

Thames Conservancy Act, 1959

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CHAPTER xxvi

An Act to amend the Thames Conservancy Acts 1932 and 1950 to extend the powers and make further provision for the revenue of the Conservators of the river Thames and for other purposes. [9th July 1959.]

WHEREAS the Conservators of the river Thames (hereinafter referred to as "the Conservators") are by virtue of the Thames Conservancy Act 1932 (whereby the enactments which prior to the passing of that Act were in force relating to the powers and duties of the Conservators were consolidated and amended) the authority charged with the conservancy of the Thames above the landward limit of the port of London and certain powers and duties with respect to the conservancy preservation and regulation thereof and the preservation and maintenance of the flow and purity of the water of the Thames and its tributaries above the said limit are thereby conferred and imposed upon the Conservators:

And whereas the Conservators are also the drainage board of the Thames catchment area under and for the purposes of the Land Drainage Act 1930:

And whereas by the said Act of 1932 the Conservators are entitled to levy certain tolls and charges in respect of merchandise conveyed on and vessels using the Thames and the locks thereon:

And whereas by the Thames Conservancy Act 1950 the provisions of the said Act of 1932 were amended and the powers and duties of the Conservators were extended:

And whereas the Metropolitan Water Board the South West Suburban Water Company the West Surrey Water Company the Woking and District Water Company the mayor aldermen and citizens of the city of Oxford the mayor aldermen and burgesses of the borough of Banbury the urban district council of Witney

and the rural district councils of Faringdon and North Cotswold are respectively authorised to abstract water from the Thames or its tributaries for waterworks purposes upon terms and under conditions as to payment to the Conservators and otherwise prescribed by various statutory enactments:

And whereas certain county councils and corporations are authorised and required by the said Act of 1950 to contribute towards the revenues of the Conservators:

And whereas it is expedient that the provisions of the said Acts of 1932 and 1950 should be amended and that the powers and duties of the Conservators should be extended as provided by this Act:

And whereas it is expedient that the provisions of this Act with regard to the said tolls and charges the payments to be made by the Metropolitan Water Board and the said water companies and authorities and the contributions to be made by the said county councils and corporations should be enacted:

And whereas it is expedient that such further provisions should be made and such further powers be conferred upon the Conservators as are in this Act contained:

And whereas the purposes of this Act cannot be effected 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:—

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This Act may be cited as the Thames Conservancy Act 1959.

(2) This Act shall be construed as one with the Acts of 1932 and 1950 and the Acts of 1932 and 1950 and this Act may be cited together as the Thames Conservancy Acts 1932 to 1959.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Constitution of Conservators.

Part III.—Further powers in relation to conservancy.

Part IV.—Charges on vessels lock tolls etc.

Part V.—Payments by water authorities.

Part VI.—Contributions by contributory authorities.

Part VII.—Revision of payments contributions tolls etc.

Part VIII.—Financial.

Part IX.—Miscellaneous.

3.—(1) In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (namely):—

PART I

—cont.

Interpretation.

“ Act of 1950 ” means the Thames Conservancy Act 1950;

“ Acts of 1932 and 1950 ” means the Thames Conservancy Acts 1932 and 1950;

“ appointed day ” means in relation to the purposes of Parts V VI and VII of this Act the first day of April nineteen hundred and fifty-nine.

(2) Except as otherwise provided by this Act words and expressions to which meanings are assigned by the Act of 1932 or the Act of 1950 have in this Act the same respective meanings.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by virtue of any subsequent enactment including this Act.

4. The enactments mentioned in the first column of the First Repeal Schedule to this Act are hereby repealed to the extent mentioned in the second column of that schedule.

PART II

CONSTITUTION OF CONSERVATORS

5.—(1) Three additional persons shall be appointed Conservators before the fifteenth day of October nineteen hundred and fifty-nine as follows:—

Increase in number of Conservators.

by the Minister of Housing and Local Government one

by the water board two

(2) The said persons shall be appointed in pursuance of the Acts of 1932 and 1950 and this Act and shall come into office on the first day of November nineteen hundred and fifty-nine and as from that date the number of the Conservators shall be increased accordingly.

(3) The person to be appointed by the Minister of Housing and Local Government shall be appointed by the said Minister after consultation with the companies and local authorities named in sections 14 to 21 of this Act.

6.—(1) The persons who at the commencement of this Act are Conservators and the persons appointed Conservators under section 5 (Increase in number of Conservators) of this Act shall subject to their so long living and not refusing to act or resigning or being or becoming disqualified or being removed continue in office until the thirty-first day of October nineteen hundred and sixty-one and shall then go out of office and in the event of there

Term of office of Conservators.

PART II
—cont.

being a casual vacancy in the office of Conservator at the commencement of this Act the person appointed to fill the vacancy shall subject as aforesaid continue in office until the said day.

(2) (a) Before the fifteenth day of October in the year nineteen hundred and sixty-one and before the fifteenth day of October in every third year thereafter persons shall be appointed to be Conservators in accordance with the provisions of the Acts of 1932 and 1950 and this Act and the persons so appointed shall come into office on the first day of November next following.

(b) Every person appointed to be a Conservator in terms of this subsection shall subject as provided by subsection (1) of this section continue in office for three years and then retire.

(3) Notwithstanding anything contained in paragraphs (i) (ii) (iv) and (v) of subsection (1) of section 15 (Disqualifications for being Conservators) of the Act of 1932 a person appointed to be a Conservator by the port authority a county council or the council of a county borough shall not be disqualified for continuing to be a Conservator during the specified period by reason of his ceasing to be a member of the body which appointed him and for the purposes of this subsection the expression “ the specified period ” means the period in the year nineteen hundred and sixty-one and in every third year thereafter commencing—

(a) in the case of the port authority on the ordinary day of retirement of members of the port authority; and

(b) in the case of a county council or the council of a county borough on the ordinary day of election of councillors of any such council fixed under section 57 of the Representation of the People Act 1948;

and terminating on the thirty-first day of October following.

PART III

FURTHER POWERS IN RELATION TO CONSERVANCY

Amendment of section 16 of Act of 1950. 7. Section 16 (Removal of sunk stranded or abandoned vessels) of the Act of 1950 shall have effect as if in subsection (7) thereof the words “ the owner of the vessel at the time the said expenses were incurred by the Conservators or if there was then no owner of the vessel ” were omitted therefrom.

PART IV

CHARGES ON VESSELS LOCK TOLLS ETC.

Short period registration of launches and houseboats. 8.—(1) Notwithstanding anything contained in section 144 (Expiry of registration certificates) of the Act of 1932 the Conservators on payment to them by the owner of any launch or houseboat of such charges in respect thereof as the Conservators

may from time to time prescribe may in respect of any such launch or houseboat entering upon the Thames from other waterways (including the Thames below the landward limit of the port of London) grant to the owner of such launch or houseboat a certificate of registration for a period not exceeding one month in any year upon such terms and conditions as to the Conservators may seem fit.

PART IV
—cont.

(2) Any charges prescribed by the Conservators under subsection (1) of this section shall not exceed the appropriate sum specified in the Fourth Schedule to the Act of 1950 in respect of the annual registration of launches and houseboats.

(3) Any charges prescribed under this section shall be deemed to be registration charges for the purposes of section 26 (Revision of payments contributions maximum tolls etc.) of this Act as if they were prescribed in the Act of 1950.

9. As from the first day of January nineteen hundred and sixty Part I of the Fourth Schedule to the Act of 1950 (which specifies the maximum sums to be paid to the Conservators for the registration of a pleasure boat (other than a houseboat) and for renewals of the certificate of such registration) shall have effect as if in that Part for the figures “£0.15.0.” and “£2.0.0.” there were substituted the figures “£1.0.0.” and “£2.10.0.” respectively.

Increased charges for registration of pleasure boats (other than launches or houseboats).

10. As from the first day of January nineteen hundred and sixty—

Increased payments for lock passes for launches.

(a) Part II of the Third Schedule to the Act of 1950 (which specifies the maximum sums to be paid to the Conservators for the issue of a lock pass) shall have effect as if for the words—

“For every launch (other than a passenger steamer certified to carry two hundred or more passengers)—

For 11 consecutive locks two-thirds of the charges mentioned above;

For 5 consecutive locks one-third of the said charges.”

there were substituted the words—

“For every launch (other than a passenger steamer certified to carry two hundred or more passengers)—

For 15 consecutive locks seventy-five per centum of the charges mentioned above;

For 7 consecutive locks forty per centum of the said charges.” ; and

(b) subsection (4) of section 27 (Lock tolls on pleasure boats) of the Act of 1950 shall have effect as if the words “eleven consecutive locks or for five consecutive locks

PART IV
—cont.

and if he requires such pass for ” were omitted and as if after the words “ lesser series than all locks ” there were inserted the words “ in which case ”.

Monthly lock
tolls for
launches.

11. As from the first day of January nineteen hundred and sixty Part I of the Third Schedule to the Act of 1950 (which specifies the maximum sums to be paid to the Conservators for lock tolls on pleasure boats) shall have effect as if the word “ Daily ” were omitted and as if for the words “ returning on the same day ” there were substituted the words “ in the case of a launch returning within one month and in the case of any pleasure boat other than a launch returning on the same day ”.

Amendment
of section 145
of Act of
1932.

12. Section 145 (Pleasure boats not to be used without certificate unless exempted from registration) of the Act of 1932 shall have effect as if for the proviso (a) to subsection (1) thereof there were substituted the following proviso:—

“ (a) The Conservators may issue to the builder or owner of any launch a licence for a bona fide trial trip or delivery of such launch for winter storage repair or refitting or for such other purposes of a like nature as the Conservators may determine upon such terms and conditions (including payment of a charge in respect thereof) as to the Conservators may seem fit and subject to such terms and conditions a builder or owner to whom such a licence is issued may make such trip or delivery without there being in force a launch certificate relating to such launch ”.

PART V

PAYMENTS BY WATER AUTHORITIES

Payments by
water board.

13.—(1) As from the appointed day the water board shall in each year pay to the Conservators so long as the average daily quantity of water taken diverted or impounded by the water board from the Thames shall not exceed four hundred million gallons the annual sum of two hundred and eighty thousand eight hundred pounds by equal quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year.

(2) So far as any quarterly payment made by the water board to the Conservators after the appointed day and before the passing of this Act was less than the quarterly payment which would then have been made if this Act had been passed the water board shall on the date on which the first quarterly payment falls to be made under this section after the passing of this Act pay to the Conservators (in addition to the quarterly payment then due)

such further sums as shall be necessary to make such first-mentioned quarterly payment up to the sum of seventy thousand two hundred pounds.

PART V
—cont.

14. As from the appointed day the South West Suburban Company shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken by the South West Suburban Company from the Thames the sums following (that is to say):—

Payments by
South West
Suburban
Company.

- (a) if the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first day of December shall not exceed a quantity averaging three million gallons per day the sum of three thousand one hundred and twenty pounds;
- (b) if the water so taken during any such half-year shall exceed a quantity averaging three million gallons per day but shall not exceed a quantity averaging three million five hundred thousand gallons per day the sum of three thousand nine hundred and one pounds and so on with the addition of seven hundred and eighty-one pounds for every additional average daily quantity of five hundred thousand gallons or part thereof taken as aforesaid during such half-year.

15. As from the appointed day the West Surrey Company shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken by the West Surrey Company from the Thames the sums following (that is to say):—

Payments by
West Surrey
Company.

- (a) if the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first day of December shall not exceed a quantity averaging two million five hundred thousand gallons per day the sum of two thousand three hundred and forty-one pounds;
- (b) if the water so taken during any such half-year shall exceed a quantity averaging two million five hundred thousand gallons per day but shall not exceed a quantity averaging three million gallons per day the sum of three thousand one hundred and twenty pounds and so on with the addition of seven hundred and eighty-one pounds for every additional average daily quantity of five hundred thousand gallons or part thereof taken as aforesaid during such half-year.

16.—(1) So long but so long only as the Woking Company are entitled to abstract water from the Thames the Woking Company shall as from the appointed day pay to the Conservators on the thirty-first day of December in each year the sum of four hundred

Payments by
Woking
Company.

PART V
—cont.

and sixty-nine pounds such payment to be deemed to be in respect of the average daily abstraction during the preceding twelve months of a quantity of water not exceeding two hundred and fifty thousand gallons and to be payable whether such quantity of water or any part thereof be abstracted or not.

(2) If in any half-year ending on the thirtieth day of June or the thirty-first day of December the average daily quantity of water taken by the Woking Company from the Thames in such half-year shall exceed two hundred and fifty thousand gallons but shall not exceed five hundred thousand gallons the Woking Company shall pay to the Conservators on such thirtieth day of June or thirty-first day of December (as the case may be) or within one month thereafter the sum of four hundred and sixty-nine pounds for such half-year such payment to be in substitution for and not in addition to the payment mentioned in subsection (1) of this section.

(3) If in any half-year ending on the thirtieth day of June or the thirty-first day of December the average daily quantity of water taken by the Woking Company from the Thames in such half-year shall exceed five hundred thousand gallons but shall not exceed one million gallons the Woking Company shall pay to the Conservators on such thirtieth day of June or thirty-first day of December (as the case may be) or within one month thereafter the sum of nine hundred and thirty-six pounds for such half-year such payment to be in substitution for and not in addition to the payment mentioned in subsections (1) and (2) of this section.

(4) If in any such half-year the Woking Company are entitled under the provisions of the Woking Water and Gas Act 1899 to take and take water from the Thames in excess of the average daily quantity of one million gallons the Woking Company shall pay to the Conservators an additional sum of three hundred and twelve pounds for every additional average daily quantity of five hundred thousand gallons or part thereof so taken by the Woking Company during such half-year such payments to be in addition to the payments under subsection (3) of this section.

Payments by
Oxford
Corporation.

17. As from the appointed day—

(1) the Oxford Corporation shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken by the Oxford Corporation from the Thames by means of the water-works authorised by the Oxford Corporation (Water &c.) Act 1928 the sums following (that is to say):—

(a) if the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first

day of December shall not exceed the average daily quantity (ascertained as mentioned in subsection (2) of this section) of three million gallons the sum of one thousand one hundred and seventy pounds;

PART V
—cont.

(b) if the water so taken during any such half-year shall exceed the average daily quantity (ascertained as aforesaid) of three million gallons but shall not exceed the average daily quantity of three million five hundred thousand gallons the sum of one thousand five hundred and sixty pounds and so on with the addition of three hundred and ninety pounds for every additional average daily quantity of five hundred thousand gallons or part thereof taken as aforesaid during such half-year;

- (2) the average daily quantity of water taken by the Oxford Corporation from the Thames during any such half-year as aforesaid by means of the waterworks authorised by the Oxford Corporation (Water &c.) Act 1928 shall for the purposes of this section be ascertained by means of the appliances to be provided under section 24 (Ascertaining quantity of water taken by the waterworks) of that Act;
- (3) the payments to be made by the Oxford Corporation to the Conservators under this section 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 whatsoever;
- (4) the sums to be paid by the Oxford Corporation to the Conservators under this section shall be deemed to be part of the working expenses of the water undertaking within the meaning of paragraph (a) of subsection (1) of section 169 (Separate accounts in respect of water undertaking) of the Oxford Corporation Act 1925.

18. As from the appointed day the Banbury Corporation shall Payments by Banbury Corporation.
within fourteen days from the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water collected abstracted impounded diverted or appropriated by the Banbury Corporation from the Sor Brook by means of all or any of the waterworks referred to in section 37 (Ascertaining quantity of water taken) of the Banbury Corporation Act 1946 such sums as after the deduction of the income tax payable thereon will amount to the sums following (that is to say):—

- (a) if the water so collected abstracted impounded diverted or appropriated during the half-year ending on the said

PART V
—cont.

thirtieth day of June or the thirty-first day of December (as the case may be) shall not exceed the average daily quantity of three hundred thousand gallons the sum of seventy-eight pounds;

- (b) if the water so collected abstracted impounded diverted or appropriated during any such half-year shall exceed the average daily quantity of three hundred thousand gallons but shall not exceed the average daily quantity of three hundred and fifty thousand gallons the sum of ninety-four pounds and so on with the addition of sixteen pounds for each additional average daily quantity of fifty thousand gallons or part thereof taken as aforesaid during such half-year.

Payments by
Witney
Urban
District
Council.

19. As from the appointed day the Witney Council shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken diverted or appropriated by means of Work No. 2 authorised by the Witney Urban District Council (Waterworks) Scheme 1933 (confirmed by the Public Works Facilities Scheme (Witney Urban District Council) Confirmation Act 1933) such sums as after the deduction of the income tax payable thereon will amount to the sums following (that is to say):—

- (a) if the water so taken diverted or appropriated during the half-year ending on the said thirtieth day of June or the thirty-first day of December (as the case may be) shall not exceed the average daily quantity of three hundred thousand gallons the sum of seventy-eight pounds;
- (b) if the water so taken diverted or appropriated during any such half-year shall exceed the average daily quantity of three hundred thousand gallons but shall not exceed the average daily quantity of three hundred and fifty thousand gallons the sum of ninety-four pounds and so on with the addition of sixteen pounds for each additional average daily quantity of fifty thousand gallons or part thereof taken diverted or appropriated as aforesaid during such half-year.

Payments by
Faringdon
Rural District
Council.

20. As from the appointed day the Faringdon Council shall within fourteen days after the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken by the Faringdon Council from the Thames such sums as after deduction of the income tax payable thereon will amount to the sums following (that is to say):—

- (a) if the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first day of December (as the case may be) shall not exceed the average daily quantity of three hundred thousand gallons the sum of ninety-four pounds;

- (b) if the water so taken during any such half-year shall exceed the average daily quantity of three hundred thousand gallons but shall not exceed the average daily quantity of five hundred thousand gallons the sum of one hundred and fifty-seven pounds;
- (c) if the water so taken during any such half-year shall exceed the average daily quantity of five hundred thousand gallons but shall not exceed the average daily quantity of five hundred and fifty thousand gallons the sum of one hundred and seventy-three pounds and so on with the addition of sixteen pounds for each additional average daily quantity of fifty thousand gallons or part thereof taken as aforesaid during such half-year.

PART V
—cont.

21. As from the appointed day the North Cotswold Council shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken diverted or appropriated by means of any work or works at Lower Swell in the parish of Swell in the rural district of North Cotswold such sums as may be agreed between the Conservators and the North Cotswold Council or (failing agreement) such sums as after the deduction of the income tax payable thereon will amount to the sums following (that is to say):—

Payments by
North
Cotswold
Rural District
Council.

- (a) if the water so taken diverted or appropriated during the half-year ending on the said thirtieth day of June or the thirty-first day of December (as the case may be) shall not exceed the average daily quantity of one hundred thousand gallons the sum of sixteen pounds;
- (b) if the water so taken diverted or appropriated during any such half-year shall exceed the average daily quantity of one hundred thousand gallons but shall not exceed the average daily quantity of one hundred and fifty thousand gallons the sum of twenty-four pounds and so on with the addition of eight pounds for each additional average daily quantity of fifty thousand gallons or part thereof taken diverted or appropriated by the North Cotswold Council as aforesaid during such half-year.

22. So far as any half-yearly payment made by any of the companies or local authorities named in sections 14 to 21 of this Act to the Conservators after the appointed day and before the passing of this Act was less than the payment which would then have been made by that company or local authority if this Act had been passed such company or local authority shall on the date on which the first half-yearly payment falls to be made by the company or local authority under this Act after the passing of this Act pay to the Conservators (in addition to the half-yearly

Transitional
provisions as
to payments
by water
authorities.

PART V
—cont.

payment then due) a further sum equal to the amount by which such first-mentioned half-yearly payment was less than the payment secondly above mentioned.

Applying certain provisions of Act of 1932.

23. The provisions of section 164 (Payments by water board to be without deduction and charged on water fund) of the Act of 1932 shall extend and apply to the payments to be made by the water board to the Conservators under this Act and the provisions of sections 178 (Payments by South West Suburban Company and West Surrey Company to be first charge on their receipts) and 179 (Payments by South West Suburban Company and West Surrey Company to be without deduction and free from taxes etc.) of the Act of 1932 shall extend and apply to the payments to be made by the South West Suburban Company and the West Surrey Company under this Act.

PART VI

CONTRIBUTIONS BY CONTRIBUTORY AUTHORITIES

Contributions by contributory authorities.

24.—(1) As from the appointed day there shall be paid to the Conservators by each of the contributory authorities in each year the sums respectively set out in the Second Schedule to this Act.

(2) Every sum paid to the Conservators by a county council under the provisions of this section shall be paid as expenses for general county purposes.

(3) Every sum paid to the Conservators by a corporation under the provisions of this section shall be paid out of the general rate fund of the borough.

(4) Such payments shall be made by equal half-yearly instalments on the thirtieth day of June and the thirty-first day of December in each year. Such payments shall be made without deduction and shall in the hands of the Conservators be free from all parliamentary and local taxes rates and assessments whatsoever.

(5) For the purposes of obtaining payment from the contributory authorities of the sums to be paid by them as aforesaid the Conservators shall from time to time issue not less than fourteen days prior to the thirtieth day of June or the thirty-first day of December as the case may be a demand to each of the contributory authorities respectively stating the sum to be contributed by such contributory authority and requiring such contributory authority to pay the sum therein mentioned to the Conservators or as they may direct and the contributory authorities are hereby authorised and required to pay to the Conservators the sums payable by the contributory authorities respectively on the date on which the same are due and payable as aforesaid.

(6) If any such contributory authority fails to pay any sum payable by such contributory authority on the date on which the same is due and payable as aforesaid the same shall be a debt

due to the Conservators from the contributory authority so failing and shall if not paid within two months from that date bear interest at the rate of six pounds per centum per annum from the date on which the same is due and payable as aforesaid until paid and the Conservators may in addition to all other remedies sue such contributory authority for the amount unpaid in any court of competent jurisdiction.

PART VI
—cont.

(7) The Conservators shall produce to the Commissioners of Inland Revenue a Queen's Printer's copy of this Act stamped with duty at the rate of one shilling for every five pounds of the sum of twelve thousand three hundred and sixty-four pounds part of the sum of nineteen thousand seven hundred and eighty-three pounds referred to in the Second Schedule to this Act and at the rate of five shillings for every five pounds or fractional part of five pounds of the sum of seven thousand four hundred and nineteen pounds the balance of the said sum of nineteen thousand seven hundred and eighty-three pounds and in default of such production within six months after the passing of this Act the duty with interest thereon at five per centum per annum shall become a debt from the Conservators to Her Majesty.

25. So far as any payment made by a contributory authority to the Conservators before the passing of this Act in respect of a half-yearly instalment payable on the thirtieth day of June nineteen hundred and fifty-nine under the provisions of section 45 (Contributions by contributory authorities) of the Act of 1950 was less than the payment which would have been made by that contributory authority if this Act had been passed such contributory authority shall on the thirty-first day of December nineteen hundred and fifty-nine pay to the Conservators (in addition to the half-yearly instalment then due) a further sum equal to the amount by which such first-mentioned payment was less than such secondly mentioned payment.

Transitional provisions as to payments by contributory authorities.

PART VII

REVISION OF PAYMENTS CONTRIBUTIONS TOLLS ETC.

26.—(1) The Minister of Transport and Civil Aviation and the Minister of Housing and Local Government may on application being made as hereinafter in this section provided if they think fit at any time after the expiration of five years from the appointed day or after the expiration of five years from the date of any order made in pursuance of this section jointly by order provide for the variation of the provisions of this Act regulating the payments to be made to the Conservators by the water board and the water companies and authorities respectively mentioned in Part V of this Act the contributions set out in the Second Schedule to this Act to be made by the contributory authorities and the maximum tolls on merchandise lock tolls payments for lock

Revision of payments contributions maximum tolls etc.

PART VII
—cont.

passes and registration charges specified in the Act of 1950 or in the Second Schedule the Third Schedule and the Fourth Schedule to the Act of 1950 or any one or more of such payments contributions tolls or charges and of any statutory provisions consequential thereon or supplemental thereto in such manner and subject to such conditions as appear to the said Ministers to be just and reasonable:

Provided that when reducing such payments contributions and maximum tolls and charges or any of them the said Ministers shall so fix the same as to enable the Conservators to provide for the payment of all proper expenses of and in connection with the working management and maintenance of the undertaking of the Conservators and the payment of all other costs charges and expenses properly chargeable to revenue including the interest on and repayment of all moneys borrowed by the Conservators and not paid off at the time of the making of such order as well as the interest on and repayment of all moneys which the said Ministers shall be satisfied will require to be borrowed by the Conservators during the period of the five years next after the date on which such order comes into force.

(2) An application for an order under this section may be made—

- (a) as respects any payment made by the water board or by any water company or authority mentioned in Part V of this Act by the water board water company or authority as the case may be;
- (b) as respects any contribution set out in the Second Schedule to this Act by the contributory authority concerned;
- (c) as respects the maximum tolls on merchandise lock tolls payments for lock passes and registration charges referred to in subsection (1) of this section by ten persons who shall during the twelve months preceding the application have paid to the Conservators tolls on merchandise lock tolls payments for lock passes or registration charges or by the Association of Master Lightermen and Bargeowners of the Port of London by the Thames Boating Trades Association Limited by the Association of Thames Yacht Clubs by the Thames Hire Cruiser Association Limited by the Thames Passenger Services Federation by the Ship and Boat Builders' National Federation by the Royal Yachting Association or by the Upper Thames Ship and Boat Building Employers' Association;
- (d) as respects any payment contribution toll or charge referred to in the foregoing paragraphs of this subsection by the Conservators.

An application under paragraph (a) or paragraph (b) of this subsection shall be made to the Minister of Housing and Local Government and an application under paragraph (c) or paragraph (d) of this subsection shall be made to the Minister of Transport and Civil Aviation.

PART VII
—cont.

(3) Any application under this section shall be accompanied by such information certified in such manner as the Minister to whom it is made may require and the Minister shall require the applicant to give public notice of the application and as to the manner in which and time within which representations may be made and to give a similar notice in writing to the Water Board and the said water companies and authorities to the contributory authorities and to each of the associations companies and federations named in the last foregoing subsection of this section (other than the applicant) and where the application is made otherwise than by the Conservators also to the Conservators and before making an order the said Ministers shall consider any representations which may be duly made and shall if such representations are not withdrawn (unless it appears to them that the representations are of a trivial nature) direct an inquiry to be held with reference to the application.

(4) An order under this section shall be made by statutory instrument and may vary or revoke any previous order made under this section. An order made under this section shall come into force on such date as may be fixed by such order.

PART VIII

FINANCIAL

27.—(1) The Conservators may borrow temporarily by way of overdraft or otherwise such sums as they may require—

Temporary
borrowing
powers.

(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 expenses intended to be defrayed by means of that money.

(2) Moneys may be borrowed by the Conservators under the preceding subsection for the purpose of defraying expenses incurred by them in the execution of the Act of 1930 and for the purposes of this subsection the word “expenses” shall have the meaning assigned thereto by subsection (3) of section 20 (Expenses of Catchment Board) of the Act of 1930.

(3) Where money is borrowed in pursuance of paragraph (b) of subsection (1) of this section and subsequently money is raised

PART VIII
—cont.

by such a mortgage as is mentioned in that paragraph then for the purposes of the provisions of the Acts of 1932 and 1950 or of the Act of 1930 as the case may be regulating 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.

Conservancy
fund.

28. All moneys received by the Conservators for and on account of this Act (other than moneys borrowed under subsection (2) of the last foregoing section of this Act) shall be carried to the conservancy fund and all payments by the Conservators for and on account of this Act (other than payments in respect of moneys borrowed as aforesaid) shall be made out of the conservancy fund.

Application of
moneys.

29.—(1) The Conservators may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have borrowed or are authorised to borrow under the Act of 1932.

(2) Sections 195 (Security for existing mortgages and debenture stock etc.) and 196 (Power to borrow) of the Act of 1932 shall have effect as if a reference to the tolls and charges leviable and other income receivable by the Conservators under this Act had been included therein in addition to the reference to the tolls and charges leviable and other income receivable by the Conservators under the Act of 1932.

Saving for
Treasury.

30. It shall not be lawful for the Conservators to exercise the powers of borrowing under this Act (other than the powers of borrowing for the purposes of section 38 (Costs of Act) of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under the Borrowing (Control and Guarantees) Act 1946.

Amendment
of section 203
of Act of
1932.

31. Section 203 (Charge for debt of Upper Navigation Commissioners) of the Act of 1932 shall have effect as if—

(a) in subsection (5) of that section for the word “ issue ” there were substituted the word “ pay ” for the words “ B debenture stock equal in nominal value ” there were substituted the words “ cash equal ” and for the words “ B debenture stock shall have been so issued ” there were substituted the words “ such amount shall have been so paid ”;

(b) in subsection (6) of that section for the word “ issue ” there were substituted the word “ payment ” and for the words “ nominal value of the B debenture stock issued ” there were substituted the words “ amount of cash paid ”.

32. Section 51 (Application of revenue) of the Act of 1950 shall have effect as if for the words " fifty thousand pounds " in paragraph (4) of that section there were substituted the words " eighty thousand pounds ".

PART VIII

—cont.

Amendment
of section 51
of Act of
1950.

33. Section 53 (Superannuation of certain officers and servants) of the Act of 1950 shall have effect as if at the end of subsection (5) thereof there were added the words " or any other Act amending or extending the same ".

Amendment
of section 53
of Act of
1950.

PART IX

MISCELLANEOUS

34.—(1) On the first day of October nineteen hundred and fifty-nine so much of the land of the Faringdon Council in the parish of Buscot in the county of Berks and the parish of Lechlade in the county of Gloucester described in the First Schedule to the Faringdon Water Order 1949 (which First Schedule is set out in the Third Schedule to this Act) as comprises Buscot Weir shall by virtue of this Act be transferred to and vest in the Conservators.

Transfer of
Buscot Weir
to
Conservators.

(2) On and after the said first day of October nineteen hundred and fifty-nine the Conservators shall maintain in good order such approved gauges or parts thereof as are incorporated in or form part of the structure of the said weir and to that extent so much of the provisions of subsections (3) to (5) and subsection (7) of section 10 of the Third Schedule to the Water Act 1945 as incorporated with the Faringdon Water Order 1949 (the relevant provisions of which are set out in the Third Schedule to this Act) and for the purposes of that order applied to the water undertaking of the Faringdon Council as relates to the construction maintenance inspection and examination of approved gauges shall be modified accordingly.

35.—(1) For the purposes of subsection (1) of section 264 (Agreements with local authorities) of the Act of 1932 the definition of " local authority " contained in subsection (1) of section 5 (Interpretation) of the Act of 1932 shall be deemed to include the water board and in relation to agreements to be entered into and carried into effect between the Conservators and the water board the said section 264 shall have effect—

Amendment
of section 264
of Act of 1932.

(a) as if in subsection (1) thereof paragraph (a) was omitted therefrom; and

(b) as if subsections (2) (3) (4) and (5) thereof were omitted.

(2) For the avoidance of doubt this section shall empower the water board in pursuance of an agreement entered into for that purpose under the said section 264 to analyse on behalf of the Conservators samples of any effluents and the water of the river and its tributaries taken and submitted to the water board by the Conservators.

PART IX
—cont.

(3) For the purposes of subsection (2) of this section the expressions “river” and “tributary” shall have the meanings assigned to them respectively by section 18 (Special interpretation relating to pollution) of the Act of 1950.

Acquisition of easement instead of land in certain cases.

36.—(1) The Minister of Transport and Civil Aviation in lieu of authorising the Conservators in accordance with the provisions of section 17 (Purchase of land) of the Act of 1950 to purchase compulsorily land required by them for providing access to any other land or for the purposes of laying water pipes sewers or other apparatus may authorise the Conservators to create in favour of the Conservators subject to such conditions as may be prescribed by the said Minister any easement or right in or over or in relation to the land which the Conservators require as aforesaid and the said section 17 shall have effect accordingly.

(2) The said Minister shall not confirm any order under this section unless he determines that the easement or right can be created without material detriment to the land in or over or in relation to which it is proposed to be created or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house.

Payment of expenses of official visits etc.

37. The Conservators may make payments for or in connection with—

- (a) the reception and entertainment of persons representative of or connected with public authorities whether inside or outside the United Kingdom having functions or responsibilities similar to any of those of the Conservators and the supply of information to any such persons;
- (b) official visits by or on behalf of the Conservators; and
- (c) the arrangement and conduct of ceremonies relating to or arising out of the statutory functions of the Conservators;

including payments for travelling expenses and for expenses reasonably incurred by or on behalf of any Conservator or officer or servant of the Conservators in connection with any of the matters aforesaid:

Provided that the Conservators shall not in any financial year expend under the powers of this section any greater sum in the whole than one thousand five hundred pounds.

Costs of Act

38. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Conservators out of any moneys forming part of the conservancy fund for the time being in their hands or out of moneys which the Conservators are hereby authorised to borrow for those purposes:

Provided that any moneys borrowed for the purposes of this section shall be repaid within five years from the commencement of this Act.

SCHEDULES

FIRST SCHEDULE

Section 4.

ENACTMENTS REPEALED

Short title of Act	Extent of repeal by this Act
Thames Conservancy Act 1932	<p>Section 201 (Power to create debenture stock).</p> <p>Section 202 (Redemption of debenture stock).</p> <p>Section 204 (Conversion of existing securities into debenture stock).</p> <p>Section 205 (Restriction on exercise of borrowing powers after issue of debenture stock).</p> <p>Section 206 (Nature and incidents of stock).</p> <p>Section 207 (No preference amongst holders).</p> <p>Section 208 (Appointment of registrar).</p> <p>Section 209 (Register of stock).</p> <p>Section 210 (Certificates of proprietorship of stock).</p> <p>Section 211 (Power for stockholder to sell and transfer).</p> <p>Section 212 (Mode of transfer of stock).</p> <p>Section 213 (Closing register for transfers).</p> <p>Section 214 (Transmission of debenture stock on death bankruptcy etc.).</p> <p>Section 215 (Notice of trust not receivable).</p> <p>Section 216 (Evidence of title).</p> <p>Section 217 (Interest to joint holders).</p> <p>Section 218 (Interest where one joint holder is an infant etc.).</p> <p>Section 219 (Protection of holders of debenture stock).</p> <p>Section 226 (Saving for power to redeem by agreement).</p> <p>Section 256 (Saving for trees etc. at Temple Weir).</p> <p>Section 258 (Saving as to Buscot Weir).</p> <p>Sixth Schedule.</p>
Thames Conservancy Act 1950	<p>Section 8 (Term of office of Conservators).</p> <p>Section 35 (Payments by water board).</p> <p>Section 36 (Payments by South West Suburban Company).</p> <p>Section 37 (Payments by West Surrey Company).</p> <p>Section 38 (Payments by Woking Company).</p> <p>Section 39 (Payments by Oxford Corporation).</p>

1st Sch.
—cont.

Short title of Act	Extent of repeal by this Act
Thames Conservancy Act 1950 —cont.	Section 40 (Payments by Banbury Corporation). Section 41 (Payments by Witney Urban District Council). Section 42 (Payments by Faringdon Rural District Council). Section 43 (Payments by North Cotswold Rural District Council). Section 44 (Applying certain provisions of Act of 1932). Section 45 (Contributions by contributory authorities). Section 46 (Revision of payments contributions maximum tolls etc.). Fifth Schedule.

Section 24

SECOND SCHEDULE

CONTRIBUTORY AUTHORITIES

	Amount of annual paymen £
(A) COUNTIES—	
Berkshire County Council	2,621
Buckinghamshire County Council	781
Middlesex County Council	2,418
Oxfordshire County Council	390
Surrey County Council	7,333
(B) COUNTY BOROUGH—	
The Oxford Corporation	3,120
The Reading Corporation	3,120
Total	<u>£19,783</u>

THIRD SCHEDULE

Section 34.

PROVISIONS OF FARINGDON WATER ORDER 1949 REFERRED TO IN SECTION 34 (TRANSFER OF BUSCOT WEIR TO CONSERVATORS) OF THIS ACT

Interpretation.

2. In this order, unless the context otherwise requires—
- “combined flow” means the combined flow of water in the channel of Buscot Weir and the turbine channel;
- “the Conservators” means the Conservators of the River Thames;
- “the Council” means the Faringdon Rural District Council;
- “the signed plan” means the plan prepared in duplicate, sealed with the official seal of the Minister of Health and marked

“ Plan referred to in the Faringdon Water Order, 1949 ” one copy of which is deposited at the offices of the Minister of Health and one copy at the offices of the Council;

3RD SCH.
—cont.

“ the Third Schedule ” means the Third Schedule to the Water Act, 1945;

“ the turbine channel ” means the channel of the River Thames situate on the southern or south-western side of the island on which the western end of Buscot Weir is constructed;

“ the undertaking ” means the water undertaking of the Council for the time being authorised by any enactment;

and any expression to which a meaning is assigned by the Third Schedule shall have the meaning so assigned.

10. For the purposes of this order the provisions of the Third Schedule, which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking and are hereby incorporated with this order.

FIRST SCHEDULE

DESCRIPTION OF LAND

Lands delineated on the signed plan and thereon numbered 1, 2, 3, 4, 5, 6 and 7 in the parish of Buscot in the county of Berks and 1 and 2 in the parish of Lechlade in the county of Gloucester, containing in all about 4.443 acres and comprising parts of the island in the River Thames at Buscot Weir, that weir, parts of the bed of the River Thames and of the turbine channel, and land between the turbine channel and the public road at Buscot village near Manor Farm.

SECOND SCHEDULE

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provision applied (1)	Modification (2)
* * *	* * *
In section 10 (Compensation water) subsections (3) to (5) and (7)	In subsection (3) the reference to the flow of the stream shall be construed as a reference to the combined flow; in subsection (4) the words “ subsection (1) or ” in paragraph (b), and the words from “ or fail ” to the end of the paragraph shall be omitted; and in subsection (5) the words “ and the discharge of water into ” shall be omitted.
* * *	* * *

Table of Statutes referred to in this Act

Short title	Session and chapter
Woking Water and Gas Act 1899	62 & 63 Vict. c. clxxi.
Oxford Corporation Act 1925	15 & 16 Geo. 5 c. xxviii.
Oxford Corporation (Water &c.) Act 1928	18 & 19 Geo. 5 c. xxix.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Thames Conservancy Act 1932	22 & 23 Geo. 5 c. xxxvii.
Public Works Facilities Scheme (Witney Urban District Council) Confirmation Act 1933	24 Geo. 5 c. i.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Banbury Corporation Act 1946	9 & 10 Geo. 6 c. lxii.
Representation of the People Act 1948 ...	11 & 12 Geo. 6 c. 65.
Thames Conservancy Act 1950	14 Geo. 6 c. 1.

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