CHAP. cxxix.

An Act to make better provision for the Drainage of Hornsey in the county of Middlesex; and for other purposes relating thereto. [13th July 1871.]

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WHEREAS for the purposes of the Local Government Act, 1858, a portion of the parish of Hornsey in the county of Middlesex has been formed into a district, and is called the Hornsey District, and the said Local Government Act has been adopted and is now in force within the said district:

And whereas the local government of the said district is now vested in the Hornsey Local Board:

And whereas the said parish of Hornsey is not situate within the area under the control of the Metropolitan Board of Works, but is immediately adjacent thereto:

And whereas the Hornsey Local Board have heretofore caused the sewage matter of the Hornsey district to flow into certain outfalls by means of which the same was carried away, but the said Hornsey Local Board have been lately restrained by process of law from continuing to cause such sewage matter to flow into the said outfalls, by reason whereof there is now no proper outfall for the sewage matter of such district, and consequently there is apprehension and danger that the health of the population of the same may be prejudicially affected:

And whereas it is therefore expedient that the Hornsey Local Board should make and maintain certain sewers and works for the purpose of the drainage of the district within their control:

And whereas the Metropolitan Board of Works have contracted and agreed with the said Hornsey Local Board that the sewage matter of the said district shall be allowed to pass into the main drains of the said Metropolitan Board of Works upon certain terms and subject to certain conditions:

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And whereas it is expedient that provision should be made to give effect to such contract and agreement:

And whereas plans and sections relating to the objects of this Act, and plans showing the land which the Hornsey Local Board are by this Act authorised to acquire by compulsion, with a book of reference to such plans, have been deposited with the clerk of the peace for the county of Middlesex at his office at Clerkenwell, which plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference respectively:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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,)

Preliminary.

Short title.

1. This Act may be cited for all purposes as The Hornsey Local Board Act, 1871.

Interpretation of terms.

2. The expression The Local Government Acts in this Act shall mean the Public Health Act, 1848, and the several Acts amending the same, and the Local Government Act, 1858, and the several Acts amending the same.

Provisions of Acts herein named incorporated.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except when expressly varied by this Act, are incorporated with and form part of this Act.

Power to make sewer according to deposited plans.

4. Subject to the provisions of this Act the Hornsey Local Board may make and maintain, in the lines and situations and according to the levels shown on the deposited plans and sections, the sewers and other works in this Act described, and all proper and necessary outfalls, sluices, flood gates, catch-water drains, banks, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works by this Act authorised are,—

A sewer to be wholly situate in the parishes of Stoke Newington and Hornsey in the county of Middlesex, and to commence at or near a point in Tottenham Lane, and terminating by a junction with the northern high-level sewer of the Metropolitan Board of Works at a point in the Manor Road in the said parish of Stoke Newington.

Works to be constructed and maintained to satisfaction of Metropolitan Board of Works.

5. The works by this Act authorised shall be constructed and maintained by and at the expense of the Hornsey Local Board to the

satisfaction in all respects of the engineer for the time being of the Metropolitan Board of Works. A.D. 1871.

To acquire easements only as regards lands, &c. of the Metropolitan Board of Works.

6. With respect to the lands or property of the Metropolitan Board of Works which the Hornsey Local Board are by this Act authorised to use, enter upon, or interfere with, the Hornsey Local Board shall not purchase or take the same, but they shall have an easement or right of using the same for the purposes of but subject to the provisions of this Act.

Line of sewer through prebendal manor and estate of Stoke Newington.

7. So far as the said sewer is intended to pass under or through the prebendal manor and estate of Stoke Newington, the property of Robert Henty and the Reverend Edward Eade, trustees of the will of Joseph Eade, deceased, the same shall be made and maintained in the lines and situations shown on the map or plan signed by William Hammond as the solicitor and clerk to the Hornsey Local Board, and docquetted as being the plan referred to in an agreement dated the 15th May 1871, made between the said Robert Henty and others and the Hornsey Local Board, upon which map or plan the said lines and situations are coloured red, and the said lines and situations shall not be varied or deviated from without the consent in writing of the said Robert Henty and Edward Eade, their executors, administrators, or assigns.

Mode of construction of sewer through manor.

8. The said sewer shall be made of such diameter as shall be required by the Metropolitan Board of Works, and, so far as the same is intended to pass under or through the said prebendal manor and estate of Stoke Newington, no air shafts, manholes, or side entrances communicating with the said sewer, and having an opening or entrance on any part of the same prebendal manor and estate, shall be made except upon a public road: Provided always, that if any new road shall be made upon the said prebendal manor and estate over the said sewer, the Hornsey Local Board shall be at liberty to construct two manholes and ventilators opening into such new road.

Rights of Hornsey Local Board on said manor.

9. The property in the soil, both under and above the said sewer, so far as it shall pass under or through the said prebendal manor and estate of Stoke Newington, shall remain in the said Robert Henty and Edward Eade, their executors, administrators, and assigns, and they shall be at liberty to erect thereon any buildings which they may think fit, and to make openings into the said sewer hereby authorised, complying always with the regulations of the Hornsey Local Board as to the mode of junction or connexion with the said sewer hereby authorised, and to use the same for the drainage of all or any part of the said prebendal manor and estate,

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and of all or any houses and buildings now standing or hereafter to be erected thereon, or on any part thereof, and the Hornsey Local Board shall have the like powers of opening the said sewer hereby authorised within the said prebendal manor and estate at any time and in any place as they have within their district under or by virtue of the Public Health, Local Government, and General Acts, as defined by this Act, and in case of damage being caused thereby the Hornsey Local Board shall make due compensation to the owners or occupiers, as the case may be, and shall restore all such openings within three weeks from the making thereof.

Time for completing sewer on said manor.

10. The Hornsey Local Board shall within four calendar months from the commencement of the said sewer, so far as the same is intended to be made under or through the said prebendal manor and estate, make and complete the same, and restore all roads and ways and the surface of all the land disturbed or broken up upon the said prebendal manor and estate, to as good a state and condition in all respects as the same are now in, and remove all rubbish therefrom, and make good all damage occasioned by their works.

Compensation to owners or occupiers for surface damage.

11. The Hornsey Local Board, so far as regards the making and maintaining of the said sewer under or through the said prebendal manor and estate and the works connected therewith, shall compensate the owners and occupiers of the land for all surface damage done, if any, to the said land and the crops thereon by reason of any of the works done pursuant to or under colour of this Act or otherwise, and the amount of such compensation shall be settled, in case of difference, in manner provided by the Lands Clauses Consolidation Act, 1845.

Powers for compulsory purchases limited.

12. The powers for the compulsory purchase of lands by the Hornsey Local Board for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

13. If the several works by this Act authorised are not completed within five years after the passing of this Act, then on the expiration of that period the powers of the Hornsey Local Board under this Act for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed: Provided always, that, subject to the provisions of this Act, the Hornsey Local Board may from time to time alter, enlarge, and extend their engines, machinery, wells, boreholes, waterwheels, tanks, filtering beds, mains, and pipes in such way and manner as shall be necessary for draining and improving their district.

Power to acquire additional lands by agreement.

14. In addition to the lands which the Hornsey Local Board are by this Act authorised to purchase compulsorily, they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole two acres, or any easement or right in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act.

Owners may grant easements.

15. The persons empowered by the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, respectively, to sell or convey or lease lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the Hornsey Local Board in fee, either absolutely or in consideration of any yearly or other rent, any lands or any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Hornsey Local Board compulsorily or by agreement, and which the Hornsey Local Board from time to time think requisite for any of the purposes of this Act.

Application of 23 & 24 Vict. c. 106. to easements.

16. For the purposes of this Act, the provisions of the Lands Clauses Consolidation Acts Amendment Act, 1860, with respect to lands and rentcharges, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Metropolitan Board of Works to admit into northern high-level sewer sewage of Hornsey District.

17. Subject to the provisions of this Act, the Metropolitan Board of Works shall permit and suffer the sewage of the Hornsey District to be emptied into the northern high-level sewer, and shall do all acts, matters, and things necessary for securing and maintaining proper and sufficient openings in the said sewer, and maintaining free communication with such sewer and the sewers within the said district.

Only sewage of Hornsey District to pass into said high-level sewer.

18. The Hornsey Local Board shall not, without the consent of the Metropolitan Board of Works, permit or suffer any district or place beyond the area under the jurisdiction of the Metropolitan Board of Works, other than the Hornsey District, to drain into or otherwise to be connected with any sewer or sewers for the time being of the Hornsey Local Board which may discharge into the said northern high-level sewer, and no such other district or place shall have any such power, notwithstanding any powers in any general Act to the contrary.

Storm waters so far as possible to be excluded from sewer.

19. The Hornsey Local Board shall so far as is practicable prevent the storm waters of their district from flowing into the sewers within the said district and thereby into the said northern high-level sewer.

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Limiting amount of sewage to be discharged into high-level sewer.

20. Provided always, that the sewage to be delivered under this Act into the said high-level sewer shall not exceed five hundred cubic feet per minute, measured at the boundary of Hornsey parish, and if that quantity be at any time exceeded the Metropolitan Board of Works shall have full power and authority to alter and reduce the outlet so as to limit the discharge to the before-mentioned quantity, and the Hornsey Local Board shall permit the engineer and other officers of the Metropolitan Board of Works from time to time to have access to the works by this Act authorised, and to alter and reduce as aforesaid the said outlet.

Contribution by local board.

21. By way of contribution towards the making and maintaining the said northern high-level sewer as aforesaid there shall be paid to the treasurer of the Metropolitan Board of Works within twelve months after the passing of this Act by the Hornsey Local Board the sum of ten thousand pounds.

Special drainage rates in Hornsey District.

22. For the purpose of defraying the expenses incurred by the Hornsey Local Board in constructing the works by this Act authorised, in paying the sum by this Act directed to be paid to the treasurer of the Metropolitan Board of Works, and in paying the costs, charges, and expenses of and preliminary to the preparing and obtaining of this Act, the Local Board from time to time, when and so often as occasion shall require, and according to the powers, provisions, and restrictions of the Local Government Acts, may make and levy a rate, to be called "The Special Drainage Rate," upon the owners and occupiers of all kinds of property within the district for the time being assessable under the Local Government Acts to the general district rate.

Provisions as to general district rates to apply to special drainage rates.

23. The several powers and provisions of the Local Government Acts with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemptions and limitations, shall extend and apply to the special drainage rates under this Act.

Special drainage rates may be collected with general district rates in Hornsey District.

24. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any special drainage rate under this Act, the Hornsey Local Board may include the same in any general district rate made by them under the Local Government Acts, and may make, levy, collect, and recover the same as part of any general district rate.

Amount of rate to include expenses of recovering it.

25. The amount of any special drainage rate under this Act may, if the Hornsey Local Board think fit, be such an amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of

the expenses incurred and to be incurred in and about making and recovering the rate.

Occupiers to pay special drainage rate and deduct same from rent.

26. The occupiers of property in the Hornsey District rated under this Act shall pay the special drainage rate assessed thereon, and may deduct the amount so paid out of the rents payable by them, and the owners of the property shall allow the deductions out of the rents, and every such occupier shall accordingly be discharged of so much money as the special drainage rate so paid by him amounts to, as if the same were actually paid to the owners as landlord; provided that this enactment shall be without prejudice to any agreement already or hereafter made between landlord and tenant.

Owners of unoccupied lands to pay rates.

27. Where any property in the Hornsey District rated under this Act is unoccupied at the time of making any special drainage rate, the owner thereof shall pay the amount of such special drainage rate thereon.

Power to borrow on mortgage.

28. The Hornsey Local Board from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under the Local Government Acts, may borrow at interest on mortgage of any lands or buildings now vested in them, or which they may acquire under this Act, and of the special drainage rates, and of their rents and revenue under this Act, and of the general district rates leviable by the Hornsey Local Board under the Local Government Acts, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes for which special drainage rates may be made under the authority of this Act. Every such mortgage shall be made in the manner prescribed by and subject to the provisions in relation to mortgages of the Local Government Act, 1858, subject to this qualification, that such moneys may be borrowed for any term not exceeding fifty years: Provided always, that the mortgages granted by the Hornsey Local Board under this Act shall be without prejudice to any mortgages granted by the said Local Board under the Local Government Acts on the security of the general district rates before the passing of this Act, while the same are in force.

Arrears may be enforced by appointment of a receiver.

29. The mortgagees of the Hornsey Local Board under this Act may enforce the payment of arrears of interest, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear to authorise the appointment of a receiver shall be one thousand pounds.

Contributions to be paid by Hornsey

30. For the purpose of contributing to the costs incurred by the Metropolitan Board of Works in respect of the said main drainage system, the Hornsey Local Board shall in every year, on or before

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Local Board towards costs of main drainage system.

the first day of November in each year during twenty-eight years from the passing of this Act, pay to the treasurer of the said Metropolitan Board of Works such sums as shall be equivalent to a rate of threepence in the pound upon the full net annual value of the Hornsey District assessable to the general district rates which the said Hornsey Local Board is authorised to make under the Local Government Acts, and such further sums as the said Metropolitan Board of Works shall in each year, and whether during or after the said period of twenty-eight years, by notices in writing to be delivered to the clerk of the Hornsey Local Board on or before the first day of May in each year, call upon the said Board to pay as a contribution towards the cost of maintaining and working the main drainage system of the said Metropolitan Board of Works. The amount of any such further sum payable by the Hornsey Local Board shall not exceed a sum which shall bear to the whole expense incurred in maintaining and working the said main drainage system, the same proportion as the valuation of the property within such district assessable to the said general district rate bears to the annual value of all the property liable to be assessed to the Metropolitan main drainage rate under the authority of the Metropolis Local Management Act, 1858.

Main drainage rates to be made for payment of contributions.

31. For the purpose of raising the moneys by this Act directed to be paid to the treasurer of the Metropolitan Board of Works by way of contribution to the costs incurred by the said Board in respect of their main drainage system, the Hornsey Local Board may in each year make and levy a rate, to be called the "Main Drainage Rate," upon the owner and occupier of all kinds of property within their district for the time being assessable under the Local Government Acts to the general district rates which they are authorised to make under the said Acts, and may make, levy, collect, and recover the same as part of any general district rate, and the several powers and provisions of the Local Government Acts with respect to the making, levying, collection, and recovery of the general district rates, and with respect to exemptions and limitations, shall extend and apply to the main drainage rates under this Act: Provided always, that the said Local Board shall not levy in any one year main drainage rates exceeding the amount required for the payment of the moneys payable in each year to the said treasurer.

Power to Metropolitan Board of Works to levy rate in case of default.

32. In case of any default or neglect of the Hornsey Local Board in any year to pay the amount which by this Act is directed to be paid by such Board within the time specified in such notice, the said Metropolitan Board of Works may appoint persons to levy on the Hornsey District the amount to be paid to such Board in such year in pursuance of the provisions of this Act, and such persons

shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations with reference to the levying of such money, as any person duly appointed by such Board for such purpose would have had or been subject to.

Provisions of pending Bill extended to Hornsey District.

33. Whereas a Bill is pending in Parliament, intituled A Bill for amending the Acts regulating the borrowing of money by the Metropolitan Board of Works, and for other purposes: Therefore if the said Bill should pass into law the several provisions thereof, so far as they are applicable, shall extend to and be in force within the district of the Hornsey Local Board.

Not to affect power of local boards under Public Health Acts.

34. Nothing in this Act contained shall take away, prejudice, or affect the powers of the Hornsey Local Board, under the Local Government Acts, of making any general or special district rates for the purposes of such Acts or any of them.

Company to make compensation in the event of damage or loss of water, &c.

35. Inasmuch as the sewer hereby authorised will be constructed for a length of nearly two miles parallel with and in close proximity to the New River, and two large reservoirs belonging to the Governor and Company of the New River, in the parishes of Hornsey and Stoke Newington, and the construction thereof may affect the stability of the said river and reservoirs, or cause leakage therefrom: Be it enacted, that in event of any slip of or damage to any bank or banks from time to time of the said river or reservoirs, or the occurrence of any leakage or loss of water from the said river or reservoirs, occasioned by the construction or proximity of the said sewer, the Hornsey Local Board shall be answerable and shall pay to the New River Company all damage arising therefrom, and compensation for loss of water, and be liable at all times thereafter to make good at their own expense whatever injury may be suffered by such bank or banks, or which may result from such leakage or loss of water, and the compensation and damages which may accrue under the circumstances aforesaid, and the amount of such damages and expenses, shall, in case of difference, be ascertained and determined in the manner herein-after provided.

As to settlement of differences with New River Company.

36. Any difference which may arise under the provisions in this Act contained between the Hornsey Local Board and New River Company shall from time to time be referred to and determined by an engineer to be agreed upon between the said Board and the New River Company, or failing any such agreement, by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers, and the award of such engineer shall be final and conclusive upon both parties,

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and the costs of such arbitration shall be in the discretion of the arbitrator.

Clause for the protection of the Great Eastern Railway.

37. If by reason of any of the works or proceedings of the Hornsey Local Board in constructing or repairing the sewers authorised by this Act, the Great Eastern Railway, or any of the works connected therewith, shall be injured or damaged, such injury or damage shall be forthwith made good by the said Local Board at their own expense, or in the event of their failing so to do, then the Great Eastern Railway Company may make good the same, and recover the expense thereof against the said Hornsey Local Board in any court of competent jurisdiction, and if any interruption shall be occasioned to the traffic of the Great Eastern Railway by reason of any of the operations of the Local Board, the Local Board shall on demand pay to the Great Eastern Railway Company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption: Provided always, that if any dispute shall arise as to whether any injury or damage to the Great Eastern Railway, or any of the works connected therewith, is occasioned by any works or proceedings of the said Local Board in constructing or repairing any of the said sewers, or whether any interruption to the traffic of the said railway company is occasioned by any of the operations of the said Local Board, every such dispute shall be settled by arbitration, in manner provided by the Lands Clauses Consolidation Act, 1845.

Saving rights of Metropolitan Board of Works.

38. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges of the Metropolitan Board of Works.

Expenses of Act.

39. The costs, charges, and expenses of and preliminary and incidental to the preparing, obtaining, and passing of this Act shall be paid by the Hornsey Local Board out of moneys in their hands, or which may come to their hands under the Local Government Acts or this Act.

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