CHAPTER ccxvi.

An Act for conferring on the Conservators of the River Thames further Powers, and for extending and amending the Thames Acts, 1857 to 1870; and for other purposes. A.D. 1878.

[8th August 1878.]

WHEREAS for sanitary reasons, and for the purpose of more effectually preventing the pollution and waste of the waters of the River Thames and its tributaries, and with the view of thereby improving the supply of water to the metropolis and other places, it is expedient that the jurisdiction and powers in that behalf of the Conservators of the River Thames (in this Act called "the Conservators") be extended:

And whereas the following companies supplying water within the metropolis, by agreement with the Conservators, respectively make an annual payment for liberty to draw a certain quantity of water from the Thames, namely, the Governor and Company of Chelsea Waterworks (in this Act called "the Chelsea Company"), the Company of Proprietors of Lambeth Waterworks (in this Act called "the Lambeth Company"), the Grand Junction Waterworks Company (in this Act called "the Grand Junction Company"), the Southwark and Vauxhall Water Company (in this Act called "the Southwark Company"), the East London Waterworks Company (in this Act called "the East London Company"), and the Company of Proprietors of the West Middlesex Waterworks (in this Act called "the West Middlesex Company"), and such six several companies are in this Act referred to as "the six companies":

And whereas the funds available for the preservation of the navigation and the good government of the said river, and for the protection of the waters thereof between Staines and Cricklade (known as and in this Act called "the upper navigation"), are wholly inadequate for such purposes, and the six companies are willing to make increased payments for the advantages already secured to them and to accrue to them under the provisions of this Act:

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And whereas it is expedient that the Corporation of the Trinity House of Deptford Strond should be empowered to take over and maintain certain buoys now vested in the Conservators:

20 & 21 Vict. c. cxlvii. 22 & 23 Vict. c. cxxxiii. 27 & 28 Vict. c. 113. 29 & 30 Vict. c. 89. 33 & 34 Vict. c. cxlix.

And whereas it is expedient that the provisions of the Thames Acts, 1857 to 1870, relating to harbour-masters, and to the rates and tolls leviable by the Conservators in respect of pleasure boats, and to the application of the income of the Conservators, and to other matters, be amended, and that other powers be conferred on the Conservators as in this Act provided:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited as the Thames Conservancy Act, 1878, and this Act and the Thames Acts, 1857 to 1870, may be cited together as the Thames Acts, 1857 to 1878, and shall be read and have effect together as one Act.

Interpretation of terms. 33 & 34 Vict. c. cxlix.

2. Terms used in this Act have (unless inconsistent with the context) the same respective meanings as they have in the Thames Navigation Act, 1870.

Amendment of Existing Acts.

Extension of provisions as to pollution of water. 33 & 34 Vict. c. cxlix. 29 & 30 Vict. c. 89.

3. Section seven of the Thames Navigation Act, 1870, is hereby repealed; and sections sixty-three and sixty-four of the Thames Navigation Act, 1866, shall have effect as if the words ten miles were therein inserted instead of the words three miles; and all provisions of that Act relative to that section shall have effect accordingly.

Transfer of buoys to Trinity House.

4. From and after the thirty-first day of December one thousand eight hundred and seventy-eight, all the several buoys for marking shoals in the River Thames which are now vested in the Conservators shall be transferred to, vested in, and maintained by the Corporation of the Trinity House of Deptford Strond, and all the powers and obligations of the Conservators respecting such buoys in the River Thames shall be transferred to and imposed on the said corporation.

Pleasure boats. 33 & 34 Vict. c. cxlix.

5. With respect to the tolls or annual payments to be appointed by byelaw in respect of all pleasure boats passing through locks on the Thames, the schedule to this Act shall be deemed to be substituted for the Second Schedule to the Thames Navigation Act, 1870, and

such last-mentioned schedule shall be repealed, and section nine of that Act shall be read and have effect accordingly. A.D. 1878.

Assistance of harbour-masters in their duties.

6. The Conservators may from time to time, by resolution under their seal, authorise any one or more of their officers, who is or are in their opinion qualified for the purpose, to assist the harbour-masters and deputy harbour-masters appointed under the Thames Acts, 1857 to 1870, in the execution of their duties, or the Conservators may authorise any such officer to exercise alone all or any of the powers enumerated in sections eighty to eighty-four inclusive of the Thames Conservancy Act, 1857, and those sections shall be read as if any officer so authorised had been specially named in such sections.

20 & 21 Vict. c. cxlvii. 22 & 23 Vict. c. cxxxiii. 27 & 28 Vict. c. 113. 29 & 30 Vict. c. 89. 33 & 34 Vict. c. cxlix.

Further provision as to application of revenue.

7. Any moneys received by the Conservators under the Thames Conservancy Act, 1857, and the Thames Conservancy Act, 1864, (except such part thereof as is by such Acts directed to be paid by the Conservators to the Queen's most Excellent Majesty,) may be from time to time, to such extent and subject to such conditions with regard to repayment and otherwise as the Conservators think fit, be applied for any purposes to which moneys received or borrowed by them under the Thames Navigation Act, 1866, are applicable, or for purposes of this Act; and similarly, and subject to the like conditions, any moneys received or borrowed under the said Act of 1866 or this Act may be applied in repayment of any moneys advanced from the lower navigation fund for the purposes of the upper navigation to an amount not exceeding at any one time fifteen thousand pounds, and any moneys at any time heretofore applied as aforesaid shall be deemed to have been applied under and subject to the provisions of this section.

20 & 21 Vict. c. cxlvii. 27 & 28 Vict. c. 113.

29 & 30 Vict. c. 89.

Existing securities not to be prejudiced.

8. Nothing in this Act shall prejudice or affect any security held by the Public Works Loan Commissioners, or the security of any other lender of money to the Conservators, under the Thames Navigation Act, 1866, or any Act amending that Act.

29 & 30 Vict. c. 89.

Weeds, &c. not to be thrown in river.

9. All persons cutting weeds, grass, or other vegetation in the River Thames, or in any stream, canal, or watercourse communicating with the river, shall remove therefrom such weeds, grass, or other vegetation immediately after cutting, so as to prevent their remaining in and decaying and contaminating the water of the said river, and no person shall throw, sweep, or cause to be thrown or swept any weeds, grass, or matter of a like nature into the River Thames, or into any stream, canal, or watercourse communicating with the river; and if any person wilfully and with notice of this enactment does any act or thing in contravention of this enactment, he shall be liable to the same penalties as any person acting in contravention of section sixty-three of the Thames Navigation Act, 1866, is liable.

Penalty.

29 & 30 Vict. c. 89.

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WATER COMPANIES.

Certain provisions of 29 & 30 Vict. c. 89. repealed. 30 & 31 Vict. c. cxlviii.

10. Subject to the provisions of this Act, sections fifty-nine to sixty-one inclusive of the Thames Navigation Act, 1866, (relating to payments to the Conservators by the five companies,) and section twenty-three of the East London Waterworks (Thames Supply) Act, 1867, (relating to payments to the Conservators by the East London Company,) are hereby repealed as from the second day of July one thousand eight hundred and seventy-eight: Provided that, notwithstanding such repeal, all moneys which on that day are due or owing to the Conservators from any of the six companies may be recovered by the Conservators as if this Act had not been passed.

Contribution by the six metropolitan water companies.

11. The six companies shall each pay to the Conservators the annual sum of two thousand pounds, payable by equal half-yearly payments on the twenty-fourth day of June and the twenty-fifth day of December in every year, the first half-yearly payment under this Act to become due on the twenty-fifth day of December one thousand eight hundred and seventy-eight, such payments to be irrespective of and in addition to any payments otherwise payable to the Conservators by the six companies or any of them.

Contributions of companies to be first charged on their receipts after existing debts, &c.

12. The payments to be made under this Act by the six companies respectively shall be the first charge on the net receipts of the respective companies after and subject only to any debts or charges at the passing of this Act payable thereout or charged thereon respectively, and in priority to any claim of any shareholders, stockholders, proprietors, or members of or in the respective companies to any dividend or share of profits or receipts, and from and after the twenty-fifth day of December one thousand eight hundred and seventy-eight it shall not be lawful for either of those six companies at any time to pay or divide any dividend or share of profits or receipts to or among any shareholders, stockholders, proprietors, or members of or in that company, unless and until the same company have paid to the Conservators the half-yearly payment accrued due from that company under this Act at the then last preceding twenty-fourth day of June or twenty-fifth day of December, as the case may be.

Payments of companies to be without deduction and free from taxes, &c.

13. The half-yearly payments to be made as aforesaid by the six companies respectively shall be made without deduction, and all sums so paid shall, in the hands of the Conservators, be free from all parliamentary, parochial, and other general and local taxes, rates, and assessments whatever.

Saving for existing mortgages, &c.

14. Nothing in this Act shall prejudicially affect any mortgage or other charge of the payments by the six companies under the

enactments by this Act repealed, but all moneys borrowed on the credit of those payments shall to the like extent be deemed to have been borrowed on the credit of and to be charged on the payments to be made by the six companies under this Act, and the mortgages or other like securities for the same shall be read and have effect accordingly.

Power of intersale by companies.

15. Subject and without prejudice to all other terms and conditions contained in any subsisting agreement or Act of Parliament, it shall be lawful for any one of the six companies to supply any part of the respective total quantity of water which they are respectively empowered to take from the River Thames, or from any tributary thereof, and which is not required for the purposes of the respective districts, to any other or others of the six companies, to be used only for the purposes for which the six companies are respectively empowered to provide and use water: Provided always, that every agreement for a continuing supply shall be made in writing, and shall contain due provision that the supply so made shall not be withdrawn without the consent of the purchasing company.

Borrowing Powers.

Power to borrow on mortgage of tolls.

16. The Conservators may from time to time borrow at interest, on the security of such part of the tolls and charges leviable and other income receivable by them under this Act, or any part thereof, as is not by the Thames Conservancy Acts or any of them directed to be paid to the Queen's most Excellent Majesty, such sums of money as they think requisite for the preservation and improvement of the upper navigation and of the Thames down to the western boundary of the metropolis, and the preservation and purification of the waters thereof, not exceeding in the whole the sum of fifty thousand pounds (over and above any money which they are for the time being authorised to borrow independently of the present enactment), and may mortgage such part of the tolls and charges leviable and other income receivable by them under this Act, or any part thereof, to secure the repayment of the money so borrowed, with interest, accordingly.

Part of 10 & 11 Vict. c. 16. incorporated.

17. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, as far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

Instalments or sinking fund.

18. The Conservators shall pay off any money borrowed by them under this Act either by instalments or by means of a sinking fund invested in Government securities, and increased by accumulation

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in the way of compound interest, or otherwise, as follows; (that is to say,) as to any money borrowed before the thirty-first day of December one thousand eight hundred and eighty, within fifty years from that date, and as to any money borrowed after that date, within fifty years after the same is borrowed.

Power to reborrow.

19. If the Conservators at any time pay off otherwise than by instalments or a sinking fund any money borrowed by them they may from time to time reborrow the same, or any less amount, in manner aforesaid, and on the security on which they are by this Act authorised to borrow, and so toties quoties, but so that the total amount at any one time borrowed by them under this Act and remaining unpaid shall not exceed fifty thousand pounds.

As to collateral security on Conservancy Fund.

20 & 21 Vict. c. cxlvii. 22 & 23 Vict. c. cxxxiii. 27 & 28 Vict. c. 113. 20 & 21 Vict. c. cxlvii,

20. The Conservators may from time to time, if they think fit, agree with any lender of money to them under this Act to give him a security for that money, with interest, on the Conservancy Fund created under the Thames Conservancy Acts, 1857 and 1864, subject to and after any charge for the time being subsisting thereon under those Acts, or either of them, and on such terms as the Conservators and any such lender agree on, and may in every such case give such a security accordingly; and the provisions of the Thames Conservancy Act, 1857, relative to mortgages of the Conservancy Fund, shall extend and apply, as far as circumstances permit, to every such security.

Conservators to preserve and maintain purity of waters of Thames.

21. Nothing in this Act contained shall lessen or diminish the obligation or duty of the Conservators to preserve and maintain the purity of the waters of the Thames and its tributaries.

Expenses of Act.

22. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Conservators out of any moneys under their control.

The SCHEDULE.

For every steam pleasure boat and passenger steamer -	Eighteenpence.
Class 1.—For every sculling boat, pair-oared row-boat, and skiff, and for every randan, canoe, punt, and dingey -	Threepence.
Class 2.—For every four-oared row-boat (other than the boats enumerated in Class 1) and sailing boat - -	Sixpence.
Class 3.—For every row-boat, shallop, over four oars (other than the boats enumerated in Classes 1 and 2) - -	One shilling.
For every house-boat under fifty feet in length -	One shilling and sixpence.
For every house-boat over fifty feet in length -	Two shillings and sixpence.

The above charges to be for passing once through, by, or over a lock and returning on the same day.

In lieu of the above tolls, pleasure steam boats or row-boats may be registered on the payment to the Conservators of the under-mentioned sums, and shall, in consideration of such payment, pass the several locks free of any other charge from the 1st day of January to the 31st day of December in each year.

	Per annum.
For every steam pleasure boat and steam passenger boat not exceeding thirty-five feet in length - - -	One hundred shillings.
Ditto above thirty-five feet in length - - -	Two hundred shillings.
For every row-boat of Class 1 - - - - -	Forty shillings.
For every row-boat or yacht of Class 2 - - - -	Fifty shillings.
For every row-boat of Class 3 - - - -	Sixty shillings.
For every house-boat under fifty feet in length - -	One hundred shillings.
Ditto above fifty feet in length - -	One hundred and fifty shillings.

In computing the tolls every number less than the entire numbers above stated is to be charged as the entire number.

The above rates on Classes 1, 2, and 3 to be doubled if towed by horse or any other animal.

The plate with the registered number thereon is to be fastened on to the boat for which it is issued, and is not transferable from one boat to another.

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