CHAPTER cxcviii.

An Act to confer further money and other powers on the Conservators of the River Thames for the deepening widening and improvement of its bed and channel between the Nore and Gravesend and for other purposes. A.D. 1905.

[11th August 1905.]

WHEREAS the Conservators of the River Thames (hereinafter referred to as "the Conservators") have under the Thames Conservancy Act 1894 (hereinafter referred to as "the Act of 1894") large powers of deepening widening and improving the bed and channel of the River Thames:

And whereas it would be of public and local advantage if the bed and channel of the river were deepened and widened as provided by this Act between the Nore and Gravesend but the present resources of the Conservators are inadequate to meet the expenditure requisite for that purpose:

And whereas it is therefore expedient to confer on the Conservators further powers of raising revenue and of borrowing money:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

1. This Act may be cited as the Thames Conservancy Act 1905. Short title.

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Interpretation.

2. Terms and expressions to which meanings are assigned by the Act of 1894 have in this Act (unless the context otherwise requires) the same respective meanings.

DEEP-WATER CHANNEL.

Provision for improving channel between the Nore and Gravesend.

3. It shall be the duty of the Conservators to proceed as soon as practicable to exercise and put in force their powers of dredging deepening widening and improving the bed and channel of the River Thames and the other powers conferred on them by sections 83 to 86 of the Act of 1894 so as to form a channel between the Nore and Gravesend not less than thirty feet deep at low water of ordinary spring tides and not less than one thousand feet wide throughout.

Saving in case of damage caused by dredging.

4. The Conservators shall make compensation to all persons whose lands buildings river walls banks wharves piers or other works are damaged by or in consequence of any operations of the Conservators in connection with dredging or otherwise deepening widening or improving the bed and channels of the river between the Nore and Gravesend.

Any dispute or difference arising under this section shall be settled by arbitration under the Arbitration Act 1889.

For the purposes of this section the term "persons" shall include the Crown.

For protection of commissioners of sewers within limits extending from Gravesend Bridge to Sheerness.

5. For the protection of the commissioners of sewers within the limits extending from Gravesend Bridge to Sheerness and thence along the River Medway to Penshurst in the county of Kent (in this section referred to as "the commissioners") the following provisions unless otherwise agreed in writing between the commissioners and the Conservators shall apply and have effect (that is to say):—

(1) The Conservators shall not exercise or put into force any of their powers of dredging deepening widening or improving the bed and channel of the river for the purpose of forming the channel between the Nore and Gravesend referred to in the section of this Act whereof the marginal note is "Provision for improving channel between the Nore and Gravesend"—

(*a*) Between the river wall or bank on the Kentish side and the line marked AB on the plan signed in triplicate by Sir John Tomlinson Brunner Baronet the Chairman of the Committee of the House of

Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one at the offices of the Conservators; or

(*b*) Elsewhere between the Nore and Gravesend within one thousand one hundred feet of the river wall or bank on the Kentish side:

(2) The commissioners shall be entitled at all reasonable hours to inspect any surveys of the bed and foreshores of the river between the Nore and Gravesend which may from time to time be made by the Conservators and to purchase copies of any such surveys at a reasonable price.

For protection of commissioners of sewers for Havering and other levels and commissioners of sewers for Rainham and other levels.

6. The following provisions for the protection of the commissioners of sewers for the levels of Havering and Dagenham Ripple Barking East Ham Leyton and Walthamstow in the county of Essex and of the commissioners of sewers for the levels of Rainham Wennington West Thorock and Aveley Chadwell Little Thorock and Grays East Tilbury West Tilbury and Childerditch also in the county of Essex (hereinafter referred to as "the commissioners") shall apply and have effect (that is to say):—

If by reason or in consequence of the dredging deepening or improving the channels of the River Thames by the Conservators the commissioners shall be put to increased expense in the repair or maintenance of the river walls repairable by the commissioners the amount of such increased expense shall be repaid to them by the Conservators.

Any dispute or difference arising under this section shall be settled by arbitration under the Arbitration Act 1889.

Additional Revenue Powers.

Temporary increase of tonnage duties.

7. Section 155 (Duties of tonnage in port of London) of the Act of 1894 shall be amended as follows (that is to say):—

For a period of three years from the first day of January 1906 the Conservators may demand and receive one penny instead of one halfpenny per ton in respect of every such vessel as is mentioned in paragraph (1) of section 155 of the Act of 1894 and may demand and receive

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one penny and one halfpenny instead of three farthings per ton in respect of every such vessel as is mentioned in paragraph (2) of the same section:

Provided that nothing in this Act shall empower the Conservators to increase the existing dues on vessels under one hundred tons register which do not pass seawards of an imaginary straight line drawn from the pilot mark at the entrance of Havengore Creek in the county of Essex to the land's end at Warden Point in the isle of Sheppey in the county of Kent.

Additional Borrowing Powers.

Power to borrow.

8. For the purpose of the execution of their powers and duties under this Act the Conservators may borrow at interest on mortgage of the lower navigation fund any sums not exceeding two hundred thousand pounds.

Repayment of borrowed moneys.

9. All moneys borrowed by the Conservators for payment of the costs charges and expenses of this Act shall be repaid within five years from the passing of this Act and all other moneys borrowed by the Conservators under this Act shall be repaid within a period or periods not exceeding in any case fifty years from the date or dates of borrowing the same All moneys borrowed under this Act shall be repaid by one or more of the methods prescribed by the Act of 1894 for the repayment of borrowed moneys and the provisions of that Act relating thereto shall extend and apply to the mode of repayment of moneys borrowed under this Act.

Power to create debenture stock.

10. The Conservators may if they see fit for the purpose of raising any moneys which they are authorised to borrow under this Act by resolution create and issue at such prices and times and on such terms and subject to such conditions as they may think fit (not being inconsistent with the provisions of this Act) Thames Conservancy redeemable "A" debenture stock and may attach to such stock a fixed rate of interest not exceeding four pounds per centum per annum payable half-yearly in two equal portions Provided that all debenture stock at any time and from time to time so created shall be created on such terms and subject to such conditions as that the same shall form one and the same class of stock bearing one and the same rate of interest and shall become redeemable after the expiration of one and the same period not exceeding sixty years from the first creation of any such stock.

Charge of debenture stock.

11. All debenture stock created and issued under the authority of this Act together with the interest thereon shall be by virtue of this Act charged on the Lower Navigation Fund and shall rank pari passu with all Thames Conservancy redeemable "A" debenture stock authorised by the Act of 1894 which may be created and issued after the passing of this Act.

Application of certain provisions of Act of 1894.

12. Sections 255 to 257 and sections 262 to 284 of the Act of 1894 shall apply with the necessary adaptations to moneys borrowed and to any debenture stock created and issued under the authority of this Act.

Receiver for mortgagees.

13. The mortgagees under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Miscellaneous.

For protection of Commissioners of Works.

14. All works of dredging and deepening carried out under this Act or under the Act of 1894 which are within fifty yards of any land tenement or hereditament of whatsoever nature belonging to the King's most Excellent Majesty in right of His Crown and under the management or control or direction of the Commissioners of Works or vested for any estate or interest in or in the occupation of the said commissioners under or by virtue of the provisions of any Act of Parliament or otherwise shall be executed under the supervision of and in accordance with plans approved by an engineer to be appointed by the said commissioners who may determine the maximum depth below Trinity high-water mark to which any such works may be carried.

Costs of Act.

15. The costs charges and expenses of and incidental to preparing and obtaining this Act shall be paid by the Conservators out of any moneys (including borrowed moneys) for the time being in their hands and shall be charged to the lower navigation fund.

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