CHAPTER cxliii.

An Act to prevent or regulate the discharge of Sewage into the Metropolitan Main Drainage System from the Urban District of Acton in the county of Middlesex. A.D. 1898.

[25th July 1898.]

WHEREAS prior to the passing of the Act next herein-after mentioned certain sewers or brooks known as the Stamford Brook (west branch) and the Stamford Brook (east branch) passed through the parish of Acton and then through the parishes of Fulham and Hammersmith and ultimately discharged into the River Thames at Hammersmith Creek:

And whereas by the Metropolis Management Act 1855 the Metropolitan Board of Works were constituted for the better local management in respect of sewerage and drainage and other matters of an area described in that Act as the metropolis which under the provisions of subsequent enactments is now the administrative county of London but which does not include any portion of the parish of Acton: 18 & 19 Vict. c. 120.

And whereas by the said Act the sewers as defined in Schedule D to the said Act including the Stamford Brook sewer (west branch) and the Stamford Brook sewer (east branch) were with other sewers therein mentioned and the works connected therewith and all rights concerning or incident to such sewers vested in the Metropolitan Board of Works:

And whereas by the said Act the Metropolitan Board of Works were authorised and required to make such sewers and works as they might think necessary for preventing all or any part of the sewage within the metropolis from flowing or passing into the River Thames in or near the metropolis and also to make all such other sewers and works as they might think necessary for the effectual sewerage and drainage of the metropolis And in pursuance of the powers and for the purposes of the said Act and other Acts amending

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the same the said Metropolitan Board constructed a system of main intercepting sewers and outfall works and works for the treatment and disposal of sewage by means of moneys charged upon the rates leviable within the metropolis which works include two main intercepting sewers known as the middle level and the low level sewers by means of which the sewage from the western districts of the metropolis is now conveyed through the county of London to the outfall works at Barking :

51 & 52 Vict. c. 41.

And whereas under the provisions of the Local Government Act 1888 the powers properties duties and liabilities of the said Metropolitan Board of Works were transferred to and vested in the London County Council (in this Act called "the London Council") :

And whereas in or about the year one thousand eight hundred and sixty-eight the parish of Acton adopted the provisions of the Local Government Act 1858 and the local board of Acton was duly constituted and under the provisions of that Act and the Public Health Act 1848 the said local board became the sanitary authority for the parish of Acton under the provisions of those Acts and subsequently of the Public Health Act 1875 :

And whereas under the Local Government Act 1894 the rights powers and duties of the said local board of Acton were transferred to and vested in the Acton Urban District Council as constituted by that Act (herein-after called "the Acton Council") :

And whereas at the time of the passing of the Metropolis Management Act 1855 the number of the houses in the parish of Acton was comparatively small but subsequently and up to the year one thousand eight hundred and seventy-seven a number of new houses were from time to time built and the population increased very rapidly :

And whereas sewage and drainage matter passed in annually increasing quantities from the parish of Acton into the Stamford Brook (east and west branches) and so into the sewers of the Metropolitan Board of Works and the difficulty and expense of dealing with and disposing of such sewage and drainage became cast upon the ratepayers of the metropolitan main drainage area and the parish of Acton did not contribute by way of rates or otherwise to or towards the cost of the construction of or the keeping in order or maintenance of the main drainage system of the metropolis :

And whereas on the thirteenth day of July in the year one thousand eight hundred and seventy-seven the Metropolitan Board of Works commenced an action in the High Court against the Acton Local Board claiming amongst other things that the local board their servants and agents might be restrained by injunction from permitting

or causing or authorising any sewage or drainage or excrementitious matter to flow or pass or be poured or discharged by or through the Stamford Brook sewer (west branch) or otherwise either directly or indirectly into the metropolitan main drainage system or any sewer vested in the Metropolitan Board of Works:

And whereas under a judgment in the said action given on the twenty-second day of November one thousand eight hundred and eighty-two it was ordered that the Acton Local Board their servants and agents be perpetually restrained from causing or authorising any sewage or drainage or foul or excrementitious matter to flow or pass or be poured or discharged by or through the Stamford Brook (west branch) in the pleadings mentioned or otherwise either directly or indirectly into the metropolitan main drainage system in the pleadings mentioned or any sewer vested in the Metropolitan Board of Works:

And whereas since the date of the said judgment sewage and drainage matter from the Acton district has continued to be discharged into the metropolitan main drainage system and has been dealt with and disposed of by the Metropolitan Board of Works and the London Council out of money levied by way of rate from the ratepayers of the metropolitan main drainage area and it is right and expedient that provision should be made for payments by the Acton Council in respect of the money expended in the past in the construction and maintenance by the Metropolitan Board of Works and the London Council of their sewers and works and the treatment and disposal of their sewage and also in respect of such expenditure in the future:

And whereas the objects of this Act 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):—

Short title.

1. This Act may be cited as the London County Council (Acton Sewage) Act 1898.

Definitions.

2. In and for the purposes of this Act—

"The London Council" means the London County Council;

"The Acton Council" means the urban district council of Acton in the county of Middlesex;

"The Acton district" means the district of the Acton Council.

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Payments by Acton Council in respect of future use of metropolitan main drainage system.

3.—(1) The Acton Council shall pay to the London Council in respect of the future use of the metropolitan main drainage system—

(A) Such sum from the first day of October one thousand eight hundred and ninety-eight as shall bear to the total annual cost of the management maintenance and working of the metropolitan main drainage system such a proportion as the rateable value from time to time of the property assessable to the poor rate within the Acton district and draining into the metropolitan main drainage system (other than houses or buildings having acquired a prescriptive right to drain into the Stamford Brook sewers) bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges;

(B) Such additional sum as shall from time to time be requisite to provide interest and sinking fund as from the first day of October one thousand eight hundred and ninety-eight in respect of such a proportion of any money borrowed by the London Council after the passing of this Act for the purposes of and connected with the metropolitan main drainage system as the rateable value from time to time of the property assessable to the poor rate within the Acton district and draining into the metropolitan main drainage system (other than houses or buildings having acquired a prescriptive right to drain into the Stamford Brook sewers) bears to the rateable value from time to time of the property in the area liable to contribute to the London Council in respect of main drainage charges:

Provided that it shall be lawful for the Acton Council and the London Council from time to time to agree for the payment by the Acton Council of an annual sum in lieu of the payments aforesaid or either of them.

(2) (A) If at any time before the expiration of two years from the passing of this Act the Acton Council shall by notice in writing to the London Council elect to discontinue the discharge of all sewage and drainage from the Acton district (other than surface water) into any sewer vested in the London Council or any sewer connected with the metropolitan main drainage system they may execute within their district all such works as may be necessary for that purpose and as from the expiration of the year in which such works shall have been effectively completed the sums payable under subsection 1 of this section shall (but so long only as no such

sewage or drainage as aforesaid shall pass into any such sewer as aforesaid) cease to be payable:

Provided that the Acton Council shall not discontinue any such discharge until they shall at their own expense have provided to the satisfaction of the Local Government Board some other outfall into which shall be drained all houses or buildings draining at the time of such discontinuance into the Stamford Brook sewers nor until the Acton Council shall at their own expense have constructed such sewers and drains as may be necessary in lieu of the sewers and drains draining at the time of such discontinuance into the Stamford Brook sewers Any expenses incurred by the Acton Council in executing any works and in constructing any sewers and drains pursuant to this section shall be deemed to be general expenses incurred by the Acton Council in execution of the Public Health Act 1875:

(B) For the purpose of ascertaining whether such works have been effectually completed or whether any such sewage or drainage as aforesaid is so passing as aforesaid it shall be lawful for the London Council at any time to exercise any of the powers in the section of this Act of which the marginal note is "Power of inspection and entry" mentioned subject as therein provided:

(C) Any difference arising between the London Council and the Acton Council as to the completion or sufficiency of such works as aforesaid or as to whether any sewage or drainage is at any time passing as aforesaid shall be referred to arbitration in manner provided by the section of this Act of which the marginal note is "Power of inspection and entry."

Acton Council to furnish copy of valuation list to London Council.

4. The Acton Council shall forthwith furnish to the London Council a copy of the valuation for the purposes of the rate for the relief of the poor in force on the sixth day of April one thousand eight hundred and ninety-eight so far as relates to the part of the Acton district draining into the metropolitan main drainage system and of all hereditaments connected with that system and shall also from time to time when required by the London Council furnish to them a copy of the current valuation of such part including the value of the several hereditaments for the purposes of the rate for the relief of the poor and the aforesaid valuation shall be certified by the Acton Council as the valuation of all the property in the Acton district draining into the metropolitan main drainage system And the London Council shall forthwith furnish to the Acton Council particulars in writing signed by their clerk or other officer of the total rateable value of the property in the area liable otherwise than under this Act to contribute to the London Council

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in respect of main drainage charges and shall from time to time but not oftener than once a year furnish the Acton Council with particulars of any alteration in such total rateable value And shall annually inform the Acton Council of the total cost in the preceding year of the maintenance and the treatment of sewage and surface water dealt with in and by such sewers as aforesaid.

Notice of amount of half-yearly contributions.

5. The London Council shall by notice in writing as soon as reasonably practicable inform the Acton Council of the amount of the contribution which will be required from the Acton Council under this Act or under any agreement or award pursuant to this Act in respect of each half-year ending on the thirty-first day of March and the thirtieth day of September in every year and the Acton Council shall within three months after the service of such notices respectively pay to the London Council the amount of the contribution in respect of that half-year as stated in the notice.

Interest in case of default in payment.

6. In case default be made in the payment of any of the sums payable by the Acton Council as aforesaid the same shall be deemed to be a debt due from the Acton Council to the London Council with interest at the rate of three per centum per annum from the date at which such payment became due.

Remedies in case of default.

7. Where any moneys due and payable by the Acton Council to the London Council as aforesaid remain unpaid for a period of six months after notice in writing has been given them in addition to any other remedy in that behalf the London Council may appoint persons to levy on the Acton district the unpaid amount and those persons shall proceed in the like manner and have the like powers remedies and privileges and be subject to the like regulations with reference to the levying of such rate as any person duly appointed for that purpose by the Acton Council should or would have proceeded had or been subject to.

Extending provisions of London County Council (General Powers) Act 1894 as to sewers.

8. For the purposes of this Act the provisions of Part IV. of the London County Council (General Powers) Act 1894 "Protection of Sewers" shall extend and apply as if for the purpose of those provisions the Acton district were within the administrative county of London and the Acton Council were a vestry or district board of works.

Power of inspection and entry.

9. It shall be lawful for the London Council at any time to enter upon and inspect any sewage works sewers and drains within the Acton district for the purpose of ascertaining whether and if so what sewage and drainage is passing from the Acton district to the metropolitan main drainage system other than such sewage and drainage (if any) as the Acton Council is entitled to discharge into

that system and for the purpose of ascertaining whether any default in compliance with this Act is being committed and the London Council may for that purpose break up or open any street within the said district reinstating the same at their own expense as soon as may be after such inspection:

Provided always that before the London Council exercise any power of entry under this section they shall give to the Acton Council notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the opening of any street and such work shall be done at the expense of the London Council under the superintendence of the Acton Council unless the Acton Council refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the London Council shall execute such work to the reasonable satisfaction of the engineer of the Acton Council:

If any difference arise between the London Council or their engineer and the Acton Council or their engineer as to the reasonableness or otherwise of breaking up or opening such streets or touching the amount of any costs expenses or charges under the provisions of this section to be paid by the London Council to the Acton Council or touching any work matter or thing to be done or executed or proposed to be done or executed by the London Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineers of the London Council and the Acton Council or failing agreement to be named by the President of the Institution of Civil Engineers.

As to payments under this Act.

10. All costs and expenses of the London Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the London Council in like manner.

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