Act of 1948.

18. The provisions of section 15 of the Act of 1948 (which empowers river boards to take samples of effluents) shall in relation to any stream in the county of London apply for the purpose of the functions of the London Council under or by virtue of this Act as if that Council were a river board and as if the area in which the stream is situate were the river board area of that Council.

19.—(1) Any person who without the consent in writing of the Council, which consent may be given subject to such conditions as the Council deem proper, alters, removes or otherwise interferes with any work constructed under powers conferred by, or by virtue of, this Act shall be liable to a fine not exceeding one hundred pounds.

PART II
—cont.

Penalty for interference with, etc., Council's works.

(2) A court by whom a person is convicted of an offence under the foregoing provisions of this section may, in addition to or in lieu of imposing a fine, make an order requiring the offender to make good any damage to or to repair, renew or restore the work in respect of which the offence is committed within such time as may be specified:

Provided that an order shall not be made under this subsection if the cost of making good the damage to, or of repairing, renewing or restoring, the work in respect of which the offence is committed amounts, or will amount, to more than twenty pounds.

(3) Where any person fails within such time as may be specified in an order of the court made under subsection (2) of this section to comply with any requirement thereof the Council may make good the damage or repair, renew or restore the work, as the case may be, and recover the expenses of so doing from the person in default.

(4) Where no order is made by a court under subsection (2) of this section, nothing in this section shall prejudice or affect any right of the Council to recover from any person, who without their consent alters, removes or otherwise interferes with any such work as aforesaid, any expenses incurred by the Council in repairing, renewing or restoring the work or in making good any damage caused to the work by reason or in consequence of such alteration, removal or interference.

PART III

MISCELLANEOUS AND GENERAL

20.—(1) On the date of vesting all the property, rights, interests, liabilities and obligations of the Bromley Corporation in or in relation to the specified works shall by virtue of this Act and without any other assurance be transferred to and vest in the Kent Council:

Vesting in Kent Council of certain drainage works, etc.

Provided that, except as otherwise specifically provided in this section, nothing in this section shall be held to transfer to or vest in the Kent Council any liabilities or obligations of the Bromley Corporation in respect of any moneys borrowed by them for the purposes of the specified works.

PART III
—cont.

(2) The Kent Council shall pay to the Bromley Corporation in the year current on the date of vesting and in each year thereafter any amounts which, in pursuance of arrangements in force immediately before the date of vesting for the redemption of loans and the payment of interest thereon, have to be borne by the Bromley Corporation for that year in respect of money borrowed for the purposes of any of the specified works together with any management expenses incurred by the Bromley Corporation for that year in respect of any such loan as aforesaid:

Provided that—

- (a) the Kent Council shall not be liable to pay so much of any such amount as aforesaid as is attributable to any period before the date of vesting and any such amount shall be calculated as if the amount due in respect of redemption of loan and payment of interest thereon accrued from day to day;
- (b) in calculating the amount which has to be borne in respect of any loan, regard shall be had to the income earned by any sinking fund established for the redemption of the loan.

(3) Any question which may arise as to the method of calculating any amount for the purposes of subsection (2) of this section shall be referred to and settled by arbitration.

(4) Any payment made by the Kent Council under the foregoing provisions of this section in respect of the liability for the redemption of a loan shall be deemed to be a capital payment and any other such payment shall be deemed to be an annual payment.

(5) Nothing in this section shall release, discharge, or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the date of vesting by or in favour of or against the Bromley Corporation in relation to the specified works and any such action, arbitration or proceeding or cause of action, arbitration or proceeding may be maintained, prosecuted or continued by or in favour of or against the Kent Council.

(6) Subject to the provisions of this section, all conveyances, grants, assurances, deeds, contracts and agreements relating to the specified works and in force immediately before the date of vesting shall on and from that date be as binding and of as full force and effect in every respect and may be enforced as fully and effectually against or in favour of the Kent Council as if instead of the Bromley Corporation the Kent Council had been a party thereto or bound thereby or entitled to the benefits thereof.

(7) In this section—

PART III
—cont.

“ the Bromley Corporation ” means the mayor, aldermen and burgesses of the borough of Bromley;

“ the specified works ” means the works described in the schedule to this Act;

“ the date of vesting ” means the first day of April, nineteen hundred and sixty-two.

21.—(1) The Kent Council may borrow—

Power to Kent
Council to
borrow.

(a) such sums as may be necessary for the purpose of the exercise of any of their functions under this Act;

(b) without the consent of any sanctioning authority such sums as may be necessary for the payment of such costs charges and expenses as are to be borne by them under section 44 (Costs of Act) of this Act;

and, subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Kent Council shall repay the sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

22. Notwithstanding anything in this Act, the London Council and the Kent Council may enter into and carry into effect agreements with respect to the exercise by either of those councils in relation to any stream of the functions conferred by or by virtue of this Act upon the other of them in relation to that stream and with respect to matters incidental thereto.

Agreements
between
London
Council and
Kent Council.

23.—(1) Subject to the provisions of this section any person authorised in that behalf by the London Council in the case of land situated in the county of London or by the Kent Council in the case of land situated in the administrative county of Kent shall on producing, if so required, some duly authenticated document showing his authority have a right at all reasonable hours—

Powers of
entry and
inspection.

(a) for the purpose of ascertaining—

(i) whether or not circumstances exist which would authorise the Council to take any action or execute any work under or by virtue of this Act or any byelaw made thereunder, or

(ii) whether there is or has been any contravention of the provisions of this Act or of any such byelaw as aforesaid, or

(iii) whether any notice or requirement served or made under or by virtue of this Act or any such byelaw as aforesaid is being or has been complied with,

to enter on any land and inspect or survey the land or any premises comprised therein or buildings or structures erected thereon or thereunder;

(b) to enter on any land for the purpose of taking any action or executing any work authorised by or by virtue of this Act or any such byelaw as aforesaid to be taken or executed by the Council and generally for the performance by the Council of their functions under or by virtue of this Act or any such byelaw as aforesaid:

Provided that except in a case of emergency admission to any land which is used for residential purposes shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier but nothing in this proviso shall be deemed to restrict the right of entry on to any land forming the bed or bank of any stream.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any land has been refused or that refusal is apprehended or that the land is unoccupied or that the occupier is temporarily absent or that an application for entry will defeat the object of the entry, and

(b) that there is reasonable ground for entry on the land for the purpose for which entry is required,

the justice may by warrant under his hand authorise the London Council or the Kent Council, as the case may be, by any authorised officer to enter the land if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied that notice of the intention to apply for a warrant has been given to the occupier or that the land is unoccupied or that the occupier is temporarily absent or that the giving of such a notice would defeat the object of the entry.

(3) An authorised officer entering on any land by virtue of any right of entry under this section may take with him such other persons and such equipment as may be necessary and on leaving any unoccupied land which he has entered by virtue of such a right shall leave it as effectually secured against trespassers as he found it.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If—

(a) any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, workshop or workplace discloses, otherwise than in the performance of his duty, to any person any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, or

(b) any member or officer of the London Council or the Kent Council to whom by reason of his official position any information obtained as aforesaid is disclosed, discloses, otherwise than in the performance of his duty, that information to any person,

he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil, the presence and level of underground water and the position, dimensions and levels of any works, apparatus or obstructions therein:

Provided that a person shall not carry out any works authorised by this subsection on any land not forming the bed or bank of any stream unless not less than twenty-four hours' notice of his intention so to do has been given to the occupier.

(7) Where any person sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to him by the Council and any dispute as to the amount of compensation shall be determined by the Lands Tribunal but no such compensation shall be made to such person if the tribunal shall decide that the exercise by the Council of the powers of this section was due to such person having committed a breach of the provisions of this Act or any order or byelaw made thereunder or by virtue thereof.

(8) The reference in this section to a case of emergency has reference to a case in which a person requiring to enter on land in the exercise of the powers of this section has reasonable cause to believe that circumstances exist which are likely to endanger life or property, and that immediate entry on the land is necessary to verify the existence of those circumstances or to ascertain their cause or to effect a remedy.

PART III
—cont.

Powers for local authorities and other bodies to contribute to expenditure.

24.—(1) Any local authority or other body may contribute towards the expenditure incurred by the Council in the execution of this Act such sums as may be agreed between any such authority or body and the Council and in the case of a local authority the purposes of this section shall be purposes for which the local authority may borrow money.

(2) For the purposes of this section “local authority” means the council of a county borough, metropolitan borough, non-county borough or urban or rural district.

Undertakings and agreements binding successive owners.

25.—(1) Every undertaking given by or to the London Council or the Kent Council, as the case may be, to or by the owner of any legal estate in land and every agreement made between either of those councils and any such owner, being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land, and

(b) expressed to be given or made for the purposes of this Act,

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council, without payment, a copy thereof.

Powers of court.

26.—(1) A court before which any person is summoned under this Act for any act or default causing or contributing to or alleged to cause or contribute to the obstruction of any stream may (in lieu of or in addition to inflicting a fine and in addition to any other remedial powers under this Act) by order require such person to abstain from the commission of such offence and where such offence consists in failure to perform a duty under this Act may require him to perform the duty in such manner as may be specified in the said order.

(2) The court may insert in any such order as aforesaid such conditions as to time or mode of action as it may think just and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just and generally may give such directions for carrying into effect any order as to the court may seem meet.

<p>27. A person who wilfully obstructs any person acting in the execution of this Act or of any order or byelaw made or warrant issued thereunder or by virtue thereof shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding five pounds.</p>	<p>PART III —cont. Penalty for obstructing execution of Act.</p>
<p>28. If on a complaint made by the owner of any premises it appears to a magistrates' court that the occupier of those premises prevents the owner from executing any work which he is by this Act required to execute the court may order the occupier to permit the execution of the work.</p>	<p>Power to require occupier to permit works to be executed by owner.</p>
<p>29.—(1) Any sum which the London Council or the Kent Council are entitled to recover under this Act may be recovered either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction.</p>	<p>Recovery of expenses, etc.</p>
<p>(2) The time within which summary proceedings may be taken for the recovery of any such sums shall be reckoned from the date of the service of a demand therefor.</p>	
<p>30. All offences under this Act shall be punishable on summary conviction.</p>	<p>Summary proceedings for offences.</p>
<p>31.—(1) Where an appeal lies under this Act to a magistrates' court against a decision or requirement of the Council the notice given by the Council to the person concerned of the making of the decision or requirement against which such an appeal lies shall state the right of appeal to a magistrates' court and the time within which such an appeal may be brought.</p>	<p>As to notices of right of appeal and time for appealing.</p>
<p>(2) The time within which such an appeal as aforesaid may be brought shall be twenty-one days from the date on which notice of the decision of the Council was served on the person wishing to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.</p>	
<p>32. Either party to any proceedings under this Act on a complaint made to a magistrates' court may appeal against the decision of the court to a court of quarter sessions.</p>	<p>Appeals to quarter sessions from decision of magistrates' court.</p>
<p>33. Nothing in this Act shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any water, sewage or other matter.</p>	<p>Act not to legalise nuisances or affect remedies.</p>
<p>34.—(1) In relation to the Kent Council and the exercise of the functions conferred upon them by or by virtue of this Act the following sections of the Act of 1936 shall have effect as if</p>	<p>Application of certain provisions of Act of 1936.</p>

PART III
—cont.

references therein to the Act of 1936 included references to this Act (that is to say):—

Section 277 (Power of councils to require information as to ownership of premises);

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

Section 284 (Authentication of documents);

Section 285 (Service of notices, &c.); and

Section 286 (Proof of resolutions, &c.).

(2) For the purpose of the exercise by the London Council of their functions under this Act the provisions of the said section 277 shall extend and apply to the London Council as if those provisions were expressly re-enacted in this Act with the substitution for the reference to the council mentioned therein of a reference to the London Council and with the substitution for the reference therein to the Act of 1936 of a reference to this Act.

Protection of members and officers from personal liability.

35.—(1) No act or thing done by any member of the London Council or the Kent Council or by any officer of either of those Councils or any other person acting under the direction of either of them shall if the act or thing was done bona fide for the purpose of carrying this Act into effect subject him personally to any liability, action, claim or demand whatsoever.

(2) Any expenses incurred by any such member, officer or person as is mentioned in the foregoing subsection for the purpose of carrying this Act into effect shall be paid by the London Council or the Kent Council, as the case may be.

(3) Nothing in this section shall be construed to exempt any member of either of the said Councils from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which that member authorised or joined in authorising.

Judges and justices not to be disqualified by liability to rates.

36. A judge of any court or a justice of the peace shall not be disqualified for acting in cases arising under this Act by reason only of his being, as one of several ratepayers or as one of any other class of persons, liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of the London Council or the Kent Council are to be defrayed.

Crown rights.

37. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the London Council to take, use or in any manner interfere with any land or hereditaments or

any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART III
—cont.

38. For the protection of the British Transport Commission (in this section referred to as “the commission”) the following provisions shall, unless otherwise agreed in writing between the Council and the commission, apply and have effect:—

For protection
of British
Transport
Commission.

(1) In this section—

“railway property” means any railway of the commission, the works connected therewith and any lands or buildings held or occupied by them for railway purposes;

“the works” means any works (other than works of maintenance and repair which do not affect railway property) executed or proposed to be executed by the Council under the powers of this Act under, across or so as to affect railway property;

“the engineer” means an engineer to be appointed by the commission;

“plans” includes sections, drawings and particulars:

(2) The Council shall, except in a case of emergency, before commencing the works furnish to the commission plans thereof for the reasonable approval of the engineer and shall not commence the works until such plans have been approved in writing by the engineer or, if he shall not approve the plans, until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved them:

(3) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent protective works which in his opinion should be carried out before the commencement of the works to ensure the stability of any railway property or to protect it from injury and such temporary or permanent protective works as may be reasonably necessary for those purposes may be constructed by the commission with all reasonable dispatch and the Council shall not commence the execution of the works until such temporary or permanent protective works have been completed:

PART III
—cont.

- (4) The Council shall give to the engineer twenty-eight days' notice in writing of their intention to commence the works except in cases of emergency when they shall give such notice thereof as may be reasonably practicable:
- (5) The works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and as little interference with, or delay to, or interruption with, the traffic on any railway as may be and if any damage to railway property or any such interference, delay or interruption shall be caused or take place by reason of the works the Council shall, notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference, delay or interruption:
- (6) The Council shall afford reasonable facilities to the engineer for access to the works at all times during the execution thereof and shall supply him with all such information as he may reasonably require with regard to the works or the method of the execution thereof:
- (7) The Council shall repay to the commission the reasonable cost of carrying out any alterations or additions, whether permanent or temporary, to railway property which may be reasonably necessary in consequence of the works (including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working, and, when necessary, renewing any such alterations or additions):

Provided that notice of intention to execute such alterations or additions shall have been given to the Council by the commission before the expiration of twelve months after the completion of the works which have necessitated the carrying out of the alterations or additions to which the notice relates:

- (8) The Council shall repay to the commission all costs, charges and expenses reasonably incurred by the commission by reason of the works—

(a) in respect of the construction by the commission of any temporary or permanent protective

works under the provisions of paragraph (3) of this section;

PART III
—cont.

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the works;

(c) in respect of any special traffic working resulting—

(i) from any speed restrictions which may in the opinion of the engineer require to be imposed and which may be due to the execution of the works; or

(ii) from the substitution or diversion of services which may be necessary for the same reason; and

(d) in any additional temporary lighting of railway property in the vicinity of the works, being lighting made reasonably necessary by reason of the execution of the works:

(9) The Council shall be responsible for and make good to the commission all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the commission—

(a) by reason of the works or the structural failure thereof; or

(b) by reason of any act or omission of the Council or of any persons in their employ or of their contractors or others whilst engaged upon the works; and the Council shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such failure, act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Council from any liability under the provisions of this section unless such costs, damage or expenses shall be occasioned or such claims and demands shall arise by reason of the act, neglect or default of the commission, their servants or agents:

Provided that the commission shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Council:

PART III
—cont.

- (10) Any additional expense which the commission may reasonably incur in widening, altering, reconstructing or maintaining any railway of the commission in pursuance of any powers existing at the passing of this Act by reason of the existence of the works on, under, across or adjoining railway property shall be repaid by the Council to the commission:

Provided that before incurring any such expense the commission shall, except in a case of emergency, give to the Council twenty-eight days' notice of the proposed works of widening, alteration, reconstruction or maintenance:

- (11) If in consequence of a disapproval under section 11 (Restrictions as to buildings, etc., in or over streams) of this Act of any plans submitted by the commission for the reconstruction or alteration of any work of the commission in or over any stream or in consequence of the attachment of any condition to the approval of such plans (either by the Council or by an arbitrator pursuant to the provisions of the said section 11) the commission incur greater expense in or in connection with the reconstruction or alteration of such work than they would, but for the operation of the said section 11, have been under any legal obligation to incur, the amount of such additional expense (including a capitalised sum representing the increased or additional cost of maintaining or, when necessary, renewing the reconstructed or altered work) shall be repaid to the commission by the Council:
- (12) Section 11 (Restrictions as to buildings, etc., in or over streams) and section 13 (Restrictions on new connections with streams) of this Act shall not apply with respect to any work (in this paragraph referred to as an "emergency work") which the commission may require to carry out in a stream or in, on, under or through the bank of a stream in a case of emergency to ensure the safety and stability of railway property:

Provided that the commission—

(i) shall repay to the Council any expenses reasonably incurred by the Council in making good any damage done to any work executed by the Council under the powers of this Act by reason or in consequence of the execution of an emergency work; and

(ii) shall, as soon as reasonably practicable after the receipt of a notice in writing from the Council requiring an emergency work to be removed or altered, remove or alter the emergency work in such

manner as the Council may reasonably require and shall make good to the reasonable satisfaction of the Council any damage caused to any bank of any stream or any work executed by the Council as aforesaid by reason or in consequence of such removal or alteration:

PART III
—cont.

- (13) The Council shall not, except in a case of emergency, under the powers of section 23 (Powers of entry and inspection) of this Act enter upon railway property, not being the bed or banks of a stream, for any of the purposes referred to in the said section 23 without the previous consent in writing of the commission but such consent shall not be unreasonably withheld and in a case of emergency the Council shall give to the commission such notice of entry as may be reasonably practicable:
- (14) Any difference arising under this section (other than a difference as to the meaning or construction thereof) shall be referred to and settled by arbitration.

39. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Council and the undertakers, apply and have effect:—

For protection
of South
Eastern Gas
Board and
Metropolitan
Water Board.

- (1) In this section unless the subject or context otherwise requires—

“ apparatus ” means mains, pipes or other apparatus belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ the undertakers ” means the South Eastern Gas Board or the Metropolitan Water Board, as the case may be:

- (2) Nothing in section 10 (Prohibition against dredging without consent of Council) of this Act shall extend to require the South Eastern Gas Board to obtain the consent of the London Council to the removal of any accumulation of silt or rubbish from the bed of so much of the Pool River as is situate within the Sydenham Gas Works of that board:
- (3) In the application of the provisions of section 11 (Restrictions as to buildings, etc., in or over streams) of this Act to so much of the portion of the Pool River referred to in the foregoing paragraph (2) as is covered over at the date of the passing of this Act that section

PART III
—cont.

shall have effect as if the words “ or proper access to ” were omitted from the proviso to subsection (1) of that section:

- (4) Nothing contained in section 19 (Penalty for interference with, etc., Council's works) of this Act shall take away, prejudice or affect any rights or powers of the undertakers in, or in relation to, any apparatus in any such work of the Council as is referred to in that section, and notwithstanding anything therein contained the undertakers, their officers, engineers and workmen shall be at liberty at all times to execute and do all such works and things in, upon or under the Council's work as may be necessary for inspecting, repairing, maintaining, renewing or removing any such apparatus:

Provided that—

(a) (i) before executing any work or doing any thing in, upon or under any work of the Council the undertakers shall, except in a case of emergency, give to the Council not less than twenty-one days' notice in writing of their proposals and in a case of emergency the undertakers shall give to the Council such notice as may be reasonably practicable; and

(ii) in executing any work or doing any thing in, upon or under any work of the Council the undertakers shall comply with such reasonable requirements as the Council may make with regard thereto;

(b) the provisions of sub-paragraph (ii) of paragraph (a) of this proviso shall not apply to the execution by the undertakers of any work or the doing by them of any thing in, upon or under any work of the Council in a case of emergency, but the undertakers shall in those circumstances comply with such reasonable requirements as the Council may make for the reinstatement of, and the making good of any damage caused to, any work of the Council by reason of the execution of such work or the doing of such thing as aforesaid:

- (5) (a) In entering on any operational land of the undertakers in the exercise of the powers conferred by section 23 (Powers of entry and inspection) of this Act or in carrying out any work on any such land in the exercise of the powers of this Act the Council and any person acting on their authority shall comply with such reasonable requirements of the undertakers as may be necessary to secure that, as far as is reasonably practicable in the circumstances, any plant or apparatus on the land is not obstructed or interfered with and that the supply of gas

or water, as the case may be, by the undertakers is not interrupted or interfered with;

PART III
—cont.

- (b) The Council shall, except in a case of emergency, give to the undertakers not less than twenty-one days' notice in writing of their intention to execute any works in the exercise of the powers of this Act upon or so as to affect any operational land of the undertakers and such notice shall be accompanied by plans and sections of the intended works indicating the nature of the works and the place where they intend to execute them;
 - (c) In a case of emergency the Council shall give to the undertakers such notice as may be reasonably practicable of the execution or intended execution of any such work as is referred to in the foregoing sub-paragraph (b) and, where reasonably practicable, such notice shall be accompanied by plans and sections of the work indicating the nature thereof;
 - (d) If the undertakers desire to make any requirements under sub-paragraph (a) of this paragraph they shall within twenty-one days from the date of the giving to them of the notice under sub-paragraph (b) of this paragraph give notice in writing to the Council specifying such requirements;
 - (e) The Council shall not begin any such work in respect of which notice is given under the said paragraph (b) before the expiration of twenty-one days from the date of the giving by them to the undertakers of that notice and, if within that period notice is received by the Council from the undertakers under sub-paragraph (d) of this paragraph, until the requirements specified in such notice have been agreed by the Council or, in default of agreement, determined by arbitration;
 - (f) The Council shall during the execution of any such work as is referred to in this paragraph give to the undertakers reasonable facilities for supervising the execution of the work;
 - (g) In executing any work under the powers of this Act the Council shall comply with such reasonable requirements of the Metropolitan Water Board as may be necessary to secure that there is no impairment of the quality of the water supplied by the Board by reason or in consequence of such execution:
- (6) Any difference arising between the Council and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART III
—cont.For protection
of certain
electricity
undertakers.

40. For the protection of the Central Electricity Generating Board, the London Electricity Board and the South Eastern Electricity Board (each of whom is in this section referred to as “the board”) the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

Nothing in section 11 (Restrictions as to buildings, etc., in or over streams) of this Act shall apply to the erection, construction, placing, reconstruction or alteration by the board over any stream or land on either side thereof of any electric line above ground to the placing of which the consent of the Minister of Power has been obtained.

For further
protection of
certain
statutory
undertakers.

41.—(1) In this section—

“the undertakers” means the Metropolitan Water Board, the South Eastern Gas Board, the Central Electricity Generating Board, the London Electricity Board or the South Eastern Electricity Board, as the case may be;

“undertakers’ apparatus” means any gas or water main, pipe or other plant or apparatus, or any electric line belonging to the undertakers.

(2) Nothing in this Act shall authorise the Council to do any work which obstructs or interferes with any undertakers’ apparatus (not being apparatus situate in a street within the meaning of the Public Utilities Street Works Act, 1950, or in any operational land of the Metropolitan Water Board or the South Eastern Gas Board) except with the consent of the undertakers to whom the apparatus belongs, which consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

Arbitration.

42. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

1 Provision of Act	2 Person appointing arbitrator
Subsection (4) of section 11 (Restrictions as to buildings, etc., in or over streams)	The President of the Institution of Civil Engineers.
Subsection (3) of section 13 (Restrictions on new connections with streams)	The President of the Institution of Civil Engineers.

1 Provision of Act	2 Person appointing arbitrator
Subsection (3) of section 20 (Vesting in Kent Council of certain drainage works, &c.)	The President of the Institute of Municipal Treasurers and Accountants.
Paragraph (14) of section 38 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Paragraph (6) of section 39 (For protection of South Eastern Gas Board and Metropolitan Water Board)	The President of the Institution of Civil Engineers.
Subsection (2) of section 41 (For further protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

43. 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.

44. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining of this Act shall, unless otherwise agreed, be borne by the London Council and the Kent Council in equal shares and shall be defrayed—

Costs of Act.

(a) in the case of the London Council as payments for general county purposes within the meaning of the London Government Act, 1939; and

(b) in the case of the Kent Council out of their county fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULE

Location	Description	Length in yards
RIVER RAVENSBOURNE		
Glassmill Lane to storage lake	Reinforced concrete culvert	80
Adjacent to Glassmill Lane	Open storage lake	157
From the above storage lake to a point 580 feet southwards thereof	Reinforced concrete culvert	193
From the above point to the north side of railway	Reinforced concrete culvert	200
South side of railway to end of Newbury Road	Reinforced concrete culvert	161
End of Newbury Road to Westmoreland Road	Reinforced concrete culvert	46
Under Westmoreland Road	Reinforced concrete culvert	24
Along the west side of St. Mark's Church	Reinforced concrete culvert	40
RIVER RAVENSBOURNE MAIN BRANCH		
From a point 630 feet due north of Hayes Lane to Hayes Lane	Circular concrete pipe	210
Under Hayes Lane	Reinforced concrete culvert	13
Eastwards along Hayes Lane	Reinforced concrete culvert	29
RIVER RAVENSBOURNE EAST BRANCH		
South side of St. Mark's Church to Sandford Road	Reinforced concrete culvert	73
Under Sandford Road	Reinforced concrete culvert	20
Sandford Road to Masons Hill	Reinforced concrete culvert	83
Under Masons Hill	Reinforced concrete culvert	24
Masons Hill to south side of railway	Reinforced concrete culvert	117
North side of railway to Palace View	Reinforced concrete culvert	70
Under Palace View and eastwards for a distance of 180 feet	Reinforced concrete culvert	75
From a point 180 feet east of Palace View to Murray Avenue	Reinforced concrete culvert	373
From a point 154 feet east of Bishops Avenue to the rear boundary of the Gas Works	Reinforced concrete culvert	183
Through the South Eastern Gas Board's Holder Station to its eastern boundary	Reinforced concrete culvert	150
From the eastern boundary of the South Eastern Gas Board's Holder Station along its northern boundary to the western boundary of the land of Cray Motors	Reinforced concrete culvert	111

Location	Description	Length in yards
RIVER RAVENSBOURNE EAST BRANCH (continued)		
Through the land of Cray Motors to Homesdale Road	Reinforced concrete culvert	23
Under Homesdale Road	Reinforced concrete culvert	16
From the south side of railway near Homesdale Road to north side of Southlands Road	Reinforced concrete culvert	490
North side of Southlands Road to north side of Blenheim Road	Reinforced concrete culvert	227
North side of Blenheim Road to south side of Southborough Lane	Reinforced concrete culvert	650
North side of Ruskin Walk to south side of Magpie Hall Lane	Reinforced concrete culvert	307
RIVER RAVENSBOURNE SOUTH BRANCH		
From junction with the Ravensbourne Main Branch southwards along Hayes Lane	Reinforced concrete culvert	187
Under Hayes Lane	Reinforced concrete culvert	20
West side of Hayes Lane in field towards Mead Way	Reinforced concrete culvert	83
From a point 200 feet north of Mead Way to north side of Montcalm Close	Reinforced concrete culvert	252
North side of Montcalm Close to the north side of Oakmead Avenue	Reinforced concrete culvert	188
North side of Oakmead Avenue to south side of Northbourne	Reinforced concrete culvert	165
Northbourne to a point 100 feet north of Chatham Avenue and opposite Stuart Avenue	Reinforced concrete culvert	430



Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ..	8 & 9 Vict. c. 18.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Port of London (Consolidation) Act, 1920 ..	10 & 11 Geo. 5 c. clxxiii.
Land Charges Act, 1925	15 & 16 Geo. 5 c. 19.
Land Drainage Act, 1930	20 & 21 Geo. 5 c. 44.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
London Government Act, 1939	2 & 3 Geo. 6 c. 40.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Metropolitan Water Board Act, 1946	9 & 10 Geo. 6. c. xvii.
Town and Country Planning Act, 1947 ..	10 & 11 Geo. 6 c. 51.
River Boards Act, 1948	11 & 12 Geo. 6 c. 32.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act, 1950 ..	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act, 1951 ..	14 & 15 Geo. 6 c. 64.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.

PRINTED BY WALTER & WHITEHEAD LTD. FOR
SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s 9d net

PRINTED IN GREAT BRITAIN

River Ravensbourne, &c., (Improvement and Flood Prevention) Act, 1961

9 & 10 ELIZ. 2 Ch. xlvi

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.
5. Streams to which Act applies.
6. Exercise of powers of Act.

PART II

IMPROVEMENT AND PROTECTION OF STREAMS

7. Power to improve flow, etc.
8. Acquisition of land for improvement, etc., of streams.
9. Power to break up or open streets.
10. Prohibition against dredging without consent of Council.
11. Restrictions as to buildings, etc., in or over streams.
12. As to covering of streams.
13. Restrictions on new connections with streams.
14. Exercise of powers for prevention of pollution.
15. Byelaws.
16. Installation of apparatus for measuring flows.
17. Acquisition of land for access, depots, etc.
18. Application of section 15 of Act of 1948.
19. Penalty for interference with, etc., Council's works.

PART III

MISCELLANEOUS AND GENERAL

20. Vesting in Kent Council of certain drainage works, etc.
21. Power to Kent Council to borrow.
22. Agreements between London Council and Kent Council.
23. Powers of entry and inspection.

Section

24. Powers for local authorities and other bodies to contribute to expenditure.
25. Undertakings and agreements binding successive owners.
26. Powers of court.
27. Penalty for obstructing execution of Act.
28. Power to require occupier to permit works to be executed by owner.
29. Recovery of expenses, etc.
30. Summary proceedings for offences.
31. As to notices of right of appeal and time for appealing.
32. Appeals to quarter sessions from decision of magistrates' court.
33. Act not to legalise nuisances or affect remedies.
34. Application of certain provisions of Act of 1936.
35. Protection of members and officers from personal liability.
36. Judges and justices not to be disqualified by liability to rates.
37. Crown rights.
38. For protection of British Transport Commission.
39. For protection of South Eastern Gas Board and Metropolitan Water Board.
40. For protection of certain electricity undertakers.
41. For further protection of certain statutory undertakers.
42. Arbitration.
43. Saving for town and country planning.
44. Costs of Act.

SCHEDULE.