CHAPTER cxii.

An Act to dissolve the Lower Thames Valley Main Sewerage Board and to provide for the constitution of new United Districts for the disposal of the Sewage of the Lower Thames Valley Main Sewerage District and for other purposes. A.D. 1885.

[22nd July 1885.]

WHEREAS by a Provisional Order of the Local Government Board dated the 5th day of June 1877 and confirmed by the Local Government Board's Provisional Orders Confirmation (Joint Boards) Act 1877 (which Order and Act are herein-after respectively referred to as "the Order of 1877" and "the Confirmation Act of 1877") subject to the provisions of that Act certain urban sanitary districts and parts of rural sanitary districts therein mentioned and termed "the constituent districts" were formed into a united district called the Lower Thames Valley Main Sewerage District (therein called "the united district") for the purpose of making a main sewer for the use of all the constituent districts.

And it was by that Order provided amongst other things:—

That such Order should come into operation on the 29th day of September 1877:

That the Joint Board which should be the governing body of the united district should consist of certain ex-officio and elective members and should be called the Lower Thames Valley Main Sewerage Board (therein called "the Joint Board").

And whereas by Article X. of the Order of 1877 the purposes for which the united district was formed were defined and it was ordered that it should be the duty of the Joint Board to carry out and perform the purposes for which the united district was formed within a period of three years from the commencement of that Order.

And whereas by section 3 of the Confirmation Act of 1877 it was (inter alia) enacted as follows:—

"(*m.*) No proceeding shall during the period of three years from "the day when the Order comes into operation be commenced

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" or continued to enforce the payment of any penalties to be " legally incurred by any of the constituent authorities in " respect of the breach or non-observance of any of the pro- " visions of the Thames Conservancy Acts 1857 and 1864 and " the Thames Navigation Act 1866 and any Acts amending " the same after the passing of this Act and the expiration of a " period of three years from the day when the said Order comes " into operation: Provided that if at the expiration of the said " period of three years the Joint Board shall in the opinion of " the Local Government Board have failed to sufficiently carry " out and perform the purposes for which the united district is " formed as defined by the said Provisional Order any such " penalties shall attach to and may be sued for and be enforce- " able against the Joint Board in the same manner as the said " penalties would but for this Act have attached to and been " enforceable against any such constituent authority."

And whereas by another Provisional Order of the Local Government Board dated the 7th day of May 1878 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 (which Order and Act are herein-after respectively referred to as "the Order of 1878" and "the Confirmation Act of 1878") the Order of 1877 and the Confirmation Act of 1877 were altered and amended so as to include in the united district the Local Government District of Heston and Isleworth and the part of the rural sanitary district of the Kingston Union which comprises the Kingston special drainage district and the constitution of the Joint Board was altered (the united district and joint board as so altered being herein-after respectively referred to as "the united district" and "the Joint Board").

And whereas by another Provisional Order of the Local Government Board dated the 20th day of May 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880 (which Order and Act are herein-after respectively referred to as "the Order of 1880" and "the Confirmation Act of 1880") the Order of 1877 and the Confirmation Act of 1877 were altered and the period limited as aforesaid for the execution by the Joint Board of their duties and for the suspension of the aforesaid penalties was extended to six years instead of three years from the commencement of the Order of 1877 as therein mentioned.

And whereas by another Provisional Order of the Local Government Board dated the 29th day of March 1883 and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1883 (which Order and Act are herein-after respectively

referred to as "the Order of 1883" and "the Confirmation Act of 1883") the Order of 1880 was amended by the extension of the aforesaid period to "seven years" instead of "six years."

And whereas various schemes have from time to time since the formation of the Joint Board in 1877 been brought forward by them for dealing with the sewage of the united district and great expense has been incurred with reference thereto but such schemes have in all cases been abortive and no works have been executed.

And whereas in the year 1884 the Joint Board obtained a Provisional Order for amending the above recited Orders and Confirmation Acts and for further extending the time within which it should be the duty of the Joint Board to carry out and perform the purposes for which the united district was formed and also a further Provisional Order for enabling the Joint Board to purchase certain lands in the parish of Mortlake in the county of Surrey for the purpose of there concentrating and treating chemically the sewage of the district.

And whereas the Bill for confirming the said Provisional Orders was opposed by various local authorities landowners inhabitants and others affected thereby and was referred to a Select Committee of the House of Commons which Committee specially reported against the scheme proposed by the Joint Board and further that the continuance of the Joint Board was not only unnecessary but operated as a hindrance to the several authorities successfully purifying the sewage of their respective districts and recommended that the district of the Joint Board should be subdivided and that the parishes of Heston and Isleworth should form one district that Richmond and the parishes constituting the Richmond rural sanitary district should be combined as another district and that the southern portion of the united district should be formed into one or more groups for the treatment and disposal of their sewage.

And whereas it is expedient that the Joint Board should be dissolved and provision made as herein-after contained for forming united districts as herein-after provided.

And whereas the objects aforesaid cannot be obtained 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:

1. This Act may be cited as the Lower Thames Valley Main Sewerage Act 1885. Short title.

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Dissolution of united district.

2. The united district and the Joint Board shall from and after the passing of this Act and except for the purpose of winding up the affairs of the Joint Board be and are hereby dissolved and shall except for such purpose wholly cease to exist and immediately after the passing of this Act the Joint Board shall proceed to take all necessary steps for the payment and discharge of all debts and liabilities incurred by and all claims against them and for the winding up of their affairs and all such debts liabilities and claims shall be deemed to be expenses incurred by the Joint Board in carrying out the duties prescribed by the Order of 1877.

In the winding up of the affairs of the Joint Board the Local Government Board may by order adjust any accounts and apportion any liabilities of the Joint Board as between the Joint Board and the several constituent authorities forming the same and direct the parties by whom and to whom any moneys found to be due are to be paid and the mode of raising such moneys and such order shall be binding and conclusive on all parties. Provided that any sum found by such order to be due from the said constituent authorities or any one or more of them to the Joint Board shall be deemed to be a debt due from the said constituent authorities or any one or more of them to the Joint Board and may be recovered accordingly.

Formation of new united districts.

3. Any two or more sanitary authorities mentioned in the schedule to this Act may at any time within twelve calendar months after the passing of this Act agree that the districts mentioned in the said schedule in connexion with those sanitary authorities respectively shall from and after a day to be fixed by such agreement not being later than twelve calendar months after the passing of this Act be united and shall form a united district and thereupon the districts the subject of such agreement shall by virtue of this Act be formed into a united district under such name as may be prescribed by such agreement and every such united district shall for the purposes of the Public Health Act 1875 be and be deemed to be a united district formed under the provisions of section 279 of that Act by Provisional Order of the Local Government Board duly confirmed by Act of Parliament. Within one calendar month after the making of any such agreement the authorities parties thereto shall publish such agreement as an advertisement in the "London Gazette" but no such sanitary authority shall be united with any other sanitary authority under the provisions of this Act except by mutual agreement and every such agreement shall be sanctioned by a majority of not less than two thirds of the members of each sanitary authority party thereto present and voting at a meeting of such sanitary authority specially convened with notice of the business to be transacted.

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Constitution of joint boards for new united districts.

4. The Joint Board which shall form the governing body of any united district formed under the provisions of this Act shall consist of such ex-officio members and of such number of elective members as may be fixed by the aforesaid agreement between the sanitary authorities forming such joint board or as failing agreement the Local Government Board may on the application of the authorities or any authority parties or party to the agreement for the formation of such united districts prescribe and the first election of members of any such joint board shall take place at meetings of such authorities respectively to be held within such time as the Local Government Board may prescribe and fourteen days previous notice in writing of every such meeting shall be given or sent to each member of such authorities by the clerks of such authorities respectively.

Extending to joint boards provisions of Order of 1877.

5. The provisions of Articles 5 7 8 and 9 and of Articles 11 to 15 both inclusive and of Articles 17 to 25 both inclusive of the Order of 1877 and of sub-sections (*a*) (*d*) to (*k*) both inclusive and (*o*) (*p*) and (*r*) of section 3 of the Confirmation Act of 1877 shall extend and apply to each and every united district formed in manner provided by this Act and to the respective joint board being the governing body thereof in as full and complete a manner as if such respective joint board were the joint board referred to in those articles and sub-sections and the constituent authorities electing such respective joint board were the constituent authorities referred to in those articles and the respective united district was the united district therein referred to and the expression in the said articles "the purposes of this Order" shall for the purposes of such extension and application be deemed to mean the purposes of this Act in relation to the formation of joint boards and united districts or for which any united district is formed under the provisions of this Act.

Purposes for which the united districts may be formed.

6. The purposes for which any united district may be formed shall be as follows:

(*a.*) For making a main sewer or sewers for the use of and for the reception of the sewage from the sewers of the several urban sanitary districts and contributory places within such united district:

(*b.*) For erecting making maintaining and working such machinery and plant as may be required for the above purpose and for conveying the sewage of such united district to a convenient place or places where it may be purified by application to land or chemical treatment or otherwise in such manner that it may be discharged into any stream river or watercourse without breach of the Rivers Pollution Prevention Act 1876 or of the

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Thames Conservancy Acts or of any other provisions of the law and it shall be the duty of the Joint Board of such united district to carry out and perform the purposes for which such united district is formed within a period of two years from the passing of this Act and in default of so doing such Joint Board shall be deemed a local authority which has made default in providing its district with sufficient sewers within the meaning of section 299 of the Public Health Act 1875:

Provided that the duty of making and maintaining a main sewer or sewers shall be deemed to have been sufficiently carried out and performed if and so long as the respective Joint Board shall by the construction of a main sewer or sewers with such machinery and appliances as may be requisite for lifting and disposing of the sewage have made provision for the reception of a volume of sewage equal to 250 gallons daily for each house in the united district of which such board shall be the governing body the number of houses to be ascertained from time to time from the poor rate in force for the time being and the said quantity of 250 gallons daily shall be deemed to be the "prescribed quantity" referred to in Article 24 of the Order of 1877: Provided further that the said Article 24 shall be read and have effect as if the words "be at liberty to" were omitted therefrom and the words "or determined by arbitration" added at the end of such Article.

Expenses of joint boards.

7. The expenses incurred by any Joint Board in carrying out the duties prescribed by this Act including all establishment charges remuneration to clerk treasurer officers and servants shall be defrayed out of the common fund of their united district to be contributed by the several urban sanitary districts and contributory places forming the united district of which such board is the governing body in manner provided by section 283 of the Public Health Act 1875 and for the purposes of this Act any person appointed by the respective Joint Board may inspect take copies of and make extracts from any valuation list or rate for the relief of the poor within the respective united district or any part thereof or any book relating to the same.

District to form separate districts until included in any united district.

8. Every sanitary authority mentioned in the schedule to this Act shall continue to be from and after the passing of this Act a separate sanitary authority and shall continue to have and may exercise the powers rights privileges and authorities of a sanitary authority under the Public Health Act 1875 or any Act amending the same in as full and complete a manner as if the district mentioned in the said schedule to this Act in connexion with such

authority had not been included in the united district constitued by the Order of 1877 as amended by the Order of 1878.

Constituent authorities to be indemnified against proceedings for discharging sewage into the Thames.

9. If at any time after the passing of this Act any proceeding shall be commenced against any constituent authority of any united district constituted in manner provided by this Act in respect of the discharge of sewage into the River Thames after the passing of this Act such constituent authority shall thereupon give notice thereof to the respective Joint Board being the governing body of the united district of which it forms a part who shall be at liberty to come in and defend the same and the said respective Joint Board shall indemnify such constituent authority against any penalties damages costs or expenses which may be recovered against them in consequence of their continuing after the passing of this Act to discharge or suffer to be discharged sewage into the River Thames in contravention of the Rivers Pollution Prevention Act or of the Thames Conservancy Acts.

Suspending penalties for two years.

10. No proceeding shall during the period of two years from the date of the passing of this Act be commenced or continued to enforce the payment of any penalties to be legally incurred by any sanitary authority mentioned in the schedule to this Act in respect of the breach or non-observance of any of the provisions of the Thames Conservancy Acts 1857 and 1864 and the Thames Navigation Act 1866 and any Acts amending the same after the date of the passing of this Act and before the expiration of a period of two years from such date provided that if at the expiration of the said period of two years any such authority which shall not at that time be one of the constituent authorities of any Joint Board shall in the opinion of the conservators of the River Thames have failed to carry out a scheme for dealing with the sewage of its district in such a manner that it may be discharged into any stream river or watercourse without breach of the Rivers Pollution Prevention Act or of the aforesaid Acts or if any Joint Board shall in the opinion of the said conservators have failed to sufficiently carry out and perform the purposes for which the respective united district of which such Joint Board is the governing body is formed any such penalties shall attach to and may be sued for and be enforceable against such sanitary authority or Joint Board as the case may be in the same manner as the said penalties would but for this Act have attached to and been enforceable against any such sanitary authority mentioned in the schedule to this Act:

Provided always that any difference between the conservators on the one hand and any sanitary authority or Joint Board on the other hand under this section shall on the application of either party

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be decided by the Board of Trade but nothing in this section shall affect the provisions of section 66 of the Thames Navigation Act 1866.

Saving clause for Hampton Wick Local Board.

11. The Local Board of Hampton Wick and the Surbiton Improvement Commissioners and the other persons petitioning against the Bill for this Act during its progress through the House of Lords shall not be taken as assenting to this Bill nor prejudiced in such rights if any as they would have notwithstanding this Act to object to any scheme proposed by the Mayor Aldermen and Burgesses of the borough of Kingston-on-Thames for the disposal of the sewage of the said Borough.

Costs of Act.

12. All costs charges and expenses of and incidental to the preparing for applying and passing of this Act shall be paid in the first instance by the Mayor Aldermen and Burgesses of the borough of Kingston-on-Thames out of any funds or rates which if this Act had not passed might have been applied by them by way of contribution towards the expenses incurred by the Joint Board in carrying out the duties prescribed by the Order of 1877 but in the event of any united district being formed under the provisions of this Act such proportion of the said costs charges and expenses as the Local Government Board shall certify to be under the circumstances reasonable shall be repaid to the said Mayor Aldermen and Burgesses by such Joint Board as expenses incurred in carrying out the duties prescribed by this Act.

The SCHEDULE referred to in the foregoing Act.

Name of Districts.	Name of Sanitary Authorities.
Richmond Improvement Act, District of - - -	The Select Vestry.
Richmond Union - - -	The Guardians of the Poor of the Richmond Union, acting as the rural sanitary authority or in the event of any portion of the district of the rural sanitary authority being constituted a local government district the local board of any district so constituted.
Contributory places of Barnes, Kew, Mortlake and Petersham or in the event of any portion of such district being constituted a local government district any district so constituted - - -	
Kingston-on-Thames, Borough of	The mayor, aldermen and burgesses acting by the council.
Surbiton Improvement Act, District of	The Improvement Commissioners.
New Malden, Local Government District of - - -	New Malden Local Board.
East Molesey, Local Government District of - - - -	East Molesey Local Board.
Teddington, Local Government District of - - - -	Teddington Local Board.
Kingston Union - - -	The Guardians of the Poor of the Kingston Union acting as the rural sanitary authority, or in the event of any portion of the district of the rural sanitary anthority being constituted a local government district the local board of any district so constituted.
Contributory places of Hampton, Hook, Esher, Long Ditton, Thames Ditton, West Molesey, and Kingston Special Drainage District, or in the event of any portion of such district being constituted a local government district any district so constituted - - -	
Hampton Wick, Local Government District of - - -	Hampton Wick Local Board.
Ham Common, Local Government District of - - -	Ham Common Local Board.
Heston and Isleworth, Local Government District of - - -	Heston and Isleworth Local Board.

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