

On Her Majesty's Service

WASC 153



1900

ACT OF PARLIAMENT
AN ACT TO ALTER THE
CONSTITUTION AND AMEND
AND EXTEND THE STATUTORY
POWERS OF THE LEE
CONSERVANCY BOARD.

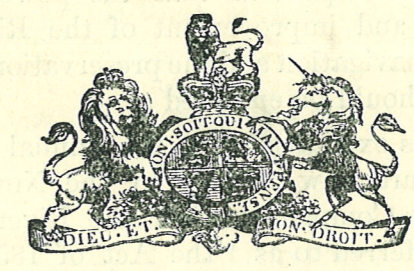
WASC 153

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River Lee 1900

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CHAPTER cxvii.

An Act to alter the constitution and amend and extend the statutory powers of the Lee Conservancy Board. A.D. 1900.
[30th July 1900.]

WHEREAS the Lee Conservancy Board (in this Act called "the Board") was constituted and incorporated by the Lee Conservancy Act 1868 (in this Act referred to as "the Act of 1868") and by virtue of that Act and the Lee Navigation Improvement Acts therein mentioned and the Lee Conservancy Act 1874 (in this Act referred to as "the Act of 1874") (all which Acts are in this Act collectively referred to as "the Lee Acts") the River Lee with its tributaries as defined by the Act of 1868 is under the management of the Board :

And whereas the Board now consists of thirteen members who are elected or appointed as follows :—

- Five members elected by landowners as defined in the Act of 1868 ;
- One member elected by owners of barges used on the River Lee ;
- One member elected by the heads of the local authorities mentioned in the Fourth Schedule to the Act of 1868 ;
- Two members appointed by the Governor and Company of the New River brought from Chadwell and Amwell to London (commonly called and in this Act referred to as "the New River Company") ;
- Two members appointed by the East London Waterworks Company ;
- One member appointed by the mayor aldermen and commons of the city of London in common council assembled ;
- One member appointed by the London County Council as successors of the Metropolitan Board of Works :

And whereas it is expedient that the Board should be reconstituted as in this Act set forth :

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And whereas it is expedient that the powers of the Board for the preservation and improvement of the River Lee and its tributaries and the navigation and the preservation of the purity of the waters thereof should be enlarged :

And whereas it is expedient that the annual contributions to the funds of the Board now payable by the New River and East London Waterworks Companies under the River Lee Water Act 1855 (in this Act referred to as "the Act of 1855") and the Act of 1868 should be increased :

And whereas the revenue of the Board is mainly derived from tolls and dues leviable by the Board in respect of the navigation of the River Lee and is primarily applicable to the maintenance and for the purposes of the navigation the payment of interest on borrowed moneys and contributions to sinking funds and is not sufficient to meet the increased expenditure in respect of the preservation of the purity of the waters of the river which the constant increase of population and of sources of pollution in the watershed of the river and its tributaries demands and it is expedient that the local authorities named in this Act should be authorised to contribute towards the funds of the Board :

And whereas the Board are under section 64 of the Lee Navigation Improvement Act 1850 authorised to borrow money on mortgage to an amount not exceeding two hundred and thirty thousand pounds and are by section 23 of the Act of 1874 authorised to raise such money by the "creation and issue of stock called Lee Conservancy Debenture Stock bearing a fixed and perpetual interest payable half-yearly or otherwise and redeemable (at the option of the Board) at par at such times and on such conditions as the Board declare at the creation thereof" :

And whereas the Board created and issued perpetual debenture stock to the amount of one hundred and ninety-nine thousand two hundred and seventeen pounds and have redeemed the same by purchase in the open market to the extent of eleven thousand and eighty-five pounds at a total premium of two thousand two hundred and thirty-seven pounds thirteen shillings and sixpence and doubts have arisen as to the power of the Board under the section above recited to create such stock and to redeem the same at a premium and it is expedient that such creation and redemption should be sanctioned and confirmed :

And whereas it is expedient that the other powers in this Act contained should be conferred on the Board :

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

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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 :—

PART I.—PRELIMINARY.

1. This Act may be cited as the Lee Conservancy Act 1900 Short title, and this Act and the Lee Acts may be cited together as the Lee Conservancy Acts.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction Interpretation. namely :—

"The Board" means the Lee Conservancy Board ;

"Conservator" means a member of the Board ;

"The corporation of London" means the mayor aldermen and commons of the city of London in common council assembled ;

"The corporation of West Ham" means the mayor aldermen and burgesses of the borough of West Ham ;

"The clerk" means the clerk to the Board ;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof ;

"The River Lee navigation" means the main line of the River Lee navigation from the floodgates at the town mill at Hertford to the junction of the said navigation with the River Thames at Limehouse lock and to the boundary stones in Bow creek mentioned in section 3 of the Act of 1868 but does not include any backwater or other parts of the River Lee not forming portion of the main line of the said navigation.

PART II.—THE CONSTITUTION OF THE BOARD.

3. The constitution of the Board shall remain and be as if this Act had not been passed until the first Friday in April nineteen hundred and one (in this Part of this Act termed "the appointed day") and on that day all the existing members of the Conservancy Board shall go out of office but shall subject to the provisions of this Act be eligible for re-appointment or re-election as conservators under this Act and on and from the Constitution of Board.

A.D. 1900. appointed day the Board shall consist of fifteen members appointed and elected as follows (that is to say):—

Appointed members—

- One by the Bedfordshire County Council;
- One by the Hertfordshire County Council;
- One by the Essex County Council;
- One by the Middlesex County Council;
- Two by the London County Council;
- One by the Corporation of London;
- One by the Corporation of West Ham;
- One by the New River Company;
- One by the East London Waterworks Company:

Elected members—

- One by the local authorities in Hertfordshire mentioned in the first part of the schedule to this Act;
- One by the local authorities in Essex mentioned in the second part of the said schedule;
- One by the local authorities in Middlesex mentioned in the third part of the said schedule;
- One by the local authorities mentioned in the fourth part of the said schedule;
- One by the barge owners.

Appointed and elected members need not be members of the bodies by whom they are respectively appointed or elected.

Appointed members.

4. The appointed members of the Board shall be appointed by the respective bodies by this Act authorised to appoint them within two months before the first Friday in April one thousand nine hundred and one and subsequently within two months before the first Friday in April one thousand nine hundred and four and so on from time to time within two months before the first Friday in April in every succeeding third year The members so appointed shall come into office on the first Friday in April next following their appointment and every person so appointed subject to his so long living and not refusing to act or resigning or pursuant to this Act being or becoming disqualified shall continue in office for three years and then retire but shall be eligible to be reappointed Appointed members shall be appointed by the bodies by this Act respectively authorised to appoint them in writing under their common seals and the appointment when so made shall be transmitted by the clerks or secretaries as the case may be of the appointing bodies to the clerk of the Board.

Elective members.

5. Elective members under this Act shall be elected in the month of March one thousand nine hundred and one and subse-

quently the month of March one thousand nine hundred and four and so on in the month of March in every succeeding third year The members so elected shall come into office on the first Friday in April next following their election and every person so elected shall (subject as aforesaid) continue in office for three years and then retire but shall be eligible for re-election.

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6. The day hour and place of each election shall be appointed by the Board reasonable notice thereof being given and the election shall subject to the provisions of this Act be regulated by rules to be from time to time made by the Board.

Time mode &c. of election.

7. At elections of conservators by the local authorities under this Act the chairman of the Board or in his absence a deputy nominated by him in writing shall be the returning officer.

Returning officer.

8. At the election of conservators by the local authorities every elector shall be entitled to vote and the candidate having the largest number of votes shall be deemed to be elected.

Votes at elections.

9. Votes at an election by the local authorities shall be given on behalf of each local authority by a person appointed in that behalf in writing sealed with their common seal and in all cases countersigned by the clerk or other proper officer of the local authority the person so appointed being a member of the local authority and any document purporting to be so sealed and signed shall be sufficient evidence of the appointment of the person therein named to vote on behalf of such local authority and of any statement therein contained of his being a member of such local authority.

Votes by bodies corporate how to be given.

10. If in any case there is an equality of votes for two or more candidates for election the election shall be determined by lots drawn by the returning officer at the meeting.

Provision for equality of votes.

11. The returning officer shall according to the best of his judgment and ability make a return to the Board under his hand of the persons elected and every person so returned shall be deemed duly elected.

Return of persons elected.

12. If a conservator representing local authorities dies or resigns or goes out of office otherwise than by reason of effluxion of time the electors may elect in his place another person to be a conservator at an election to be held for the purpose by the Board and for that purpose the provisions of this Act respecting ordinary elections shall apply to elections under this section and every person elected under this section shall continue in office only as long as the person in whose place he is elected would have been entitled to continue in office.

Supply of casual vacancies.

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Election of barge-owners member.

13. The electors of the member of the Board to represent the barge-owners shall be the same persons who under the Act of 1868 are entitled to elect a conservator as representative of barge-owners and the provisions of sections 45 and 46 of that Act shall mutatis mutandis apply accordingly as if the same had been incorporated in this Act the words "one thousand nine hundred and one" being substituted for the words "one thousand eight hundred and sixty-nine" and the words "third year" for the words "second year" in subsection (1) of the said forty-sixth section.

Provisions of Act of 1868 relating to election of barge-owners representative to continue to apply.

14. The election of a conservator representative of the barge-owners shall be held in the same manner as at present and the provisions of sections 47 to 56 of the Act of 1868 shall mutatis mutandis apply accordingly to such elections as if such provisions had been incorporated in this Act.

Persons disqualified from being conservators.

15. The following persons shall be disqualified for being or continuing to be conservators (that is to say) :—

- (1) Every person who has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (2) Every person who holds any office or place of profit under the Board;
- (3) Every person who is concerned in any contract entered into with the Board or participates in the profit of any such contract or of any work done under the authority of the Board:

Provided that—

(A) A person shall not be disqualified for being or continuing to be a conservator by reason of his having been adjudged bankrupt or made a composition or arrangement with his creditors when in case of bankruptcy the adjudication has been annulled or he has obtained his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part or when in the case of a composition or arrangement his debts have been paid in full; and

(B) A person shall not be disqualified for being or continuing to be a conservator by reason of his being interested in the sale or lease of any lands or in any loan of money to the Board or in any contract with the Board for the supply from land of which he is the owner or occupier of materials for work being done under the authority of the Board or in any newspaper in which any advertisement notice or byelaw is published by the Board

or in any contract with the Board as a shareholder in any joint stock company if and so long as he does not act as a conservator in any matter relating to such contract. A.D. 1900.

16. Expenses incurred in giving notice or in providing places for elections or by the returning officer or otherwise by or on behalf of the Board in relation to elections under this Act shall be paid by the Board. Expenses of elections &c.

17. The several persons who from time to time shall be members of the Board shall notwithstanding the repeal of any of the provisions of the Act of 1868 or any alteration of the constitution of the Board by this Act effected continue and be one and the same body corporate by the name of the Lee Conservancy Board and all the estate right title and interest in and to all property real and personal which were immediately before the first Friday in April one thousand nine hundred and one vested in the Board shall continue vested in them as if this Act had not been passed And the powers rights and privileges which were immediately before the first Friday in April one thousand nine hundred and one vested in and exercisable by the Board shall continue vested in and may be exercised by them as if this Act had not been passed save only and except so far as the same may be varied by or be inconsistent with this Act. Members of Board to continue incorporated.

18. Where the Board are by this Part of this Act required to publish any notice they shall do so in accordance with the provisions of section 139 of the Act of 1868. Publication of notices.

19. The provisions contained in sections 7 to 43 and section 57 of the Act of 1868 are hereby as on and from the appointed day repealed. Partial repeal of Act of 1868.

PART III.—FINANCIAL.

20. The creation and issue by the Board of perpetual debenture stock to the amount of one hundred and ninety-nine thousand two hundred and seventeen pounds is hereby confirmed and the same shall be deemed to have been lawfully created and issued by the Board under the Act of 1874. Confirmation of issue of perpetual debenture stock.

21. The redemption by the Board prior to the passing of this Act of eleven thousand and eighty-five pounds portion of the perpetual debenture stock issued by the Board as aforesaid at premiums amounting in all to two thousand two hundred and thirty-seven pounds thirteen shillings and sixpence is hereby sanctioned and confirmed and shall be deemed to have been lawfully made. Confirmation of redemption of part of perpetual debenture stock.

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(2) Knowingly puts any such gravel or other thing as aforesaid in any place where the same is likely to be carried into the River Lee or its tributaries by floods;

(3) Wilfully causes or suffers any offensive matter or waste manufactured products whether solid or fluid or any matter likely to silt up or form obstructions to flow or pass into the River Lee or into any tributary thereof;

(4) Puts or allows to remain for more than forty-eight hours any heap or collection of manure gas lime ashes town sweepings refuse or other offensive matter whether solid or fluid in such a position that the same will or may be likely to drain be blown or pass into the River Lee or any such tributary;

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Any officer of the Board may on producing his authority signed by the clerk enter and board any vessel or barge for the purpose of examining the same and ascertaining whether any offence against this enactment has been or is being committed.

Where any offence against this enactment is committed from or out of a vessel the master and the owner of the vessel shall be liable to be proceeded against and punished under this enactment so that the master and the owner of the vessel be not both punished in respect of the same offence Any constable and any person called by a constable to his assistance may take into custody without warrant any person found committing any offence against subsections (1) (2) and (3) of this section.

Amending section 92 of Act of 1868.

28. Section 92 of the Act of 1868 shall from and after the passing of this Act be read and have effect as if the words "three months" in lieu of the words "one year or more than three years" had been therein mentioned.

Notices with respect to pollution to affect successive owners.

29. Any notice given by the Board under the Act of 1868 relating to pollution to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers of such land or premises in succession to the owner and occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served:

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Provided that where any owner or occupier proves to the satisfaction of the court that he entered into possession or occupation of the land without knowledge that any such notice had been given by the Board the court may extend the time for compliance with the notice or make such other order as may seem fit.

30. For the purpose of giving effect to the provisions of this Act relating to pollution any member or officer of the Board on producing if required so to do a certificate of his authority signed by the clerk may at any time between the hours of nine in the forenoon and four in the afternoon enter upon any land or premises for the purpose of examining and laying open the same and if admission is refused any court of summary jurisdiction on complaint thereof on oath by any member or officer of the Board (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the land or premises) may by order require the person having custody of the land or premises to admit during the hours aforesaid the Board and their officers or any of them upon the land or premises and to permit them or any of them to examine and lay open the same and if no person having custody of the land or premises can be found the court shall on oath made before it of that fact by order authorise the Board and their officers or any of them during the hours aforesaid to enter upon such land or premises and to examine and lay open the same:

Power to enter on lands &c.

Provided that nothing in this section contained shall authorise any member or officer of the Board to enter upon any land waters (other than so much of the old River Lee as lies between Rammey Marsh Weir and Newmans Weir at Enfield Lock) or premises for the time being belonging to or in the occupation of the Secretary of State for War and used for the manufacture or storage of explosives without his consent or that of the officer for the time being in charge of such premises:

Any order made under this section shall continue in force until the examination and laying open of the land or premises for the purposes of which such order was made are completed:

Any person who refuses to obey an order made under this section shall be liable to a penalty not exceeding five pounds:

Where in the exercise of any of the powers by this section conferred the Board and their officers or any of them lay or lays open any land or premises they or he shall forthwith make and complete such examination and fill in and make good the surface of such land and restore the same or such premises (as the case may be) as near as may be to the former condition thereof:

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Where any person sustains any damage by reason of the exercise of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Board and any dispute as to the fact of damage or amount of compensation shall in default of agreement be ascertained by and recovered before a court of summary jurisdiction.

Power to take samples of effluent &c.

31.—(1) For the better enforcement of the provisions of the Lee Conservancy Acts it shall be lawful for any officer or other person authorised by the Board in writing signed by the clerk and producing if required his written authority so to do at any time to enter on any land manufactory or other work or building for the purpose of taking and carrying away and to take and carry away samples of any effluent at the point where it passes into the River Lee or any tributary thereof.

(2) Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding five pounds.

(3) Such samples shall be taken by such officer or person in triplicate and shall thereupon before they are taken from the premises be respectively sealed up and marked by him and he shall leave one of such triplicate samples with the occupier of the premises whence the effluent flows another shall be submitted by the Board (if they think fit) for analysis and the third shall be retained by the Board for future comparison.

Board may prohibit use of leaky barges.

32. For the better enforcement of the provisions of the Act of 1868 and preventing the pollution of the River Lee and its tributaries the Board may by notice in writing require the owner of any unseaworthy or leaky barge used for the carriage of manure gas lime refuse or other offensive matters to repair or discontinue the use of the same.

If after the expiration of seven days after the receipt of such notice any such owner shall fail to comply with the requirements of such notice the Board may by a further notice to such owner prohibit the use of such barge on the River Lee and its tributaries.

If the owner of any such barge shall at any time during twelve months after receipt of such last-mentioned notice continue to use such barge on the River Lee or its tributaries any question as to the age unseaworthiness or leakiness thereof shall be referred to the decision of a court of summary jurisdiction who shall decide the question in a summary manner and may order such owner not to use such barge on the River Lee and its tributaries

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and if such owner shall after such order use such barge on the River Lee or its tributaries he shall on conviction be liable to a penalty not exceeding ten pounds and to a further penalty of five pounds for every day on which he shall continue to use such barge.

33. The Board may contribute out of capital or revenue towards the cost of the construction re-construction or improvement of any bridge over the River Lee navigation such sum as they think fit not exceeding in any one case five thousand pounds and may enter into and carry into effect agreements with any local authority company body or person with respect thereto.

Bridges.

34. The Board if they shall think fit so to do may pay such annual or other sum of money as to them shall seem fit and reasonable to any officer or person in their employ in addition to the usual salary or wages of such officer or person for any extra or unusual service or as a compensation for any accident injury loss or damage which may happen to or be sustained by such officer or person and also to any officer or person in their employ by way of retiring or superannuation allowance for length of service and also to the widow or children of any officer or person in the employ of the Board or engaged in the execution of any work for them.

Extra remuneration to officers.

35. The purposes for which the Board may make byelaws under the Act of 1868 shall be deemed to include byelaws for all or any of the following purposes:—

Byelaws.

For prohibiting the erection and use of any crane lucomb gantry or other projection in or on the banks of the navigable part of the River Lee or the towing paths or banks thereof except under licence granted by the Board for such annual payment not exceeding two pounds as the Board think fit;

For regulating the towage of vessels on the River Lee and prescribing the number of vessels which any one tug may tow at any one time above the boundary stones mentioned in section 3 of the Act of 1868 or in the river above such stones and the number of barges which may be drawn or towed at any one time by any one horse in the Limehouse Cut or in the River Lee above that cut;

For requiring the owners masters and persons in charge of any vessel conveying goods or merchandise to declare in writing or otherwise the correct tonnage of such vessel and the weight and description of the goods and merchandise on board the same;

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The SCHEDULE referred to in the foregoing Act.

PART I.

LOCAL AUTHORITIES IN HERTFORDSHIRE.

Hertford Corporation.
Hertford Rural District Council.
Welwyn Rural District Council.
Ware Urban District Council.
Ware Rural District Council.
Buntingford Rural District Council.
Bishops Stortford Urban District Council.
Hatfield Rural District Council.
Hadham Rural District Council.
Hoddesdon Urban District Council.
Cheshunt Urban District Council.
Sawbridgeworth Urban District Council.
East Barnet Valley Urban District Council.
St. Albans Rural District Council.
Hitchin Rural District Council.
Harpenden Urban District Council.
Stevenage Urban District Council.
Ashwell Rural District Council.
Barnet Rural District Council.
Barnet Urban District Council.

And any municipal corporation or district council to be hereafter created the area within whose jurisdiction is wholly situate in the watershed of the River Lee or its tributaries in Hertfordshire.

PART II.

LOCAL AUTHORITIES IN ESSEX.

Saffron Walden Rural District Council.
Stanstead Mountfichet Rural District Council.
Dunmow Rural District Council.
Waltham Holy Cross Urban District Council.
Epping Urban District Council.
Epping Rural District Council.
Walthamstow Urban District Council.
Leyton Urban District Council.
Chingford Urban District Council.

And any municipal corporation or district council to be hereafter created the area within whose jurisdiction is wholly situate in the watershed of the River Lee or its tributaries in Essex.

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PART III.

LOCAL AUTHORITIES IN MIDDLESEX.

Enfield Urban District Council.
Edmonton Urban District Council.
Tottenham Urban District Council.
Friern Barnet Urban District Council.
Southgate Urban District Council.
Wood Green Urban District Council.

PART IV.

The Hackney Vestry.
The Limehouse Board of Works.
The Poplar Board of Works.

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