

A.D. 1930. and, if the district of a board is situate in a catchment area, also to the Catchment Board, and a copy of the accounts shall also be kept at the office of the board, and any person, being a person who is liable to pay drainage rates in the district of the board, shall be entitled without payment to inspect and take copies of, or extracts from, the copy of the accounts.

PART V.
—cont.

PART VI.

POWERS OF COUNTY COUNCILS AND COUNTY
BOROUGH COUNCILS.

General
drainage
powers of
county
councils and
county
borough
councils.

50.—(1) The council of a county or of a county borough shall as respects any land which is within the county or county borough but is not under the jurisdiction of a Catchment Board have—

- (a) all such powers as are given to Catchment Boards by the provisions of section ten of this Act except subsection (4) of the said section; and
- (b) all such powers as are given to drainage boards by the provisions of sections thirty-six and forty-four of this Act.

(2) The council of a county or of a county borough shall, as respects any land which is within the county or county borough (whether the land is or is not within a catchment area), have all such powers as are given to drainage boards by the provisions of section thirty-five of this Act.

(3) The provisions of section eleven of this Act, which empower the Minister to transfer the functions of an internal drainage board to the Catchment Board, shall apply to a drainage district situate in a county or any part of a county which is not within a catchment area, with the substitution for the references in the said section to the Catchment Board of references to the council of the county.

(4) Section forty-one of this Act, which authorises the Minister by order to revoke, vary or amend the provisions of any local Act relating to navigation rights over waters within a drainage district, shall apply to waters which are not within a drainage district, with the modification that in the case of any such waters an application for the purposes of the said section must be

made by the councils of the counties or county boroughs within whose areas the waters to which the application relates are contained.

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PART VI.
—cont.

51.—(1) The council of a county or county borough may, for the purpose of the exercise of their functions under this Act, authorise any person to enter on and inspect any land, and any person so authorised may, after giving notice in writing to the occupier, and on production, if so required, of his authority, enter on and inspect the land accordingly at all reasonable times.

Powers of
persons
authorised
by councils
of county
or county
boroughs to
enter on
land.

(2) If any person obstructs or impedes in the execution of his duties any person authorised under this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

52.—(1) Where the council of a county or county borough are of opinion that any land which is within the county or borough (whether the land is or is not within a catchment area) is capable of improvement by drainage works, but that the case cannot be met by the constitution of a drainage district under this Act, and that the expenses of executing and maintaining the works will not exceed the increase in the value of the land arising therefrom, the council may, in accordance with the provisions of a scheme made under this section, enter on the lands and execute such drainage works as appear to them desirable.

Schemes for
drainage of
small areas.

(2) Before executing any works under this section the council shall prepare a draft scheme stating—

- (a) the works proposed to be executed;
- (b) the area to be improved thereby;
- (c) the estimated cost of the execution of the works, which shall not exceed an amount equal to five pounds for each acre in the area to be improved, or five thousand pounds in all, and the maximum amount to be recoverable by the council in respect of the costs thereof;
- (d) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area;

and shall give to the owners and occupiers of land comprised within the area, and to any navigation authority

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PART VI.
—cont.

or other body or person appearing to the council to be affected by the scheme, notice in the prescribed manner of the making of the draft scheme, and of the place where it can be inspected and of the time within which objections to the scheme may be made to the council, and the council shall, before settling the scheme, consider any objections which may have been duly made and, if the owners of one-half or more of the land comprised within the area to which the draft scheme relates have duly made objections thereto and have not withdrawn those objections, cause a public local inquiry to be held with reference to the scheme.

(3) Copies of the scheme when settled shall be served on the owners and occupiers of land in the area to which the scheme relates.

(4) For the purpose of executing and maintaining any works under a scheme made under this section a council shall, within the area to which the scheme relates or in which the works are to be executed, have all the powers of a drainage board under this Act, but subject to the restrictions imposed by this Act on the exercise of those powers.

(5) Any expenses incurred by a council under this section in the execution of drainage works to an amount not exceeding the amount declared by the scheme to be the maximum amount of expenses recoverable by them, or in maintaining any such works, shall be recoverable by the council summarily as a civil debt from the several owners of the lands to which the scheme relates according to the apportionment in the scheme:

Provided that, if any owner so requires in writing, the sum payable by him shall be recoverable by the council by means of a rate to be made and levied by the council in like manner, subject to the like provisions and with the like incidence, as are applicable in case of a private improvement rate for private improvement expenses incurred by a local authority under the Public Health Act, 1875, with this qualification, that the council shall, on the application of the owner or occupier of any land subject to the rate, determine the proportion of the rate to be borne by them respectively, having regard to the benefit derived from the works, the contract of tenancy, and all other circumstances of the case.

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PART VI.
—cont.Expenses,
borrowing
and power
to delegate
to com-
mittees.

53.—(1) The expenses of the council of a county or county borough under this Act, except in so far as they are by virtue of the provisions of this Act otherwise defrayed, shall be defrayed—

(a) in the case of the council of a county, out of the county fund as expenses for general county purposes, or, if and so far as the council think fit, as expenses for special county purposes, charged on such parts of the county as the council think fit; and

(b) in the case of the council of a county borough, out of the general rate fund.

(2) The council of a county or county borough may borrow for the purposes of this Act—

(a) in the case of a county, in accordance with the Local Government Act, 1888;

(b) in the case of a county borough, in accordance with the Public Health Acts, 1875 to 1926.

51 & 52 Vict.
c. 41.

(3) The council of a county or county borough may delegate, with or without restrictions, to the agricultural committee of the council, or, in the case of a council not having an agricultural committee, to such committee as the council may think fit, any of their powers and duties under this Act (other than the power to levy a rate or to borrow money) and the committee to which any such powers and duties are delegated may, subject to the directions of the council, delegate with or without restrictions to a sub-committee of the committee any of their powers and duties under this Act.

(4) The councils of two or more counties or county boroughs may combine for the purposes of the joint exercise of any powers conferred on them by or under this Act, and may for that purpose appoint a joint committee, and may agree as to the proportions in which the several councils represented on the joint committee are to contribute towards the expenses thereof.

In the case of a council having an agricultural committee, the representatives of the council on the joint committee shall be persons who are members of the agricultural committee.

54. Save as otherwise expressly provided in this Act, the powers conferred on councils of counties and county boroughs by or in pursuance of this Act,

Saving of
existing
powers of
councils.

A.D. 1930. shall be in addition to and not in derogation of any other powers possessed by any such councils independently of this Act:

PART VI.
—cont.

Provided that, where by any local Act powers are conferred on the council of any county or county borough similar to the powers conferred by this Act and that local Act contains provisions for the protection of any authorities, companies or persons, those provisions shall apply to the exercise by the council of the powers under this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

PART VII.

MISCELLANEOUS AND GENERAL.

Contributions out of public moneys towards expenses incurred by Catchment Boards in improvement of existing works or construction of new works.

55.—(1) Subject to the provisions of this section the Minister may, out of moneys provided by Parliament, make grants towards expenditure incurred by Catchment Boards under this Act in the improvement of existing works or the construction of new works of such amounts as the Treasury may from time to time sanction:

Provided that—

(a) no grant shall be made towards expenditure incurred in connection with any such improvement or construction unless the plans and sections therefor have been approved by the Minister, and the Minister is satisfied that the work thereon is being properly carried out;

(b) grants under this section shall be made subject to such conditions as may, with the approval of the Treasury, be prescribed.

(2) If it is shown to the Minister that any expenditure towards which a grant would, if the work were properly carried out, be properly payable under this section is about to be incurred by a Catchment Board, the Minister may, if for any reason he considers it expedient so to do, and subject to the approval of the Treasury, and to such conditions as may with the like approval be prescribed, make advances to the Board on account of the expenditure to be so incurred.

Provisions as to pollution authorities for

56.—(1) A Provisional Order under section fourteen of the Local Government Act, 1888, constituting for a catchment area or combination of catchment areas a

joint committee or other body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, may be made by the Minister of Health of his own motion and without any application by the council of any of the counties concerned.

(2) Any such order shall provide for the inclusion, so far as may conveniently be, on the committee or body, of the persons appointed by county or county borough councils to be members of the Catchment Boards of the catchment areas concerned.

(3) A committee or body so constituted and the Catchment Board of any catchment area concerned may enter into arrangements for co-operation in the discharge of their respective functions, including arrangements as to payments for services rendered by either party to the other party.

57.—(1) Where by reason of the neglect of the occupier of any land to maintain or join in maintaining the banks, or to cleanse and scour or join in cleansing and scouring the channels, of watercourses passing through over or adjoining his lands, injury is caused to any other land, the owner or occupier of that land may serve notice on the said occupier requiring him, as the case may be, to maintain the banks or cleanse or scour the channels, or to join in maintaining the banks or in cleansing or scouring the channels of the watercourses.

(2) If any person, being an occupier in default on whom a notice has been duly served in pursuance of this section, fails within two months after the date of the service to comply with the requirements of the notice, the person by whom the notice is served may, if he thinks fit, execute all such works as are reasonably necessary for maintaining the banks or cleansing or scouring the channels and the expenses incurred by him in so doing, or such proportion of those expenses as is just, shall be recoverable by him summarily as a civil debt from the occupier in default.

58.—(1) If any person interested in any land desires to drain it and for that purpose considers it necessary that new drains should be opened through lands belonging to another person or that existing drains in land belonging to another person should be cleansed, widened, straightened, or otherwise improved, the person so

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PART VII.

—cont.

catchment areas.

39 & 40

Vict. c. 75.

51 & 52

Vict. c. 41.

Power to require occupier of land to keep watercourses in order.

1961/44

Application to adjoining owner for leave to make drains through his lands.

1961/44

A.D. 1930.

PART VII.
—cont.

desiring may apply in the prescribed manner to that other person (in this section referred to as "the adjoining owner") for leave to make such drains or improvements in drains through or on his lands.

(2) Any such application shall contain such particulars as may be prescribed with respect to the nature of the proposals and the compensation, if any, which the applicant is willing to pay to the adjoining owner.

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with respect to the proceedings consequent on an application under this section, and in the said Schedule the expression "application" means an application under this section and the expression "the adjoining owner" has the same meaning as in this section.

Power of
Minister to
authorise
landowners
to execute
drainage
works.

59.—(1) Where any persons interested in any land are of opinion that it is capable of improvement by drainage works but the said works cannot be executed by reason of the objection or disability of any person whose land would be entered upon, cut through or interfered with by or for the purpose of such works, they may present an application to the Minister for an order under this section authorising them to execute such drainage works as are expedient with a view to the improvement of the land.

(2) The application shall be in the prescribed form and shall contain particulars of the proposed works and the persons by whom they are to be executed and such further particulars as the Minister may prescribe or require.

(3) Notice of the application and of the place where it can be inspected and of the time within which objections to the proposed works may be made to the Minister shall be given in the prescribed manner and to all persons, not parties to the application, whose lands are proposed to be entered upon, cut through or interfered with, and to any drainage authority having jurisdiction in any district or area within which all or any of the proposed works are to be executed.

(4) The applicants shall give such security for expenses as may be required by the Minister.

(5) If within the prescribed time no objection to the proposed works has been made to the Minister by

any person interested or in any way affected by the proposed works or if every such objection has been withdrawn, the Minister shall in his discretion either refuse to authorise or by order authorise with or without alteration the execution of the proposed works.

(6) If such an objection has been made and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the proposed works are to be executed.

(7) The persons authorised by an order made under this section to execute works shall have full power to execute the works and to maintain them for ever thereafter:

Provided that no entry shall be made on any land for the purposes aforesaid till the amount of any compensation awarded in respect of the works to any person interested in the said land has been paid.

(8) No order of the Minister under this section shall authorise any work whereby the streams, reservoirs or feeders supplying any ornamental waters will be cut through, diverted or interfered with otherwise than by agreement and with the consent of the persons to whom such ornamental waters belong.

60. Nothing in this Act shall be taken to authorise any person to execute any works or do any thing in contravention of the provisions of the Ancient Monuments Consolidation and Amendment Act, 1913.

Protection
of ancient
monuments.
3 & 4 Geo. 5.
c. 32.

61.—(1) Nothing in this Act or any order made thereunder shall authorise any person, except with the consent of the undertakers, to do any work which, whether directly or indirectly, interferes or will interfere with, or with the use of the works of or any property which is vested in or is under the control of the persons carrying on any undertaking to which this section applies, in their capacity as such, in such manner as to affect injuriously the said works or property or the carrying on of the undertaking.

Protection
of public
utility,
water, rail-
way and
certain
other under-
takings.

The undertakings to which this section applies are the following:—

- (a) public utility undertakings carried on by local authorities under any Act or under any order having the force of an Act;

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PART VII.
—cont.

- (b) undertakings for the supply of water to any place;
- (c) the undertakings of authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1928;
- (d) the undertakings of navigation, harbour, or conservancy authorities.

(2) Nothing in this Act shall authorise any person except with the consent of the railway company to interfere with any railway bridge or any other work connected with the railway or the structure, use or maintenance thereof or the traffic thereon.

(3) If any question arises under this section whether anything done or proposed to be done interferes or will interfere as aforesaid, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(4) Without prejudice to the provisions of this Act with respect to the transfer to drainage boards of the powers and duties of navigation authorities and with respect to the power of the Minister to vary navigation rights, nothing in this Act or any order made thereunder shall be taken to prejudice the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by the persons carrying on any undertaking to which this section applies.

Protection
of fisheries.

62.—(1) Nothing in this Act shall prejudice or affect the provisions of the Salmon and Fresh Water Fisheries Act, 1923, or any rights, powers or duties conferred or imposed thereby.

(2) In the exercise of the powers conferred by this Act due regard shall be had to the fishery interests.

Power of
canal
companies,
&c. to divert
sewers.

63.—(1) Where any watercourses under the control of a drainage board pass under or interfere with, or with the improvement or alteration of, any river, canal, dock, harbour, basin or other work (including any towing-path adjacent thereto) which belongs to or is under the jurisdiction of any navigation authority, harbour authority or conservancy authority, that authority may at their own expense and on substituting for the said watercourses

other equally effective watercourses, take up, divert or alter the level of the said watercourses and do all such matters and things as may be necessary in connection with the works authorised to be done by them as aforesaid.

(2) If any question arises under this section between any drainage board and any such authority as aforesaid as to whether any watercourses substituted or proposed to be substituted by the authority for any existing watercourses are equally effective to the existing watercourses, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

64.—(1) It shall not be lawful for any person, except by way of replacement or reconstruction of an existing bridge, to construct a bridge over the main river of a catchment area without the consent (not to be unreasonably withheld) of the Catchment Board and unless the bridge is constructed in accordance with plans and sections approved by the Catchment Board.

Restriction
on construc-
tion of
bridges over
main river
of catch-
ment area.

(2) If any person acts in contravention of this section, the Catchment Board may remove, alter or pull down any work executed in contravention of this section and may recover the expenses so incurred from that person summarily as a civil debt.

(3) If any person is aggrieved by any withholding of consent or non-approval of plans under this section, he may appeal to the Minister and the Minister of Transport acting jointly.

(4) Nothing in this section shall be taken to be in derogation of any provision having the force of law by virtue of which the consent of any Government department is required for the erection of a bridge over any waters or by virtue of which any powers are exercisable by any Government department in relation to such a bridge.

65. This Act, in its application to the Doncaster Drainage District, shall have effect subject to the following modifications:—

Application
of Act to
Doncaster
Drainage
District.

- (1) No direction shall be given by the Catchment Board under section seven to any drainage

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PART VII.
—cont.
19 & 20
Geo. 5.
c. xvii.

board which is a district board within the meaning of the Doncaster Area Drainage Act, 1929; and

- (2) Sub-paragraphs (iv), (v) and (vi) of paragraph (b) of subsection (1) of section four, paragraph (a) of subsection (2) of section seven, and sections eight and ten shall not apply.

Preserva-
tion of
existing
protection
conferred by
local Acts.

66. Where by any local Act powers are conferred on a drainage board or local authority similar to the powers conferred by this Act, and that local Act contains provisions for the protection of any authorities, companies, or persons, those provisions shall apply to the exercise by any drainage board within the area to which the local Act applies of the powers conferred on drainage boards by this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

Compensa-
tion to
existing
officers.

67.—(1) Every officer of a drainage board who immediately before the commencement of this Act had held office under that board for a period of not less than two years shall, if by virtue of this Act or of anything done in pursuance or in consequence thereof he suffers any direct pecuniary loss by abolition of office, or by determination of his appointment, or by diminution or loss of fees or salary or emoluments, be entitled to compensation under this Act for that loss.

(2) An application for compensation by any officer under this Act shall be made to the drainage board by which his appointment has been determined or his fees, salary, or emoluments have been reduced, or whose district comprises the area of the drainage authority by which he was employed, or such drainage boards as may be determined by the Minister of Health.

- (3) For the purposes of this section an officer—

- (a) who at any time within five years after the commencement of this Act relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the commencement of this Act; or

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PART VII.
—cont.

- (b) whose services are dispensed with or whose salary is reduced by a drainage board within five years after the commencement of this Act because his services are not required or his duties are diminished, and not on account of misconduct or inefficiency,

shall, unless the contrary is shown, be deemed to have suffered a direct pecuniary loss.

(4) The provisions contained in the Eighth Schedule to the Local Government Act, 1929, shall apply to the determination and payment of compensation under this section to officers as they apply to the determination and payment of compensation under that Act to officers, subject to the following modifications:—

- (i) references to the drainage board shall be substituted for references to the Council;
- (ii) references to this Act shall be substituted for references to that Act; and
- (iii) references to the commencement of this Act shall be substituted for references to the appointed day.

- (5) If any question arises—

- (a) as to the drainage board to which an application for compensation under this Act is to be made; or
- (b) as to the fund out of which any compensation is to be paid;

the Minister of Health may, on the application of the officer or any drainage board concerned, determine the question.

68. Where the owner of any land comprised within a drainage district is authorised to invest money on real security, he shall, unless the instrument authorising the investment provides to the contrary, have power to invest money on a first mortgage of the drainage rates leviable by the drainage board for that district.

Power to
invest
money on
security of
drainage
rates.

69.—(1) Where, in the exercise of any powers given by this Act, any watercourse forming a boundary line between two or more local areas defined by law is straightened, widened or otherwise altered so as to

Provision
as to altera-
tion of local
boundaries.

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PART VII.
—cont.

affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Minister of Health, and the Minister of Health, if satisfied that a new boundary line may conveniently be adopted, shall, by notice published in such manner as he thinks fit, declare that the watercourse as altered shall be substituted either wholly or partially for the former boundary line, and thereupon the limits of the areas of which the watercourse, when unaltered, was the boundary shall be deemed to be varied accordingly.

(2) If in any such case the Minister of Health is of opinion that a new boundary cannot conveniently be adopted, either wholly or in part, he shall require the drainage board or other persons aforesaid to set out a boundary either on the line of the watercourse as it existed before its alteration, or on a new line in lieu thereof, in such manner as he thinks fit.

Expenses of
Minister.

70. The expenses of the Minister under this Act, so far as not defrayed by the exercise of any powers conferred by this Act, shall to such an amount as the Treasury may sanction be defrayed out of moneys provided by Parliament.

Fees.

71. There shall be chargeable in respect of any business transacted by the Minister under this Act such fees as he may with the approval of the Treasury determine.

Power of
Minister to
hold in-
quiries.

72.—(1) The Minister may hold such inquiries as he considers necessary or desirable for the purposes of this Act, and the Minister, and, if authorised by the Minister, the person appointed to hold any such inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law, and, if any person fails without reasonable excuse to comply with any of the provisions of any such order, he shall be liable on summary conviction to a fine not exceeding five pounds, and the person holding the inquiry shall

have power to take evidence on oath and for that purpose to administer oaths. A.D. 1930.

(2) Notices of inquiries shall be given and published in accordance with such general or special directions as the Minister may give. PART VII.
—cont.

73. Where the Minister of Health incurs expenses— Costs of the
Minister of
Health
under
Part VII.

(a) in connection with the making or confirmation of a provisional order made by him by virtue of this Part of this Act for constituting a body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876; or

(b) in or in connection with the exercise of the powers conferred on him by this Part of this Act with respect to alteration of boundaries where watercourses forming boundary lines are altered;

he may make such orders as he thinks fit with respect to the parties by whom or the rates out of which those expenses or any part thereof are to be borne, and any sum payable to the Minister of Health by virtue of any such order may be recovered as a debt due to the Crown:

Provided that an order shall not be made under this section with respect to expenses incurred in connection with the making or confirmation of a provisional order unless and until the order is confirmed by Parliament.

74.—(1) The Minister may make regulations for the purpose of prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect. Regula-
tions.

(2) Any regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done thereunder, or to the making of new regulations.

75. A notice required or authorised to be served under or by virtue of this Act by any person may be served by registered post or by delivery to or at the Service of
notices.

recorded
delivered
Court registered

A.D. 1930. residence of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, by delivery of the notice or a copy thereof to some person on the premises or, if there is no person on the premises to whom the notice or copy can be delivered, by fixing the notice or the copy thereof on some conspicuous part of the premises.

Provisions
as to accre-
tion of land
resulting
from drain-
age works.

76.—(1) If the Minister certifies that, as the result of any drainage works executed or proposed to be executed by a Catchment Board in connection with the tidal waters of the main river or any drainage works transferred from a drainage authority to a Catchment Board in pursuance of this Act, there has been or is likely to be any accretion of land, the Catchment Board may, notwithstanding any enactment to the contrary (including any enactment contained in any local Act), acquire either by agreement or compulsorily—

- (a) the accretion of land or the land to which the accretion will, if it takes place, be added, together with any right to reclaim or embank the said accretion of land; and
- (b) such other land as is reasonably required for the purpose of reclamation of the said accretion of land or for the enjoyment thereof when reclaimed.

(2) The provisions contained in Part V of this Act with respect to the power of drainage boards to acquire land shall apply with respect to the acquisition of land or rights under this section and the expression "land" in the said provisions as applied by this subsection shall be deemed to include all rights which may be acquired under this section.

(3) An agreement or order with respect to the acquisition of any land or rights under this section may provide for the transfer to the Catchment Board of any liability for the upkeep, maintenance and repair of any bank or drainage work or of any other like liability.

(4) Where the value of any land or right is increased by the execution or proposed execution of drainage works by a Catchment Board, the amount of the increase shall not be taken into account in assessing the compensation in respect of the compulsory acquisition thereof.

(5) Where, by reason of a certificate having been given by the Minister under this section in relation to any drainage works, a Catchment Board has acquired any land or right and a grant was made out of public moneys for the purpose of defraying the cost or part of the cost of the execution of the said works, the Catchment Board shall on being so required by the Commissioners of Crown Lands and on payment by the Commissioners to the Board of the sum paid by the Board in respect of the acquisition of the said land and right, together with the amount of any costs incurred by the Board in connection with the acquisition, transfer the said land or right to the Commissioners or to any person nominated by them.

(6) If a Catchment Board, on being so required by the Commissioners of Crown Lands in pursuance of the last preceding subsection, fail to transfer to the Commissioners any land or any right, the Minister may by a vesting order transfer the said land or right to the Commissioners or to a person nominated by them, and for the purposes of this subsection the Minister shall be deemed to be a competent authority within the meaning of section nine of the Law of Property Act, 1925.

77.—(1) Subject as otherwise expressly provided in this Act, the provisions of this Act shall apply to land belonging to His Majesty in right of the Crown or the Duchy of Lancaster and to land belonging to the Duchy of Cornwall and to land belonging to a Government department, and as respects—

- (a) land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands, the Commissioners of Works or the Board of Trade, according as the land is under the management of the Commissioners of Crown Lands, the Commissioners of Works, or the Board;
- (b) land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (c) land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints:

shall for the purposes of this Act be deemed to be the owner of the land:

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PART VII.
—cont.

15 & 16
Geo. 5. c. 20.
Application
of Act to
Crown.

A.D. 1930.

PART VII.
—cont.

Provided that nothing in this Act shall—

(a) be taken to operate as a grant by or on behalf of His Majesty as owner, whether in right of His Crown or in right of the Duchy of Lancaster, of any tidal lands or by or on behalf of the Duchy of Cornwall as owner of any such lands, of any estate or interest in or right over any of those lands or any part thereof; or

(b) be taken to authorise any person to do any work on, over, or under, or to use for any purpose, any tidal lands or any lands belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, to the Duchy of Cornwall, or to any Government department, except—

(i) with the consent of the owner of the land; and

(ii) in the case of tidal lands, with the consent also of the Board of Trade; and

(iii) in any case otherwise than in accordance with the approved plans and sections and subject to the prescribed restrictions and conditions;

so, however, that nothing in this paragraph shall apply to work done in maintaining existing works on tidal lands, or on land not in the occupation of His Majesty, the Duke of Cornwall, or a Government department; or

(c) confer any power of levying drainage rates in respect of the said tidal lands.

(2) In this section the expression “tidal lands” means lands below the high-water mark of ordinary spring tides, and the expressions “approved” and “prescribed” mean respectively approved and prescribed by the Board of Trade, or the owner of the lands, as the case may be, before the commencement of the work in question:

Provided that for the purpose of proviso (b) to subsection (1) of this section, the expression “tidal lands” does not include any lands which by means of walls, embankments, or otherwise are protected from the incursion of the tides.

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PART VII.
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(3) Any consent or approval to be given or thing to be prescribed under this section by the Board of Trade shall be given or prescribed in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade.

78. This Act shall not apply to the administrative county of London except to such portion thereof as is for the time being included in the Lee catchment area and nothing in this Act, or any order made thereunder shall affect any property of, or prejudice the exercise of any statutory power, authority, or jurisdiction for the time being vested in or exerciseable by, the London County Council.

79.—(1) The drainage board of the Thames catchment area shall be the Conservators of the River Thames (hereinafter in this section called “the Conservators”) and the provisions of this Act with respect to the constitution and membership of drainage boards for catchment areas shall not apply in relation to the Thames catchment area.

(2) The Conservators shall, as from the first day of April next after the commencement of this Act, consist of thirty-one members who shall be appointed in the manner specified in the Sixth Schedule to this Act together with such additional members, not exceeding three, as the Minister may determine who shall be appointed by him after consultation with the internal drainage boards in the Thames catchment area to represent such internal drainage boards.

(3) The persons who on the thirty-first day of March next after the commencement of this Act are the Conservators shall go out of office on that date, without prejudice, however, to their eligibility for reappointment under this section.

(4) The accounts of the Conservators shall show separately the receipts and expenditure of the Conservators upon and in connection with the exercise of the powers and duties conferred and imposed upon them as the Catchment Board of the Thames catchment area, distinguishing capital from revenue.

(5) The provisions of section thirty-five (Application of revenue) of the Thames Conservancy Act, 1924, shall not apply to moneys received by the Conservators under and for the purposes of this Act:

Provision as to London.

Provisions as to drainage board of Thames catchment area and Conservators of River Thames.

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