CHAPTER 32.

An Act to provide for establishing river boards and for conferring on or transferring to such boards functions relating to land drainage, fisheries and river pollution and certain other functions; and for purposes connected with the matters aforesaid. [28th May 1948.]

BE it enacted by the King'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:—

Establishment and functions of river boards.

Establishment of river boards for areas comprising whole of England and Wales except Thames, Lee and London areas.

1.—(1) The Ministers shall, as soon as practicable, in accordance with the following provisions of this Act—

(*a*) by order define areas (to be known as "river board areas") which shall between them comprise the whole of England and Wales, except the Thames and Lee catchment areas, the administrative county of London and any area adjoining that county which is not at the date of the passing of this Act included in any catchment area;

(*b*) by order establish boards (to be known as "river boards") for the areas so defined, who shall have the functions conferred on or transferred to them by or under the following provisions of this Act, being functions relating to land drainage, fisheries and river pollution and certain other functions relating to rivers, streams and inland waters.

(2) Without prejudice to the duty of the Ministers under the preceding subsection, orders defining river board areas and establishing river boards may be made at different times for different areas.

Definition of river board areas and constitution of river boards.

2.—(1) Each river board area shall consist of an area the drainage of which is directed to a river or group of rivers, together with such adjoining areas as the Ministers consider it expedient to include in the river board area, and the order defining a river board area shall do so either by reference to a map or by reference to the line of any watershed or the boundary of any area of local government or catchment area existing immediately before the making of the order, or partly by one method and partly by another.

(2) An order establishing a river board shall provide for the appointment of such number of members not exceeding forty as may be specified in the order, who shall be appointed as follows:

(*a*) one member shall be appointed by the Ministers;

(*b*) such number, not being less than three-fifths or more than two-thirds of the remaining members, as may be specified in the order shall be appointed, whether from their own members or not, by the councils of the counties and county boroughs whose area, or any part of whose area, is included in the river board area;

(*c*) the remainder of the members shall be appointed by the Minister of Agriculture and Fisheries and shall consist of—

(i) persons appointed, after consultation with the drainage boards whose districts are wholly or partly included in the river board area, to represent those boards, and persons appointed to represent that portion, if any, of the river board area for which drainage boards might be, but have not been, established; and

(ii) persons appointed to represent fishery interests in the river board area after consultation with any association or person appearing to the Minister to represent a substantial fishery interest in that area.

(3) As respects the members of a river board to be appointed by the councils of counties and county boroughs, the number to be appointed by each of the said councils shall be such as the Ministers may determine, having regard to the estimated amounts of the contributions to be made by those councils respectively towards the expenses of the board, and shall be specified in the order.

(4) Where it appears to the Ministers that, owing to the small estimated amount of the contribution to be made by the council of any county or county borough as aforesaid, the council ought not to appoint a member of the river board, the Ministers may provide in the order that that council shall be represented by a member appointed by agreement between that council and the

council of any other county or county borough concerned, or, in default of agreement between the councils, by a member appointed by the Ministers to represent the councils jointly.

(5) The councils of counties shall secure that adequate representation is given to the county districts wholly or partly included in a river board area, having regard to the relative rateable values of property in those districts or parts thereof, and in particular, where the total rateable value of property in any county district or part of a county district included in a river board area bears to the total rateable value of the property in the county or part of the county so included a proportion greater than that borne by the number one to the number of members of the river board to be appointed by the council of that county, one or more of the members so appointed shall be appointed from among persons nominated by the council of the county district, and the number of members to be appointed from among persons so nominated shall be fixed having regard to the said proportion and shall be specified in the order establishing the river board.

(6) The councils of counties and county boroughs and the Ministers and the Minister of Agriculture and Fisheries in making appointments under this section shall have regard to the desirability of including, as far as practicable, among the members appointed by them persons having a practical knowledge of the various matters with respect to which river boards exercise functions, and the councils of counties and county boroughs shall not appoint any officer or servant of the council or of any other local authority:

Provided that the council of a county or county borough shall not thereby be precluded from appointing a member of the council who is also an officer or servant of another local authority.

(7) Where a river board is established for an area which consists of or includes the River Ouse (Yorks) Catchment Area or the River Trent Catchment Area, the order establishing the board shall provide for the appointment of a member by the National Coal Board, and that member shall be additional to the members appointed under subsection (2) of this section and shall be disregarded for the purposes of that subsection.

(8) Any order defining a river board area or establishing a river board shall be made in accordance with Part I of the First Schedule to this Act, and Part III of that Schedule shall apply with respect to the validity of any such order; and Part II of that Schedule shall, in the case of any order defining a river board area, apply for the purpose of making the order subject to special parliamentary procedure in the circumstances specified in that Part.

(9) The provisions of the Second Schedule to this Act shall have effect with respect to river boards and their members, the appointment of committees, the proceedings of river boards and their committees, and the appointment by river boards of officers and servants.

Variation of river board areas and of constitution of river boards.

3.—(1) The Ministers may, whether before or after they have defined river board areas comprising the whole area mentioned in section one of this Act, by order—

(*a*) alter an existing river board area, whether by way of extension or reduction; or

(*b*) define a new river board area which includes or consists of one or more existing river board areas or any part or parts thereof;

and subsection (1) of the last preceding section shall apply to any order made under this subsection and to the area as defined thereby, subject to the modification that the reference to a catchment area shall include a reference to a river board area:

Provided that nothing in this subsection shall be taken as authorising the inclusion in a river board area of the whole or any part of the areas excluded from section one of this Act.

(2) An order made under the preceding subsection shall state whether it is to be regarded as altering an existing river board area or as defining a new river board area for which a new river board is required to be established, and in the latter case the Ministers shall by order establish a new river board in accordance with the preceding provisions of this Act, and in the former case the Ministers may, to such extent as appears to them to be necessary in consequence of the alteration of the river board area, by order vary the constitution of the river board for the altered area, but not so as to depart from the requirements of the last preceding section.

(3) The Ministers may by order vary the constitution of any river board to such extent as appears to them to be necessary in consequence of any substantial alteration of the areas of local government included wholly or partly in the river board area or any substantial change in the rateable value of the property in any such area of local government, but not so as to depart from the requirements of the last preceding section.

(4) Any order made under this section shall be made in accordance with Part I of the First Schedule to this Act, and Part III of that Schedule shall apply with respect to the validity of any such order; and Part II of that Schedule shall, in the case of any order altering or defining a river board area, except an order altering a river board area which states that the alteration is due solely to an alteration in the direction of the drainage of any land, apply for the purpose of making the order subject to special parliamentary procedure in the circumstances specified in that Part.

Functions of river boards.

4.—(1) For the purpose of conferring on river boards the functions of catchment boards and fishery boards and the functions exercisable by local authorities and joint boards and joint committees of local authorities under section sixty-nine of the Public Health Act, 1875, the Rivers Pollution Prevention Act, 1876, and any enactment relating to river pollution contained in a local Act or statutory order, the enactments and statutory orders referred to in the Third Schedule to this Act shall have effect, as from the appointed day, in relation to any river board area, subject to the modifications, adaptations and exceptions specified in the said Schedule.

38 & 39 Vict. c. 55.
39 & 40 Vict. c. 75.

(2) As from the appointed day, any catchment board, fishery board, local authority, joint board or joint committee, the whole or any part of whose area or district is included in a river board area, shall cease to exercise the functions aforesaid or, as the case may be, cease to exercise them in relation to that part of their area or district, but nothing in this section or in the Third Schedule to this Act shall affect the exercise of functions by any such body in relation to any area or district, or any part of an area or district, not included in a river board area.

(3) Where, in consequence of an order made under the last preceding section, there is included in any new or existing river board area the whole or any part of another river board area, there shall become exercisable, as from the appointed day, by the river board for the first-mentioned area (in addition to the functions which become exercisable by that board under subsection (1) of this section) any other functions previously exercisable in the other river board area or part thereof, as the case may be, by the river board for that area, and those functions shall as from that day cease to be exercisable or, as the case may be, cease to be exercisable in that part, by the last-mentioned river board.

Extension of river board areas for purposes of certain functions.

5.—(1) A river board area shall—

(*a*) for the purposes of the functions of the river board relating to fisheries, include those tidal waters and parts of the sea adjoining the coast of the river board area within which His Majesty's subjects have the exclusive right of fishing; and

(*b*) for the purposes of the functions of the river board relating to river pollution, include such tidal waters and parts of the sea adjoining the coast of the river board area as are included in the definition of "stream" for the purposes of the Rivers Pollution Prevention Act, 1876, by virtue of an order made, whether before or after the passing of this Act, under section twenty of that Act or section fifty-five of the Salmon and Freshwater Fisheries Act, 1923.

13 & 14 Geo. 5. c. 16.

(2) Any question arising under the preceding subsection as to the extent of the tidal waters or parts of the sea included in any river board area for the purposes mentioned in paragraph (*a*) of that subsection shall be determined by the Minister of Agriculture and Fisheries.

Definition of main river. 20 & 21 Geo. 5. c. 44.

6.—(1) When a new river board area has been defined, or an existing river board area has been altered so as to affect the extent of the main river for the purposes of Part II of the Land Drainage Act, 1930, the Minister of Agriculture and Fisheries shall cause a map of the area as defined or altered to be prepared showing by some distinctive colour the extent to which any river or watercourse in the area is to be treated as the main river or part of the main river for the said purposes, and shall cause to be published, in one or more newspapers circulating in the area, a notice stating that the map has been prepared and specifying the place at which a copy of the map may be inspected and the time (not being less than twenty-eight days) within which, and the manner in which, objections thereto may be made.

(2) On the expiration of the time within which objections may be made as aforesaid, the Minister of Agriculture and Fisheries shall, if no objections have been made, forthwith approve the map as prepared and, if any objections have been made, shall take those objections into consideration and after so doing proceed to approve the map, either as prepared or with such modifications as he thinks fit.

(3) The Minister of Agriculture and Fisheries may at any time, on the application of the river board, after giving notice of his intention so to do in such manner as he thinks best adapted for informing persons affected and after considering any objections made to him, vary the map as approved by him under this section.

(4) The map as approved or as varied in accordance with the provisions of this section shall be conclusive evidence for all purposes as to what is the main river, and shall, for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister of Agriculture and Fisheries.

(5) The Minister of Agriculture and Fisheries shall supply to the river board a copy of the map approved by him under this section for their area, and if at any time thereafter he varies the map, he shall supply to the board a copy of the map as varied.

Thames and Lee catchment areas and London.

7.—(1) The Ministers may at any time by order provide that the whole or any part of the areas excluded from section one of this Act shall cease to be excluded from that section, and accordingly shall, whether in that order or in any subsequent order, make such provision in accordance with the preceding

provisions of this Act as the Ministers think fit for the purpose of defining as, or including in, a river board area or river board areas the whole or part of the areas excluded as aforesaid.

(2) Where, in pursuance of the preceding subsection, any new river board area is defined or any existing river board area is altered, the Ministers shall by order provide in accordance with the preceding provisions of this Act, but subject to the following provisions of this section, for establishing a new river board or, as the case may be, for varying the constitution of the existing river board to such extent, if any, as appears to the Ministers to be necessary in consequence of the alteration.

(3) Where the whole or any part of the areas excluded from section one of this Act has ceased to be so excluded, the powers of the Ministers under section three of this Act shall be exercisable with respect thereto.

(4) The Ministers, in making any order establishing or varying the constitution of a river board for an area which consists of or includes the whole or any part of the areas originally excluded from section one of this Act, shall make such provision for the representation of bodies or persons having special interests in the said areas or part thereof as the Ministers consider necessary or expedient, and may depart from the requirements of section two of this Act with respect to the constitution of river boards to such extent (if any) as they may consider necessary or expedient to enable provision for such representation to be made; and Part II of the First Schedule to this Act shall apply for the purpose of making any such order subject to special parliamentary procedure in the circumstances specified in that Part.

(5) Where a new river board area is defined so as to consist of or include the whole or any part of the areas originally excluded from section one of this Act, or a river board area is altered by the inclusion therein of any part of the said areas, section four of this Act shall have effect subject to such modifications as may be specified by order of the Ministers, and the order may in particular provide—

(*a*) for the transfer to the board from the Conservators of the River Thames or the Lee Conservancy Catchment Board of functions not mentioned in that section, or for the transfer to the board of functions from authorities not mentioned in that section, being authorities exercising in the said areas or part thereof functions relating to land drainage fisheries or river pollution;

(*b*) for requiring any such authority to make payments to the river board in respect of expenses incurred by the board in exercising any functions transferred to them from the authority by the order; and

(*c*) for the making of such modifications or adaptations of, or exceptions from, or the repeal of such provisions of,

any local Act or statutory order as the Ministers consider necessary or expedient in consequence of any transfer of functions made by the order.

(6) Any order made under this section providing that the whole or any part of the areas excluded from section one of this Act shall cease to be excluded from that section, and any order made under the last preceding subsection, shall be made in accordance with Part I of the First Schedule to this Act, and Part II of that Schedule shall apply for the purpose of making such orders subject to special parliamentary procedure in the circumstances specified in that Part, and Part III of that Schedule shall apply with respect to the validity of such orders.

Transfer of navigation functions.

8.—(1) The Ministers may, on application made by the river board or authority concerned and after consultation with the authority or board concerned other than the applicant, by order provide for the transfer to a river board of any functions exercisable in the river board area by any navigation authority, conservancy authority or harbour authority.

(2) Any order made under this section may provide for the making of such modifications or adaptations of, or exceptions from, or the repeal of such provisions of, any local Act or statutory order relating to the functions transferred by the order as the Ministers consider necessary or expedient in consequence of that transfer.

(3) An order made under the preceding provisions of this section shall be made in accordance with Part I of the First Schedule to this Act and Part II of that Schedule shall apply for the purpose of making such orders subject to special parliamentary procedure in the circumstances specified in that Part, and Part III of that Schedule shall apply with respect to the validity of such orders.

(4) Where functions are exercisable or are to become exercisable by a river board, being functions which have been or are to be transferred to the board by an order made under the preceding provisions of this section or have been so transferred to another river board and subsequently become or are to become exercisable by the first-mentioned board, and it appears to the Ministers that those functions, together with any other functions of the river board relating to navigation, are of sufficient importance to justify the appointment of an additional member of the board to represent the interests affected by the exercise of those functions, they may at any time by order provide for the appointment by the Minister of Transport of such a member, who shall be additional to the members appointed under subsection (2) of section two of this Act and shall be disregarded for the purposes of that subsection; and if at any time it appears to the Ministers that the functions which justified the appointment of such a

member have ceased to be of sufficient importance to justify his continued membership, they may revoke the order and thereupon the member so appointed shall vacate his office.

The powers conferred by this subsection may be exercised by an order made under the preceding provisions of this section, or by an order made under section three of this Act establishing or varying the constitution of a river board, or by a separate order.

Conservation of water resources and provision of information.

9.—(1) It shall be the duty of every river board, in exercising the functions conferred on or transferred to them by or under this Act, to conserve so far as practicable the water resources of their area.

(2) Any river board may submit to the Minister of Health a scheme for the measurement and recording of the rainfall in the river board area or any part thereof or of the flow or volume of any river, stream or inland water in the area, and for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith, and the Minister may approve any such scheme with or without modification, and on such approval the river board shall carry out the scheme.

(3) The Minister of Health may give directions requiring any river board—

(*a*) to measure and record the rainfall in the river board area or any part thereof or the flow or volume of any river, stream or inland water in the area and for those purposes to install and maintain such gauges or other apparatus and works connected therewith as may be specified in the directions;

(*b*) to furnish such information obtained in pursuance of the directions or any scheme approved under the last preceding subsection at such times and in such form as may be so specified;

(*c*) to furnish such information as to the abstraction of water from, and the discharge of effluents into, any river, stream or inland water in the river board area, and such other information relating to water resources in the area as may be specified in the directions, at such times and in such form as may be so specified;

and it shall be the duty of the river board to comply with any directions so given.

(4) Section fifty-five of the Land Drainage Act, 1930 (which provides for the making of grants towards expenditure incurred in the construction or improvement of works) shall extend to the construction or improvement of any such gauges or other apparatus or works as aforesaid.

(5) Every river board shall give reasonable facilities for the inspection of records kept by them of the rainfall or the flow or volume of any river, stream or inland water in their area, and for the taking of copies of and extracts from such records, and such facilities shall be available free of charge to all local authorities and drainage boards whose areas or districts are wholly or partly included in the river board area and shall be available to other persons on payment of such fees as may be approved by the Minister of Health.

(6) Where any gauge for measuring and recording the flow or volume of any river, stream or inland water was installed before the date when functions relating to land drainage first became exercisable by a river board in the place where the gauge was installed, the person having possession of the gauge on the said date shall, within three months from the said date, give notice of the installation to the river board and shall state in the notice where the records of the flow or volume are kept; and any person who proposes to install any such gauge in a place where the said functions are exercisable by a river board shall, at least three months before commencing the work, give notice to the river board and shall, within one month after the gauge has been installed, give notice to the board where the records of the flow or volume are kept.

(7) A river board shall have a right, at all reasonable hours, to inspect any records kept by any person of the flow or volume of any river, stream or inland water in the river board area, and to take copies of and extracts from such records.

(8) A river board may give directions requiring any person who in their opinion is abstracting water from any river, stream or inland water in the river board area in quantities which are substantial in relation to the flow or volume of the river, stream or inland water or is discharging effluents into any such river, stream or inland water, to give such information as to the abstraction or discharge, at such times and in such form, as may be specified in the directions:

Provided that any person to whom such directions are given may, if he considers that the directions are unreasonable or unduly onerous, make representations to the Minister of Health with respect thereto and the Minister may thereupon, if he thinks fit, require the river board to revoke or modify the said directions, and the river board shall comply with the Minister's requirement.

(9) Any person who—

(*a*) fails to give a notice which he is required to give by subsection (6) of this section, within the time therein mentioned; or

(*b*) fails to comply with any directions given under subsection (8) of this section within such time as may be specified in the directions;

shall, in respect of each such failure, be liable on summary conviction to a fine not exceeding twenty pounds, and, in respect of any such failure as is mentioned in paragraph (*b*) hereof, to a further fine not exceeding five pounds for each day on which the failure continues after conviction therefor.

(10) This section except subsection (1) thereof shall apply to the Conservators of the River Thames and to the Lee Conservancy Catchment Board as if they were river boards and their catchment areas were river board areas, subject to the modification that for the references in subsection (6) to the date therein mentioned there shall be substituted references to the date of the passing of this Act, and the provisions of the Land Drainage Act, 1930, so far as they relate to the said Conservators and Catchment Board, shall apply for the purposes of this section as they apply for the purposes of the said Act.

Financial and administrative provisions.

Financial provisions.

10.—(1) The expenses of a river board, so far as they are not defrayed out of revenues of the board under any enactment other than this section, shall be apportioned by the board among the councils of the several counties and county boroughs which are included wholly or partly in the river board area, on the basis of the totals of the rateable values of all such hereditaments in the respective areas of those councils as are situated within the river board area.

In this subsection the expression "expenses" includes the interest on, and provision for the repayment of, any borrowed moneys.

(2) A river board may issue precepts to the councils of counties or county boroughs requiring payment of amounts apportioned to those councils under the preceding subsection, and, subject to the following provisions of this section, every such council shall pay, in accordance with any precepts so issued to it, the amount thereby demanded.

(3) The aggregate amount for which a precept may be issued under the last preceding subsection in any one financial year to the council of any county or county borough shall not, except with the consent of the majority of those members of the river board who are appointed by or represent councils of counties and county boroughs, exceed the estimated amount which would be produced by a rate of fourpence in the pound levied on that part of the county or county borough which is within the river board area:

Provided that, where a river board have borrowed or are about to borrow any money under this Act, this subsection shall, if a majority of the said members so resolve, have effect during the

currency of the loan as if the said sum of fourpence were increased by such amount as is specified in the resolution.

(4) For the purposes of any apportionment of expenses under this section, the rateable value of hereditaments shall be taken to be the rateable value thereof as shown in the valuation lists in force on the first day of the financial year immediately preceding the financial year in which those expenses are chargeable, and the councils of the several counties and county boroughs wholly or partly included in a river board area shall from time to time, if and when so required by the river board, furnish to them a true and correct statement of the total of the rateable values of all such hereditaments in their respective areas as are situated in the river board area.

(5) It shall be the duty of a river board to prepare, in such form as the Ministers may direct, a statement of the purposes to which the amount demanded by any precept issued by the board under this section is intended to be applied and of the basis upon which it is calculated, and to send a copy of such statement with every precept to which it relates; and the council of the county or county borough shall not be under any obligation to pay the amount demanded by any such precept until they have received the said statement.

(6) Where a river board hold any funds, or any interest in any funds, created under any local Act for fishery purposes, those funds or that interest shall only be used for the purposes for which they or it could have been used if this Act had not been passed, but save as aforesaid all revenues of a river board shall be available for defraying the expenses of the board generally.

Borrowing powers.

11.—(1) A river board may borrow temporarily, by way of overdraft or otherwise, such sums as they may require—

(*a*) for the purpose of defraying expenses pending the receipt of revenues receivable by them in respect of the period of account to which those expenses are chargeable and taken into account in their estimates made by them for that period;

(*b*) for the purpose of defraying, pending the raising of money by a mortgage which they have been authorised to raise under this section, expenses intended to be defrayed by means of that money.

(2) A river board may, with the consent of the Ministers, borrow money by mortgage for all or any of the following purposes, that is to say—

(*a*) the acquisition of land or the erection of buildings;

(*b*) the execution of any permanent work, or the doing of any other thing the cost of which, in the opinion of the Ministers, ought to be spread over a term of years;

(*c*) the repayment of any money previously borrowed by them or any authority from whom functions are transferred to the river board by or under this Act.

(3) Moneys borrowed by a river board under the last preceding subsection shall be charged indifferently on all the revenues of the board except any such funds as are referred to in subsection (6) of the last preceding section.

(4) Sections one hundred and ninety-eight to two hundred, sections two hundred and two, two hundred and three, two hundred and five, two hundred and six, two hundred and seven (except subsection (5)), and two hundred and eight to two hundred and fourteen of the Local Government Act, 1933, so far as they are applicable to the borrowing of money by a river board by mortgage under this section, shall apply to such borrowing, subject to the following modifications :— 23 & 24 Geo. 5. c. 51.

(*a*) for references to a local authority there shall be substituted references to a river board ;

(*b*) for references to the Minister of Health there shall be substituted references to the Ministers ;

(*c*) the expression " prescribed ", except in section two hundred and five, shall mean prescribed by regulations made by the Ministers ;

(*d*) for references to the county fund or the general rate fund there shall be substituted references to the general revenues of the river board.

(5) Where money is borrowed in pursuance of paragraph (*b*) of subsection (1) of this section and subsequently money is raised by such a mortgage as is mentioned in that paragraph, then, for the purposes of the provisions of the Local Government Act, 1933, so far as applied by the last preceding subsection, which regulate the repayment of the money raised by that mortgage, the money shall, to the extent of the sum borrowed in pursuance of the said paragraph, be deemed to have been raised at the time when the said borrowing took place.

(6) Nothing in this section shall be taken as authorising any river board to exercise the powers of borrowing conferred thereby otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, and any order made under section one of the Borrowing (Control and Guarantees) Act, 1946, and for the time being in force. 8 & 9 Geo. 6. c. 18. 9 & 10 Geo. 6. c. 58.

12.—(1) Every river board shall, before such date in every year as the Ministers may fix, send to the Minister of Agriculture and Fisheries and the Minister of Health a report in respect of the preceding year, and shall at the same time send a copy of the report to the council of every county or county borough which is wholly or partly included in the river board area. Reports and accounts.

(2) Every report under this section shall be in such form and shall contain particulars with respect to such matters as the Ministers may direct.

(3) The accounts of the receipts and expenditure of river boards and of the officers of river boards shall be subject to audit by a district auditor.

(4) As soon as the accounts of a river board have been audited the board shall send a copy of the accounts to the Minister of Agriculture and Fisheries and the Minister of Health and shall at the same time send a copy to the council of every county or county borough which is wholly or partly included in the river board area and a copy of the accounts shall be kept at the office of the board and any person interested shall be entitled, without payment, to inspect and take copies of, or extracts from, the copy of the accounts.

(5) Copies of reports of a river board under this section and of statements summarising the accounts of a river board shall be furnished to any person on application and on payment of such reasonable sum as the board may determine.

Acquisition and disposal of land.

13.—(1) A river board may acquire by agreement any land which they require for any purpose connected with the exercise of their functions :

Provided that land not immediately required for such a purpose as aforesaid shall not be acquired under this subsection except with the approval of and subject to any conditions imposed by the Ministers.

(2) The Ministers may authorise a river board to purchase compulsorily any land which they require for any such purpose, and the Acquisition of Land (Authorisation Procedure) Act, 1946 (except section two thereof) shall apply, in relation to any such compulsory purchase, as if this Act had been in force immediately before the commencement of that Act, and it is hereby declared for the avoidance of doubt that the expression " local authority " in the said Act includes a river board.

9 & 10 Geo. 6. c. 49.

(3) This section shall be without prejudice to the power under section seventy-six of the Land Drainage Act, 1930, to acquire accretions of land resulting from drainage works, and any power conferred by the Salmon and Freshwater Fisheries Act, 1923, to acquire works, artificial obstructions, fisheries, fishing rights, land, and easements for the purposes specified in that Act.

(4) A river board may, with the approval of the Ministers, sell, exchange or let any land vested in them which is not required for any purpose connected with the exercise of any of their functions.

14. A river board shall have power to erect such offices and other buildings as they may require in connection with the exercise of any of their functions. Power to erect buildings.

15.—(1) A river board shall have a right to obtain and take away samples of any effluent which is passing from any land or vessel into any river, stream, watercourse or inland water in the river board area. Power to take samples of effluents.

(2) The result of any analysis of a sample taken under this section shall not be admissible as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following requirements have been complied with, that is to say, the person taking the sample shall forthwith notify to the occupier of the land or vessel his intention to have it analysed, and shall there and then divide the sample into three parts, shall cause each part to be placed in a container which shall be sealed up and marked and shall—

(*a*) deliver one part to the occupier of the land or vessel;

(*b*) retain one part for future comparison; and

(*c*) if he thinks fit to have an analysis made, submit one part to the analyst:

Provided that, if it is not reasonably practicable forthwith to comply with the aforesaid requirement as to notification, the said requirement and the other requirements aforesaid shall be complied with as soon as reasonably practicable.

(3) In this section the expression "watercourse" means any channel through which water flows:

Provided that it does not include any sewer maintained by a sewerage authority (as defined by section ninety of the Public Health Act, 1936) without prejudice however to the taking of samples under this section of any effluent passing from any such sewer into a river, stream, watercourse or inland water. 26 Geo. 5. & 1 Edw. 8. c. 49.

(4) In relation to any legal proceedings in respect of any effluent passing from any such sewer as aforesaid, subsection (2) of this section shall have effect as if the reference to the occupier of the land from which the effluent is passing were construed as a reference to the sewerage authority by whom the sewer is maintained.

16.—(1) Subject to the provisions of this section, any person authorised by a river board shall, on producing, if so required, some duly authenticated document showing his authority, have a right, at all reasonable hours,— Powers of entry and inspection.

(*a*) to enter any land for the purpose of exercising any functions of the board;

(*b*) for the purpose of determining whether, and if so in what manner, any such functions are to be exercised, or whether any provision of any enactment (including this

Act) relating to such functions or any notice, order, direction or byelaw served, given or made under any such enactment is being or has been complied with, to enter any land and inspect or survey the land and inspect any articles thereon.

(2) The rights conferred by the preceding subsection shall, without prejudice to the generality thereof, be exercisable for the purpose of inspecting any local Acts, statutory orders, awards or other documents in the possession of any body relating to functions of that body which are or have been exercisable in the river board area, and the person carrying out any such inspection shall have a right to take copies of or extracts from any such documents.

(3) Subject to the provisions of this section, any person authorised by the Minister of Agriculture and Fisheries, the Minister of Health or the Minister of Transport shall, on producing, if so required, some duly authenticated document showing his authority, have a right, at all reasonable hours,—

(*a*) to enter any land for the purpose of exercising any functions conferred on the Minister, whether alone or jointly with any other Minister, by or under this Act or any other enactment relating to land drainage, fisheries or river pollution, or any enactment relating to navigation contained in the Land Drainage Act, 1930; and

(*b*) for the purpose of determining whether, and if so in what manner, any such functions are to be exercised, or whether any functions of a river board ought to be exercised, or are being or have been properly exercised, to enter on any land and inspect or survey the land and inspect any article thereon.

(4) Admission to any land used for residential purposes shall not be demanded as of right under this section unless twenty-four hours notice of the intended entry has been given to the occupier.

(5) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that admission to any land which any person is entitled to enter under this section has been refused to that person, or that refusal is apprehended, or that the land is unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission will defeat the object of the entry; and

(*b*) that there is reasonable ground for entry on the land for the purpose for which entry is required;

the justice may by warrant under his hand authorise that person to enter the land, if need be by force:

Provided that such a warrant shall not be issued, unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the land is unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry.

(6) Any person entitled to enter any land by virtue of any right of entry under this section may take with him such other persons as may be necessary and on leaving any unoccupied land which he has entered by virtue of such a right shall leave it as effectually secured against trespassers as he found it.

(7) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(8) If—

(*a*) any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses, otherwise than in the performance of his duty, to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or

(*b*) any member or officer of a river board to whom by reason of his official position, any information obtained as aforesaid is disclosed, discloses, otherwise than in the performance of his duty, that information to any person,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Penalty for obstruction.

17. Any person who wilfully obstructs any person exercising a right conferred by this Act to enter any land, or to carry out any inspection or survey, or to make copies of or extracts from any document, or to obtain and take away samples, shall, in respect of each offence, be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Procedure for making byelaws.

18.—(1) The following provisions of this section shall apply to byelaws made by a river board under any enactment conferring powers on them to make byelaws.

(2) Byelaws shall not have effect until confirmed by the Ministers, and at least one month before application for confirmation of any byelaws is made, notice of the intention to apply for confirmation shall be given in the London Gazette and one or more local newspapers circulating in the area to which the byelaws will apply and a copy of the byelaws shall be sent to

every local authority whose county or borough or district is wholly or partly within that area.

(3) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the river board and shall at all reasonable hours be open to public inspection without charge, and the board shall supply printed copies thereof free of charge to any person appearing to the board to be interested.

(4) The Ministers, with or without a public local inquiry, may refuse to confirm any byelaw submitted under this section for confirmation, or may confirm the byelaw either without modification or (subject to the consent of the river board) with such modification as they think fit, and the board shall, if so directed by the Ministers, cause notice of any proposed modification to be given in accordance with such directions.

(5) The Ministers may fix the date on which any byelaws are to come into operation, and if no date is so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.

(6) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the river board and shall at all reasonable hours be open to public inspection without charge, and a copy thereof shall, on application, be furnished to any person on payment of such reasonable sum as the board may determine.

(7) The Ministers, if they consider that the revocation of any byelaw is necessary or desirable, may, after giving notice to the river board and considering any objections raised by them, and, if so required by them, holding a public local inquiry, revoke that byelaw.

(8) The production of a printed copy of a byelaw purporting to be made by a river board upon which is endorsed a certificate purporting to be signed by the clerk of the board stating—

(*a*) that the byelaw was made by the board;
(*b*) that the copy is a true copy of the byelaw;
(*c*) that on a specified date the byelaw was confirmed by the Ministers; and
(*d*) the date, if any, fixed by the Ministers for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

Notices and other documents.

19.—(1) All notices and other documents required or authorised by or under this Act or any other enactment to be given, made or issued by or to a river board shall be in writing.

(2) Any notice or other document which a river board are required or authorised as aforesaid to give, make or issue may be signed on behalf of the board by the clerk of the board or any other officer of the board authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document, and any document purporting to bear the signature of the clerk of the board, or of a person expressed to be duly authorised by the board to sign such a document or that particular document shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the board.

In this subsection the expression "signature" includes a facsimile of a signature by whatever process reproduced.

(3) Any notice or other document which is required or authorised as aforesaid to be given to or served on any person by a river board shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.

(4) Any notice or other document required or authorised to be given to or served on an incorporated company or body by a river board shall be duly given or served if given to or served on the secretary or clerk of the company or body.

(5) Any notice or other document required or authorised to be given to or served on a river board shall be duly given or served if given to or served on the clerk of the board in the manner specified in subsection (3) hereof.

(6) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such notice or other document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question. 52 & 53 Vict. c. 63.

(7) Where any notice or other document is to be given to or served on a person by a river board as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Publicity for proceedings of river boards.

20.—(1) The minutes of proceedings of meetings of a river board shall be open to the inspection of any local government elector for any part of the river board area, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

(2) Notwithstanding anything in this section any such part of the minutes of proceedings of a river board as contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under this Act shall not be open to the inspection of a local government elector.

(3) In this section, the expression "local government elector" means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

Power to promote and oppose legislation.

21. A river board, or two or more river boards acting jointly, may, with the consent of the Ministers, promote or without any such consent may oppose Bills in Parliament or may apply for or oppose applications for statutory orders.

Default powers of Ministers.

22.—(1) If a complaint is made to the Ministers that a river board have failed to exercise any of their functions in a case where they ought to have done so, or the Ministers are of opinion that an investigation should be made as to whether any river board have failed as aforesaid, they may cause a public local inquiry to be held into the matter.

(2) If after a public local inquiry has been held in pursuance of the preceding subsection, the Ministers are satisfied that there has been such a failure on the part of the board in question, they may make an order declaring the board to be in default and directing them for the purpose of removing the default to exercise such of their functions in such manner and within such time or times as may be specified in the order.

(3) If the board declared to be in default by an order made under the last preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance, the Ministers, in lieu of enforcing the order by mandamus or otherwise, may make an order transferring to themselves such of the functions of that board as they think fit.

(4) Where the Ministers have transferred any functions to themselves under this section, any expenses incurred by them in exercising those functions shall be paid in the first instance by them, but the amount of those expenses as certified by the Ministers shall on demand be paid to them by the board, and the board shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

(5) Any order made under subsection (3) of this section may provide for the transfer to the Ministers of such of the property, rights, liabilities and obligations of the board in default, as, in the opinion of the Ministers, may be necessary or expedient, and

when any such order is revoked the Ministers may, either by the revoking order or by a subsequent order, make such provision as appears to them to be desirable with respect to any property, rights, liabilities and obligations held by them for the purposes of the functions transferred.

Expenses of Ministers.

23. Any expenses incurred by the Minister of Agriculture and Fisheries, the Minister of Health or the Minister of Transport in the exercise of functions under this Act shall be defrayed out of moneys provided by Parliament.

Inquiries by Ministers.

24. The Ministers, the Minister of Agriculture and Fisheries, the Minister of Health or the Minister of Transport may cause an inquiry to be held in any case where it appears to them or him to be advisable to do so in connection with any matter arising under this Act or otherwise in connection with any functions of river boards, and the provisions of section two hundred and ninety of the Local Government Act, 1933, shall apply to all inquiries held by the Ministers or by any such Ministers as aforesaid under this Act, and the reference in subsection (4) of the said section to a local authority shall, in relation to any such inquiry, be construed as including a reference to any river board, drainage board, fishery board, navigation authority, conservancy authority or harbour authority:

Provided that no such board or authority shall be ordered to pay costs under the said subsection (4) unless they are a party to the inquiry.

Transfer of assets and liabilities to river boards.

Transfer to river boards of assets and liabilities of catchment boards, fishery boards, and certain joint boards and joint committees of local authorities.

25.—(1) Where functions are transferred by section four of this Act from any of the following bodies (hereafter in this section referred to as "the transferor board"), that is to say, a catchment board, fishery board or any joint board or joint committee of local authorities to a river board, all property, rights, liabilities and obligations which, immediately before the appointed day, were the property, rights, liabilities and obligations of the transferor board, shall on the said day vest by virtue of this Act and without further assurance in the river board.

(2) Every agreement to which the transferor board was a party immediately before the appointed day, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the board, shall have effect as from the said day as if—

(*a*) the river board had been a party to the agreement;

(*b*) for any reference (however worded and whether expressed or implied) to the transferor board there were substituted, as respects anything falling to be done on or after the said day, a reference to the river board;

(*c*) for any reference (however worded and whether expressed or implied) to any member or officer of the transferor board there were substituted, in respect of anything falling to be done on or after the said day, a reference to such person as the river board may appoint or, in default of appointment, to the member or officer of the river board who corresponds as nearly as may be to the member or officer of the transferor board;

(*d*) for any reference (however worded and whether expressed or implied) to any fund or revenues of the transferor board there were substituted, as respects anything falling to be done on or after the said day, a reference to the corresponding fund or revenues of the river board;

(*e*) in the case of an agreement for the rendering of personal services to the transferor board, the services to which the agreement relates were, on and after the said day, services under the river board to be selected by that board which are reasonably equivalent services.

(3) Other documents, not being enactments or statutory orders, which refer, whether specifically or generally to the transferor board, shall be construed in accordance with the provisions of the last preceding subsection, so far as applicable.

(4) Any proceedings pending on the said day to which the transferor board is a party shall be continued as if the river board were a party thereto in lieu of the transferor board.

Transfer to river boards of certain assets and liabilities of local authorities.

26.—(1) Where functions are transferred by section four of this Act from any local authority, all property which immediately before the appointed day was held or used by the local authority wholly or mainly for the purposes of the transferred functions, and all rights, liabilities and obligations acquired or incurred by the local authority for the said purposes and subsisting immediately before the said day, shall, save as may be otherwise directed by the Minister of Health, vest on the said day by virtue of this Act and without further assurance in the river board.

(2) Subsections (2) to (4) of the last preceding section shall apply in relation to agreements entered into by the local authority for the purposes of the transferred functions, and to other documents and proceedings relating to those functions, as if the references to the transferor board were references to the local authority.

(3) Any question arising under this section as to whether any property is or was held or used by a local authority wholly or mainly for the purposes of the transferred functions or whether any rights, liabilities or obligations were acquired or incurred

by a local authority for the said purposes or whether any agreements or documents relate or related to those functions shall, in default of an agreement between the local authority and the river board concerned, be determined by the Minister of Health.

Further provisions as to transfer of assets and functions.

27.—(1) The Ministers may by order provide—

(*a*) in a case where part of the area or district of any body mentioned in either of the last two preceding sections, but not the whole area or district, is included in the river board area, for determining what, if any, of the property, rights, liabilities and obligations which would, if the whole area or district were included in the river board area, be transferred under subsection (1) of the last preceding section or, as the case may be, subsection (1) of the last but one preceding section, is to be so transferred and what is to remain vested in the said body, and for the apportioning of liabilities and the making of financial adjustments, in such cases as may be specified by the order or determined thereunder, as between any such body as aforesaid and the river board concerned, and for the amendment of any instruments affected by such apportionment or adjustments;

(*b*) in a case where different parts of the area or district of any such body as aforesaid are included in different river board areas, for determining in which of the river boards concerned any such property, rights, liabilities or obligations as aforesaid are to vest, and for the apportioning of liabilities and the making of financial adjustments, in such cases as may be specified by the order or determined thereunder, as between those river boards, and for the amendment of any instruments affected by such apportionment or adjustments;

(*c*) for the registration of the title of a river board to assets vesting in them by virtue of this Act, being assets of a kind subject to provision for the registration of title thereto, and for any other matters for which provision appears to the Ministers to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in a river board by virtue of this Act;

(*d*) for enabling entries relating to mortgages or to transfers and transmissions of mortgages contained in any register kept by a body from whom functions are transferred to a river board by section four of this Act to be transferred to the register of mortgages kept by the river board and for any matters consequential on or incidental to such transfer.

(2) The Ministers may by order provide—

(*a*) for dissolving any body whose functions wholly cease in consequence of this Act, or anything done thereunder, and for winding up the affairs of that body;

(*b*) for varying the constitution, so far as may be necessary, of any body part of whose area or district, but not the whole thereof, is included in a river board area, or any body some, but not all, of whose functions are transferred to a river board, and for enabling the body to exercise their functions in relation to the remainder of their area or district, or, as the case may be, to exercise the remainder of their functions, and for making such modifications or adaptations of, or exceptions from, or repealing such provisions of, any local Act or statutory order relating to the body which appear to the Ministers to be necessary or expedient for the purposes aforesaid, and for making such other provision with respect to the affairs of that body as the Ministers consider necessary or expedient; or

(*c*) for any matters consequential on or incidental to the matters aforesaid for which the Ministers consider it is necessary or expedient to provide.

(3) Where functions are transferred by or under this Act from one river board to another river board, the Ministers may by order provide for the transfer of property, rights, liabilities and obligations of the first-mentioned board to the last-mentioned board, and for any other matters consequential on or incidental to the said transfer of functions for which the Ministers consider it necessary or expedient to provide.

Transitional provisions in case of transfer of functions by order.

28.—(1) Where an order made under section seven of this Act provides for the transfer to a river board of functions to which the last three preceding sections do not apply, the Ministers may by that order provide, in relation to that transfer of functions, for any of the matters for which provision is made by or under any of the last three preceding sections in relation to the transfer of functions mentioned therein.

(2) Any order made under section eight of this Act transferring functions from any of the authorities mentioned therein to a river board may provide, in relation to that transfer, for any of the matters for which provision is made by or under any of the last three preceding sections in relation to the transfer of functions mentioned therein, and may make such provision (if any) as appears to the Ministers to be just—

(*a*) for the payment of compensation by the river board to the authority from whom the functions are transferred;

(*b*) in a case where the functions transferred are of an onerous character, for the making of payments by the authority to the river board in respect of the transfer; and

(*c*) for making other financial adjustments between the river board and the authority, and for other matters consequential on or incidental to the matters aforesaid.

Pension rights and compensation of officers.

29.—(1) The Local Government Superannuation Act, 1937, shall have effect as if river boards were specified in Part I of the First Schedule to the Act (which sets out the local authorities whose whole-time officers are to be compulsorily superannuable). Pension rights. 1 Edw. 8. & 1 Geo. 6. c. 68.

(2) Any statutory resolution passed under subsection (2) of section three of the said Act by a body from whom functions are transferred to a river board by or under this Act, and in force immediately before the appointed day, in respect of a servant or part-time officer who becomes on that day a servant or part-time officer of the board, shall continue in force and have effect as if it had been passed by the board.

(3) In relation to officers and servants of a river board, the appropriate superannuation fund for the purposes of the said Act shall, if there is no county within which the whole or the greater part of the river board area is situated, be the superannuation fund maintained by such county council as may agree with the river board that the superannuation fund maintained by them should be treated as the appropriate superannuation fund aforesaid, or, in default of such agreement, the superannuation fund maintained by such county council as the Minister of Health may direct:

Provided that, where functions are transferred to a river board from a catchment board and, immediately before the appointed day, the catchment board were a constituent authority in relation to a combination scheme in force under section two of the said Act, the river board may agree with the joint committee established by the scheme to make such modifications in the scheme as appear to them to be necessary for making the river board a constituent authority instead of the catchment board and applying the scheme to officers and servants of the river board, and the scheme shall have effect as so modified and, in relation to officers and servants of the river board, the joint superannuation fund maintained under the scheme shall, so long as the scheme remains in force and the river board is a constituent authority, be the appropriate superannuation fund for the purposes of the said Act.

(4) Where any person, who becomes an officer or servant of a river board in consequence of the transfer of rights, liabilities and obligations under this Act, had immediately before the appointed day any pension rights otherwise than under Part I of the Local Government Superannuation Act, 1937, he may, by notice served on the board before the expiration of three months from the appointed day, elect to retain those rights, and in that case he shall not acquire any pension rights by virtue of the preceding provisions of this section; but, if he does not serve such a notice, the pension rights which he had immediately before the appointed day shall be deemed to have come to an end as from the appointed day:

Provided that, if any fund maintained for the purposes of satisfying any such pension rights as aforesaid is transferred to the river board, and any of the persons entitled to those rights do not elect to retain them, the board shall, in accordance with a scheme approved by the Minister of Health, apply the fund, to such extent as may be specified in the scheme, in supplementing the pensions payable by virtue of subsection (1) of this section to or in respect of the said persons.

(5) For the purpose of enabling persons electing under the last preceding subsection to retain the pension rights therein mentioned, the Ministers shall by order provide, to such extent as appears to them to be necessary, for modifying and adapting, so as to apply to a river board, any scheme or arrangement, whether contained in an enactment, statutory order or other instrument, by which the rights were conferred.

(6) The provisions of this Act relating to the transfer of property, rights, liabilities and obligations to a river board from any other body shall apply to customary obligations of that other body in respect of pensions, notwithstanding that the body was under no legal obligation in respect of those pensions, and if any question arises as to the existence or extent of any such customary obligation, the question shall, in default of agreement, be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, and the decision of the referee or board of referees shall be final, and nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before the referee or board.

(7) The Minister of Labour and National Service may, with the consent of the Treasury, pay out of monies provided by Parliament—

(*a*) to any such referee or to the members of any such board of referees such fees and allowances as he may, with the consent of the Treasury, determine; and

(*b*) to persons giving evidence before any such referee or board such allowances as he may, with the consent of the Treasury, determine.

Compensation of officers and servants.

30.—(1) The Ministers shall by regulations require every river board to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers and servants of any catchment board, local authority, joint board, joint committee, fishery board or other authority (including another river board) from whom functions are transferred by or under this Act to the river board, being officers or servants who suffer loss of employment or loss or diminution of emoluments in consequence of the said transfer of functions.

(2) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date earlier than the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than a river board in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(3) Regulations made under this section may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.

Supplementary provisions.

Saving for existing orders regulations, etc.

31. A transfer of functions to a river board by or under this Act shall not affect any order, regulation, byelaw, scheme, rule, appointment, direction, instruction, licence, approval, requirement or authorisation made or given or other thing done before the appointed day, in the exercise of the said functions, by the catchment board, fishery board, local authority, joint board, joint committee or other authority (including another river board) from whom the functions are transferred, but every such thing shall, if in force at the said day, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the river board to whom the functions are transferred.

Power to postpone triennial appointment of new members of catchment boards and river boards.

32.—(1) Where a new river board area is defined or an existing river board area is altered by an order made under this Act and the order involves the transfer to the river board for the area as so defined or altered of all the functions of a catchment board or another river board, or such of those functions as will necessitate the variation of the constitution of that catchment board or that

other river board, and the order is made during a year in which the term of office of the members of that catchment board or other river board will come to an end and before the first day of August in that year, and it appears to the Ministers that the appointed day for the transfer of functions to the river board for the said area, whether it has already been appointed or not, will be later than the thirty-first day of October in that year, they may by order provide for extending the term of office of the said members for such period not exceeding six months as may be specified in the order, and the Ministers may, if it subsequently appears to them at any time before the expiration of the period so specified to be necessary or expedient so to do, provide by order for extending the term of office of the said members for a further period not exceeding six months:

Provided that the powers of the Ministers under this subsection in relation to an order extending the term of office of members of catchment boards only shall be exercisable by the Minister of Agriculture and Fisheries instead of by the Ministers.

(2) Where the term of office of the members of any catchment board or river board is extended under this section, and the functions of the catchment board or river board do not wholly cease on the said appointed day, the term of office of the members who are appointed to succeed those members shall be shortened to a corresponding extent.

Regulations and orders.

33.—(1) All regulations made under this Act, and all orders made thereunder, except orders made under the provisions relating to the compulsory purchase of land and the default powers of the Ministers, shall be made by statutory instrument.

(2) All regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

Exercise of functions by appropriate Minister in certain cases.

34.—(1) The powers of the Ministers under this Act in relation to the borrowing of money, the acquisition of land and the making of byelaws by river boards may—

(*a*) if the money, land or byelaw is required solely for the purposes of the functions of a river board relating to river pollution or the measuring and recording of rainfall or the flow or volume of any river, stream or inland water, be exercised by the Minister of Health;

(*b*) if the money, land or byelaw is required solely for the purposes of the functions transferred to a river board under section eight of this Act, be exercised by the Minister of Transport; and

(*c*) if the money, land or byelaw is required solely for the purposes of any function of a river board not referred to in paragraph (*a*) or paragraph (*b*) hereof, be exercised by the Minister of Agriculture and Fisheries:

Provided that this section shall not apply to any power to make regulations.

(2) Byelaws made for the purposes specified in paragraph (*p*) of subsection (1) of section fifty-nine of the Salmon and Freshwater Fisheries Act, 1923, (which relates to the contamination of waters containing fish) shall be deemed to be byelaws to which paragraph (*c*) of the preceding subsection applies.

Appointed day.

35.—(1) Where a new river board area is defined or an existing river board area is altered by an order made under this Act, the Ministers shall appoint a day on which the functions referred to in section four of this Act are to become exercisable by the river board in relation to the area as so defined or altered, and are to cease to be exercisable by other bodies, and on which any consequential vesting in the river board of property, rights, liabilities and obligations is to take place, and any reference to "the appointed day" in the said section four or in any other provision of this Act relating to the transfer of functions or of property, rights, liabilities and obligations from any body to a river board shall, subject to subsection (3) of this section, be construed accordingly, and until the said day the exercise of functions by any other body (including another river board) shall not be affected by the said order.

(2) The said day shall be appointed—

(*a*) in a case where a new river board area is defined, or an existing river board area is so altered as to involve the variation of the constitution of the river board, by the order establishing the river board or, as the case may be, varying the constitution thereof; and

(*b*) in any other case, by the order altering the river board area.

(3) References to the appointed day in section twenty-nine and section thirty-one of this Act shall, in relation to the transfer of functions under section eight of this Act and the transfer of rights, liabilities and obligations in consequence thereof, be construed as references to such day as may be appointed by the order transferring those functions.

Interpretation.

36.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"catchment area" and "catchment board" have the same meanings as in the Land Drainage Act, 1930;

57 & 58 Vict. c. 60.

"conservancy authority" has the same meaning as in the Merchant Shipping Act, 1894;

"drainage board" has the same meaning as in the Land Drainage Act, 1930, except that, in section two of this Act, it includes a catchment board or river board which have become the drainage board of an internal drainage district (within the meaning of the said Act) but does not include any other catchment board;

1 Edw. 8. & 1 Geo. 6. c. 67.

"factory" has the same meaning as in the Factories Act, 1937;

"financial year" means a year ending on the thirty-first day of March;

"fishery board" and "fishery district" mean any such fishery board or fishery district as is referred to in section forty-four of the Salmon and Freshwater Fisheries Act, 1923;

"functions" includes powers and duties and any reference to the conferring or exercise of functions shall include a reference to the imposing or performance of duties;

"harbour authority" has the same meaning as in the Merchant Shipping Act, 1894;

"land" includes land covered by water and easements and other rights over land;

"local Act" includes any enactment in a public general Act which amends a local Act;

"local authority" means the council of any county, county borough or county district;

"navigation authority" means any person or body of persons having power under any enactment or statutory order to work or maintain a canal or other inland navigation (including a navigation in tidal water);

"pension", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or in addition thereto;

"pension rights" include, in relation to any person, all forms of right to or liability for a pension or future payments of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice, and includes a right of allocation in respect of the pension or future payments of a pension;

"river pollution" includes the pollution of streams and other inland waters;

" statutory order " means an order, byelaw, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

" the Ministers " means the Minister of Health and the Minister of Agriculture and Fisheries acting jointly, except that, for the purposes of section eight of this Act and in relation to the borrowing of money, the acquisition of land and the making of byelaws for the purposes of functions transferred under that section, the exercise of default powers with respect to those functions, and the making of regulations providing for the compensation of officers and servants of any authority whose functions are transferred under that section, it means the said Ministers and the Minister of Transport acting jointly ;

" workplace " has the same meaning as in the Public Health Act, 1936.

(2) Any reference in this Act to the transfer of functions from any body to a river board shall be construed as including a reference to a case where functions cease to be exercisable by the body in any area and substantially the same functions become exercisable in that area by a river board, and any reference to transferred functions shall be construed accordingly.

(3) References in this Act to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment including this Act.

Provisions as to Border rivers and Solway Firth. 61 & 62 Vict. c. 34.

37.—(1) Section one of the Rivers Pollution Prevention (Border Councils) Act, 1898, shall have effect, as from the day first appointed for the transfer of any functions relating to river pollution from the council of any of the following counties, that is to say, Cumberland, Durham and Northumberland, to a river board, subject to the following adaptations, that is to say :—

(*a*) the reference to the council of any of the counties through or by which a river situated partly in England and partly in Scotland or any tributary thereof passes shall, in so far as the said county is included in a river board area, be construed as including a reference to the river board for that area instead of a reference to that county ;

(*b*) other references to the said counties or to the counties represented by the committee or body constituted under the said section shall include a reference to the said river board.

1 Edw. 8. & 1 Geo. 6. c. 33.

(2) The functions under the Salmon and Freshwater Fisheries Acts, 1923 to 1935, and the Diseases of Fish Act, 1937, exercisable by the river board whose area includes so much of the river Esk as is situated in England shall be exercisable with respect to the whole of that river, together with its banks and tributary streams up to their source, as if they were part of the river board area:

Provided that—

(*a*) offences against the said Acts committed within Scottish jurisdiction shall be prosecuted and fines recovered in manner directed by the Salmon Fisheries (Scotland) Act, 1868;

31 & 32 Vict. c. 123.

(*b*) nothing in this subsection shall authorise the river board to purchase compulsorily under this Act any land in Scotland.

(3) Nothing in this Act shall be construed as authorising any river board to exercise functions under the Acts mentioned in the last preceding subsection with respect to the river Tweed within the meaning of the expression "the river" as defined by the Tweed Fisheries Amendment Act, 1859, and any byelaw amending that definition.

22 & 23 Vict. c. lxx.

(4) Section eighty-four of the Salmon and Freshwater Fisheries Act, 1923 (which provides for the constitution of a fishery board for the Solway Firth), the words in section eighty-five of that Act "Until such an order as is mentioned in the last preceding section is made and until such date thereafter as may be prescribed by such order", and the Fourth Schedule to that Act are hereby repealed.

Short title, and extent.

38.—(1) This Act may be cited as the River Boards Act, 1948.

(2) Except for the last preceding section this Act shall not extend to Scotland and shall not extend to Northern Ireland.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

PROCEDURE FOR MAKING ORDERS AND PROVISIONS AS TO THE VALIDITY OF ORDERS.

PART I.

General provisions.

1. Before making an order to which this Schedule applies the Ministers shall, after consultation with such of the associations and persons concerned as the Ministers consider it appropriate to consult at that stage, prepare a draft order and shall cause notice of the intention to make the order and of the place where copies of the draft order and of any map referred to therein may be inspected and obtained, and of the time (not being less than 28 days) within which, and the manner in which, objections to the draft order may be made, to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected, and, subject as hereinafter provided, to be served on the council of every county, county borough or county district wholly or partly included in the area affected by the order and on every river board, drainage board, fishery board, navigation authority, conservancy authority or harbour authority which is known to the Ministers to be exercising jurisdiction within the area affected by the order and, in a case where the area affected by the order includes the whole or any part of the areas originally excluded from section one of this Act, the Metropolitan Water Board.

Provided that—

(*a*) in the case of an order establishing or varying the constitution of a river board, it shall not be necessary to serve a notice on the council of any county district not specified in the order or on any navigation authority, conservancy authority or harbour authority, except the Port of London Authority in a case where the area affected by the order includes the whole or any part of the areas originally excluded from section one of this Act; and

(*b*) in the case of an order transferring functions from a navigation authority, conservancy authority or harbour authority to a river board, it shall only be necessary to serve a notice on the councils of the counties and county boroughs aforesaid, any drainage board within whose district the navigation or any part thereof, or inland waters connected with the navigation, are situated, the river board and the authority from whom the functions are to be transferred.

2. Before making the order the Ministers shall consider any objections which may be duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order.

1ST SCH. —*cont.*

3. In this Part of this Schedule the expression " the area affected by the order "—

(*a*) in the case of an order defining or altering any river board area, means the river board area as proposed to be defined or altered by the order;

(*b*) in the case of an order establishing or varying the constitution of a river board for a river board area, means that river board area;

(*c*) in the case of an order providing that the whole or any part of the areas excluded from section one of this Act shall cease to be excluded from that section means the whole or, as the case may be, that part of those areas; and

(*d*) in the case of an order transferring functions from a navigation authority, conservancy authority or harbour authority to a river board, means the river board area of that river board.

PART II.

Provisions applicable to orders which are subject to special parliamentary procedure.

4. After an order to which this Part of this Schedule applies has been made, the Ministers shall, if an objection has been made under Part I by any body, other than the council of a county district, on whom notice is required to be served under that Part and has not been withdrawn, give notice of the making of the order and the effect thereof to every such body who has made such an objection which has not been withdrawn, and in that case the order shall not have effect before the expiration of twenty-eight days from the date of the said notice, and if within that period any such body gives notice to the Ministers that they object to the order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

Provided that, in the case of an order defining or altering a river board area, this paragraph shall not apply to a navigation authority, conservancy authority or harbour authority, except the Port of London Authority in a case where the river board area as proposed to be defined or altered includes the whole or any part of the areas originally excluded from section one of this Act.

PART III.

Provisions with respect to the validity of orders not confirmed by Parliament.

5. After the making of an order to which this Schedule applies the Ministers shall publish in the London Gazette, and in such other manner as they think best adapted for informing persons affected, a notice stating that the order has been made, and naming a place where a copy thereof may be seen at all reasonable hours:

Provided that, in the case of an order to which Part II of this Schedule applies, the said notice shall not be published until the expiration of the period of twenty-eight days referred to in the said Part II, and the notice shall state whether or not the order is to be subject to special parliamentary procedure.

6. If any person aggrieved by the order desires to question its validity on the ground that it is not within the powers of this Act or that any

requirement of this Act has not been complied with, he may, within six weeks after the date of the first publication of the said notice, make an application for the purpose to the High Court, and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant; but save as aforesaid the order shall not at any time be questioned by prohibition or certiorari or in any legal proceedings whatsoever:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of Part II of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act. 9 & 10 Geo. 6. c. 18.

SECOND SCHEDULE.

Section 2.

PROVISIONS AS TO RIVER BOARDS, THEIR MEMBERS, COMMITTEES, PROCEEDINGS, ETC.

1. The board shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2. The first members of the board shall hold office until the first day of November in the calendar year next following the calendar year in which the first meeting of the board is held.

3. Any members of the board other than the first members thereof shall come into office on the first day of November next after the day on which they are appointed, and shall hold office for a term of three years.

4. Where the constitution of the board is varied by an order made under section three of this Act, any members who are required by or under the order to vacate their office shall do so notwithstanding the provisions of the last preceding paragraph, and any new members of the board appointed in pursuance of the order shall hold office so long only as the other members of the board will hold office.

5. If for any reason whatsoever the place of a member of the board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment of a new member by the Ministers, the Minister of Agriculture and Fisheries, the Minister of Transport or the council of a county or county borough, as the case may be, by whom the vacating member was appointed, and, in a case where the vacating member was appointed by a county council on the nomination of the council of a county district, the new member shall be appointed on the nomination of that county district and, in a case where the vacating member was appointed to represent the drainage boards in the river board area, the new member shall be appointed after

2ND SCH. —*cont.*

consultation with such of those drainage boards as appear to the Minister of Agriculture and Fisheries to be concerned:

Provided that, where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.

6. A person appointed to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

7. Notwithstanding anything in the preceding provisions of this Schedule—

(*a*) a member may resign his office by notice in writing under his hand given to the chairman of the board; and

(*b*) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office; and

(*c*) if a member is absent from meetings of the board for more than six months consecutively he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office on the expiration of the said six months.

8. A person who is an undischarged bankrupt, or who has at any time within the preceding five years made a composition or arrangement with his creditors, shall be disqualified for being appointed or being a member of the board.

9. A vacating member shall, subject to the provisions of this Schedule, be eligible for re-appointment.

10. In the case of a river board for an area which consists of or includes the River Ouse (Yorks) Catchment Area or the River Trent Catchment Area—

(*a*) the appointment of a new member to fill a vacancy arising in consequence of the place of a member appointed by the National Coal Board becoming vacant before the end of his term of office shall be made by the National Coal Board; and

(*b*) any member appointed by the National Coal Board may authorise another person to attend in his stead at meetings of the river board or any committee thereof and to exercise on his behalf all or any of his rights as a member of the board or committee, and any such authority shall be in writing and may be given in respect of a particular meeting or in respect of all meetings until the authority expires or is revoked.

11.—(1) The board shall appoint a finance committee for regulating and controlling the finance of the board.

(2) The board may appoint a committee for any such general or special purpose as in the opinion of the board would be better regulated and managed by means of a committee.

(3) The board may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any functions exercisable by the board except their powers to issue precepts or borrow money.

(4) The number of members of a committee appointed under this paragraph and their term of office shall be fixed by the board, and any such committee, except the finance committee, may include members who are not members of the board, but at least two-thirds of the members of every such committee shall be members of the board.

2ND SCH. —*cont.*

(5) Every member of such a committee who at the time of his appointment was a member of the board shall, upon ceasing to be a member of the board, also cease to be a member of the committee:

Provided that for the purposes of this provision a member of the board shall not be deemed by reason of retirement to have ceased to be a member of the board if he has been re-appointed a member thereof not later than the day of his retirement.

12. The proceedings of the board or any committee thereof shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any member of the board or committee.

13. Any member of the board or any committee thereof shall, if he is interested in any company with which the board or committee has or proposes to make any contract, disclose to the board or committee the fact and nature of his interest, and shall take no part in any deliberation or decision of the board or committee relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the board or committee:

Provided that the Ministers may, subject to such conditions as they may think fit to impose, remove any disability imposed by this paragraph in any case in which the number of members of the board so disabled at any one time would in the opinion of the Ministers be so great a proportion of the whole as to impede the transaction of business or in any other case in which in the opinion of the Ministers it is in the interest of the inhabitants of the river board area that the disability shall be removed.

14. The board may, with the approval of the Ministers, make rules for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of the board or any committee thereof, and with respect to the appointment of a chairman and a vice-chairman of the board or a committee thereof.

15. The first meeting of the board shall be held on such day and at such time and place as may be appointed by the Ministers, and the Ministers shall cause notice of the meeting to be sent by post to each member of the board not less than fourteen days before the day so appointed.

16. A minute of the proceedings of a meeting of the board or of a committee of the board, purporting to be signed at that or the next ensuing meeting by the chairman of the meeting to the proceedings of which the minute relates or the chairman of the next ensuing meeting shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

17. The Ministers may, if they think fit, authorise the board to pay to the chairman of the board by way of remuneration such sum as the Ministers think fit.

2ND SCH. —*cont.*

18. The board shall appoint such officers and servants as they think fit, and shall pay to those officers and servants such salaries or other remuneration as they think fit.

19. A river board may pay any reasonable expenses incurred by members or officers of the board or of any committee thereof in attending a conference or meeting convened by one or more river boards, or by any association of river boards, for the purpose of discussing any matter connected with the discharge of the functions of river boards, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference or meeting.

20. A river board may pay reasonable subscriptions, whether annually or otherwise, to the funds—

(*a*) of any association of river boards formed for the purpose of consultation as to the common interests of river boards and the discussion of matters connected with the discharge of the functions of river boards;

(*b*) of such associations of officers of river boards, being associations formed for the purpose aforesaid, as may be approved by the Ministers.

Section 4.

THIRD SCHEDULE.

APPLICATION OF ENACTMENTS IN RELATION TO RIVER BOARD AREAS.

Enactments relating to land drainage.

1. Subject as hereafter in this Schedule provided, all enactments and statutory orders relating to a catchment board or a catchment area, other than the enactments and statutory orders referred to in paragraph 6 of this Schedule, shall have effect subject to the following adaptations:—

(*a*) general references to a catchment board or a catchment area shall be construed as references to a river board or a river board area, as the case may be;

(*b*) references to a particular catchment board or a particular catchment area shall be construed as references to the river board by whom the functions of the catchment board have become exercisable, or, as the case may be, their river board area; and

(*c*) references (except in this Act and the Acquisition of Land (Authorisation Procedure) Act, 1946) to a drainage board or to a drainage board constituted under the Land Drainage Act, 1930, or to a drainage district, except where the reference is to a drainage board or drainage district other than a catchment board or a catchment area, shall be construed as including references to a river board or a river board area, as the case may be, and not references to a catchment board or catchment area.

3RD SCH. —*cont.*

2. Section one (except subsection (3) thereof), subsections (1) to (3) of section two, and sections three, five, twelve, fifteen, twenty, twenty-two (so far as it applies to councils of counties and county boroughs), forty-three, forty-five, forty-six, subsections (2) to (7) of section forty-seven, section forty-eight, subsections (1), (2), (3) and (5) of section forty-nine, and sections fifty-six, seventy-one, seventy-two, seventy-three, seventy-five, seventy-eight, seventy-nine and eighty (except subsection (5) thereof) of the Land Drainage Act, 1930, and the First and Sixth Schedules to the said Act, and section one hundred and eighteen of and the Twelfth Schedule to the Transport Act, 1947, shall not apply to a river board or a river board area, but without prejudice to their application (so far as applicable) to drainage boards (other than catchment boards) for drainage districts wholly or partly included in any river board area.

10 & 11 Geo. 6. c. 49.

3. Section four of the Land Drainage Act, 1930, shall have effect as if subsection (1) thereof empowered a river board at any time, and required them on the direction of the Minister of Agriculture and Fisheries, to submit to the Minister for confirmation a scheme making provision for any of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (*a*) and sub-paragraphs (i) to (ix) of paragraph (*b*) of subsection (1) of that section, and as if the reference in that subsection to the commencement of that Act were a reference to the date of the submission of the scheme.

4. Section twenty-three of the Land Drainage Act, 1930 shall have effect as if the references to Part IV of that Act were references to this Act, and section seventy-six of that Act shall have effect as if the reference to Part V of that Act were a reference to this Act.

5. Section eighteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, shall not apply to a river board.

3 & 4 Geo. 6. c. 14.

6. Any enactment in a local Act and any statutory order which confer functions on a catchment board, and any enactment or statutory order which relates to functions so conferred, shall have effect, in relation to so much of the area to which the enactment or statutory order applies as is included in the river board area, as if for references to the catchment board there were substituted references to the river board, and subject to such further modifications, adaptations and exceptions as may be specified by an order made by the Ministers:

Provided that section four of the Doncaster Area Drainage Act, 1933, as amended by article four of the Coal Industry Nationalisation (Doncaster Drainage) Order, 1947, shall not apply to any river board.

23 Geo. 5. c. x.

Enactments relating to fisheries.

7. Subject as hereafter in this Schedule provided, all enactments and statutory orders relating to a fishery board or a fishery district, other than the enactments and statutory orders referred to in paragraph 13 of this Schedule, shall have effect as if for the references to a fishery board or a fishery district there were substituted references to a river board or a river board area, as the case may be.

8. No order shall be made under Part IV of the Salmon and Freshwater Fisheries Act, 1923, setting up any fishery board for a district

3RD SCH. —*cont.*

included in a river board area, but an order may be made under the said Part providing for the regulation of fisheries by a river board in a river board area or any part thereof, and, in relation to any such order, paragraph (*a*) of subsection (1) of section thirty-eight of the said Act shall have effect as if the words " of the fishery district " were omitted and paragraphs (*b*), (*g*) and (*h*) of that subsection and subsection (4) of that section shall not apply, and references in that section, the next following section and the Second Schedule to the fishery board constituted by the order shall be construed as references to the river board, and section forty-one of the said Act shall not apply to a river board.

9. References in section forty-four of the said Act to the fishery boards and districts therein mentioned shall be construed as references to river boards and river board areas.

10. Sections forty-three, forty-five to fifty-three, paragraph (*a*) of subsection (1) and subsection (2) of section fifty-four, subsection (1) of section fifty-five, sections fifty-six, fifty-seven, fifty-eight and sixty, subsection (2) of section sixty-five, sections sixty-six, sixty-eight and eighty-eight of the said Act and the Third Schedule thereto shall not apply to river boards and river board areas.

11. In subsection (1) of section sixty-four of the said Act, references to water bailiffs appointed under the said Act shall be construed as references to water bailiffs appointed under this Act, and references in subsequent provisions of that Act to water bailiffs shall be construed accordingly, and the words in subsection (4) of section sixty-seven of that Act " purporting to be executed in the manner prescribed in this Act " shall not apply to water bailiffs appointed under this Act.

12. Section eighty-one of the said Act shall, so far as it relates to byelaws, not apply to river boards.

13. Any enactment in a local Act and any statutory order which confer functions on a fishery board, and any enactment or statutory order which relates to functions so conferred, and any order made under Part IV of the Salmon and Freshwater Fisheries Act, 1923, restricting or modifying the functions of a fishery board under that Act, shall have effect, in relation to so much of the area to which the enactment or order applies as is included in a river board area, as if for references to the fishery board there were substituted references to the river board, and subject to such further modifications, adaptations and exceptions as may be specified by an order made by the Ministers; and any functions exercisable under the said Act by a river board by virtue of paragraph 7 of this Schedule shall be subject to any such restriction or modification made by an order under Part IV of that Act as aforesaid, so far as it applies thereto.

Enactments relating to river pollution.

14. The reference in section sixty-nine of the Public Health Act, 1875, to any local authority shall be construed as a reference to a river board and the words " either within or without their district " and so much of the section as relates to costs shall not apply to a river board.

15. References in section six of the Rivers Pollution Prevention Act, 1876, to a sanitary authority and to a district of a sanitary authority shall be construed as references to a river board and a river board area, respectively and the words in the said section from " and where," to the end of the section shall not apply, and the first paragraph of section eight of the said Act shall be modified so as to have effect as follows :— 3RD SCH. —*cont.*

" Every river board shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream in the river board area, and for that purpose to institute proceedings in respect of any offence against this Act ".

16. Section fourteen of the Local Government Act, 1888, shall not apply to any river board area. 51 & 52 Vict. c. 41.

17. Any enactment in a local Act and any statutory order which confer functions relating to river pollution on any local authority or any joint board or joint committee of local authorities, and any enactment or statutory order which relates to any functions so conferred, shall have effect, in relation to so much of the area to which the enactment or statutory order applies as is included in a river board area, as if for references to the local authority, joint board or joint committee there were substituted references to the river board, and subject to such further modifications, adaptations and exceptions as may be specified by an order made by the Ministers :

Provided that this paragraph shall not apply to any enactment or statutory order conferring functions on any such local authority, joint board or joint committee for the purposes of a water undertaking carried on by them.

18. If any enactment or statutory order referred to in the last preceding paragraph (other than the proviso thereto) applies to a part only of a river, an order made under that paragraph may extend the enactment or statutory order to the whole of that river (including any tributaries thereof), so far as it is included in the river board area.

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