

[26 GEO. 5. &
1 EDW. 8.]

*Lee Conservancy
Catchment Board Act, 1936.*

[Ch. lxviii.]



CHAPTER lxviii.

An Act to confer further powers on the Lee Conservancy Catchment Board and the Lee Conservancy Board to amend section 80 of the Land Drainage Act 1930 and for other purposes. A.D. 1936.
—
[14th July 1936.]

WHEREAS the Lee Conservancy Catchment Board (in this Act called "the Catchment Board") were constituted by section 80 of the Land Drainage Act 1930 (in this Act called "the Act of 1930") and it is expedient to amend that section to confer further powers on the Catchment Board and the Lee Conservancy Board (in this Act called "the Conservancy Board") and to make further provision in reference to the superannuation of the officers and servants of the said Boards: 20 & 21 Geo. 5. c. 44.

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the Lee Conservancy Catchment Board Act 1936. Short title.

[Price 2d. Net]

A

1

A.D. 1936.

—
Amendment
of section 80
of Act of
1930.

2.—(1) Section 80 of the Act of 1930 shall have effect as if—

- (a) the words “ (except paragraphs seven eight and ten of Part II of the First Schedule to this Act) ” were omitted from subsection (1) thereof;
- (b) the words “ and shall have power to hold land without a licence in mortmain ” were added at the end of subsection (2) thereof; and
- (c) the words “ the Lee Conservancy Acts 1570 to 1921 ” were therein substituted for “ the Lee Conservancy Acts 1870 to 1921 ” in subsection (5) thereof.

(2) The provisions of Part II (Provisions as to members and proceedings of Catchment Boards) of the First Schedule to the Act of 1930 shall not apply in relation to the Catchment Board.

Validity of
proceedings.

3. The proceedings of the Catchment Board shall not be invalidated by any vacancy in the number of such Board or by any defect in the appointment or qualification of any member of such Board.

Rules of
procedure.

4. The Catchment Board may with the approval of the Minister of Agriculture and Fisheries (in this Act called “ the Minister ”) make rules—

- (a) for regulating the proceedings including quorum place of meeting and notices to be given of meetings of the Board; and
- (b) with respect to the appointment of a chairman and a vice-chairman; and
- (c) for enabling the Board to constitute committees and for authorising committees subject to the consent of the Board to co-opt additional members; and
- (d) for authorising the delegation to committees either generally or as respects any particular area of any of the powers or duties of the Board and for regulating the proceedings including quorum place of meeting and notices to be given of meetings of committees.

Minutes of
Board.

5. A minute of the proceedings of a meeting of the Catchment Board or of a committee of the Catchment Board purporting to be signed at that or the next ensuing meeting by a person describing himself as or

appearing to be the chairman of the meeting to the proceedings of which the minute relates or the chairman of such 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.

A.D. 1936.
—

6. The Catchment Board may if they think fit and if authorised by the Minister—

Remuneration of chairman and expenses of members.

- (a) pay a reasonable sum to the chairman of such Board by way of remuneration; and
- (b) defray any expenses necessarily incurred by members of the Board or of any committee thereof in attending meetings of the Board or any committee of the Board or in travelling by direction of the Board or of any such committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the Board or such committee.

7.—(1) For the prevention of doubt be it enacted that the provisions of subsection (7) of section 80 of the Act of 1930 as amended by this Act—

Superannuation.

- (a) apply to officers and servants entering the service of the Conservancy Board or the Catchment Board or both those Boards after the passing of that Act as well as to the officers and servants who were then in the service of the Conservancy Board; and
- (b) do not apply to officers and servants who were transferred from the Middlesex County Council or the council of the borough of West Ham to the Catchment Board by virtue of the Lee Conservancy Catchment Board (Abolition of Internal Drainage Districts) Scheme 1932.

(2) For the purpose of determining the right of any officer or servant of the Conservancy Board or of the Catchment Board who has been in the service of both

A.D. 1936. — Boards to a pension or superannuation allowance and the amount of such pension or superannuation allowance the periods of service under each or both of such Boards shall be aggregated and reckoned as the period of service of the Board or Boards from whose service he is resigning or whose office he is ceasing to hold.

The said Boards or either of them may if they think fit apply the provisions of this subsection to any officer or servant who left their service after the passing of the Act of 1930 and before the passing of this Act.

12 & 13
Geo. 5. c. 59. (3) When an officer of the Conservancy Board or the Catchment Board who at any time before entering their service was in the employment of a local authority or local authorities by whom the Local Government and Other Officers' Superannuation Act 1922 had been adopted or whose officers were entitled to the benefit of superannuation provisions under a general or local Act retires from the service of such Board such Board may by resolution direct that the number of years during which he had served such local authority or authorities and which if he had remained in their service would have been taken into account for the purpose of determining his pension or superannuation allowance shall be taken into account in computing the amount of superannuation allowance granted to him in pursuance of section 80 of the Act of 1930 as amended by this Act :

Provided that if—

(a) the service of an officer under a local authority is taken into account under this subsection for the purpose of computing his superannuation allowance; and

(b) such officer upon leaving the service of such local authority had had repaid to him the amount of his contributions to the superannuation fund of the local authority;

he shall pay to the Board or Boards by whom his superannuation allowance will be payable the amount so repaid to him.

In this subsection the expression "local authority" has the same meaning as in the Local Government and Other Officers' Superannuation Act 1922.

A.D. 1936.

(4) In their application to officers and servants of the Conservancy Board or the Catchment Board as provided by section 80 of the Act of 1930 the terms and conditions and the scale from time to time applicable to the permanent Civil Service of the State shall have effect as if the Board or Boards from whose service the officer or servant is retiring or whose office he is ceasing to hold were referred to instead of the Treasury but any officer or servant who is dissatisfied with a determination made by one or both of such Boards under this subsection shall within one month after such determination has been communicated to him be entitled to appeal to the Minister of Health whose decision shall be final.

(5) For the purposes of subsection (7) of section 80 of the Act of 1930 an officer or servant not being a workman shall be deemed to have had a reasonable expectation of receiving a pension or superannuation allowance on retirement unless his employment was expressed to be temporary or he was engaged on the temporary staff and a workman shall be deemed to have had such reasonable expectation if he has been employed by the Conservancy Board or the Catchment Board or by both of such Boards for not less than twenty years.

For the purposes of this provision a workman shall be deemed to mean a person in the service of the Conservancy Board or the Catchment Board or of both of such Boards who is employed by way of manual labour but shall not include a weir keeper lock keeper or foreman.

(6) In any case in which an officer or servant who has been in the service of both of the said Boards receives a superannuation allowance the Boards shall contribute thereto in such proportions as may be agreed between them or as failing agreement may be determined by the Minister of Health.

8. The Catchment Board may if they think fit in cases which are not within the Workmen's Compensation Act 1925 or in which no superannuation allowance or gratuity is payable under any Act grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary

Power to grant allowances or gratuities in certain cases.

15 & 16
Geo. 5. c. 84.

A.D. 1936. — or wages) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Minister's fees.

9. There shall be chargeable in respect of any business transacted by the Minister under this Act such fees as are chargeable in respect of the like business transacted by the Minister under the Act of 1930.

Powers of Act cumulative.

10. All powers rights and remedies given to the Conservancy Board or the Catchment Board by this Act shall be deemed to be in addition to and not in derogation of any other powers rights or remedies vested in or conferred on them.

Costs of Act.

11. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Catchment Board and the Conservancy Board in such proportions as they may agree.

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller