

London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act, 1960

8 & 9 ELIZ. 2 Ch. x

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Modification of jurisdictions over rivers Wandle and Graveney.
4. As to revocation of licences and continuance of rights of action etc.
5. For protection of London Council.
6. For protection of Mitcham Council.
7. Arbitration.
8. Costs of Act.



CHAPTER x

An Act to modify and define the respective jurisdictions of the London County Council and the Surrey County Council in relation to the river Wandle and the river Graveney and for purposes connected therewith.
[2nd June 1960.]

WHEREAS—

(1) The London County Council (hereinafter referred to as “the London Council”) have hitherto exercised jurisdiction over certain parts of the river Wandle and the river Graveney (including the sewer known as the New Cut) as main sewers of the metropolis vested in them in pursuance of the provisions of the Metropolis Management Act 1855 the Local Government Act 1888 and the Public Health (London) Act 1936:

(2) Powers were conferred upon the Surrey County Council (hereinafter referred to as “the Surrey Council”) by Part II of the Surrey County Council Act 1925 for the purpose of preserving improving and maintaining the flow and purity of such parts as are situate in or pass by the administrative county of Surrey of (inter alia) the river Wandle and of all and any tributaries brooks channels culverts and watercourses flowing into that stream:

(3) The powers conferred on the Surrey Council as aforesaid are by virtue of the said Act of 1925 not exercisable by them (except with the previous consent in writing of the London Council) in relation to any part of the river Wandle or of any tributary thereof which is vested in the London Council as a main sewer of the metropolis by virtue of the said Act of 1855:

Ch. x *London and Surrey (River Wandle 8 & 9 ELIZ. 2
and River Graveney) (Jurisdiction) Act, 1960*

(4) It is expedient that the London Council should cease to exercise such jurisdiction as aforesaid except in relation to the parts of the rivers Wandle and Graveney and the New Cut which are specified in this Act and that the other provisions contained in this Act should be enacted:

(5) The objects aforesaid cannot be attained without the authority of Parliament:

(6) In relation to the promotion of the Bill for this Act the London Council have complied with the requirements of section 151 of the London Government Act 1939 and the Surrey Council have complied with the requirements of Part XIII of the Local Government Act 1933:

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 (that is to say):—

Short title. 1. This Act may be cited as the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960.

Interpretation. 2.—(1) In this Act—

- “ the Act of 1925 ” means the Surrey County Council Act 1925;
- “ the London Council ” means the London County Council;
- “ the Mitcham Council ” means the mayor aldermen and burgesses of the borough of Mitcham;
- “ the signed plan ” means the plan signed in quadruplicate by the Right Honourable the Lord Merthyr the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy with the clerk of the London Council and one copy with the clerk of the Surrey Council;
- “ the Surrey Council ” means the Surrey County Council.

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

3.—(1) The sewer referred to as the Wandle River in Modification Schedule (D) of the Metropolis Management Act 1855 (which of jurisdictions sewer vests in the London Council by virtue of the provisions over rivers of subsection (1) of section 14 of the Public Health (London) Wandle and Act 1936) shall be deemed to comprise— Graveney.

- (a) the river Graveney between the line marked "C" on the signed plan and the line marked "B" on the signed plan;
- (b) the whole of the sewer connecting the river Graveney with the river Wandle and known as the New Cut; and
- (c) the river Wandle between the line marked "A" on the signed plan and the junction of the said river with the river Thames (including the by-pass to Garratt Mills known as the Western Pool).

(2) Any part of the river Wandle or the river Graveney which is not situate within the limits specified in paragraphs (a) to (c) of the foregoing subsection and which immediately before the passing of this Act vested as aforesaid in the London Council shall as from the passing of this Act cease so to vest.

(3) In section 5 (Streams to which Part II applies) of the Act of 1925 for the words "by virtue of the Metropolis Management Act 1855" there shall be substituted the words "by virtue of the provisions of subsection (1) of section 14 of the Public Health (London) Act 1936 as modified by subsections (1) and (2) of section 3 (Modification of jurisdictions over rivers Wandle and Graveney) of the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960".

4.—(1) Any licence certificate or permit granted by the London Council to any person in respect of any use of or any property matter or thing relating to any part of the river Wandle or the river Graveney to which subsection (2) of section 3 (Modification of jurisdictions over rivers Wandle and Graveney) of this Act refers shall cease to have effect as from the passing of this Act. As to revocation of licences and continuance of rights of action etc.

(2) Except as aforesaid no alteration of jurisdiction effected by this Act shall prejudice or affect any contract deed bond agreement or other instrument entered into or made by the London Council or their predecessors or shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the passing of this Act is pending or existing by or against the London Council.

5. The Surrey Council in the exercise of their powers and duties under Part II (Protection of certain streams) of the Act of 1925 shall ensure so far as is reasonably practicable that a free flow of water is maintained at all times from— For protection of London Council.

- (a) the river Graveney at the place where the said river crosses the line marked "B" on the signed plan; and

Ch. x *London and Surrey (River Wandle 8 & 9 ELIZ. 2
and River Graveney) (Jurisdiction) Act, 1960*

(b) the sewer known as the New Cut at the junction of the said sewer with the river Wandle.

For protection
of Mitcham
Council.

6. The Mitcham Council may make surface water communications with any part of the river Graveney which is vested in the London Council and which is situate within or forms part of the boundary of the borough of Mitcham:

Provided that the Mitcham Council shall not make any such communication save in accordance with plans approved by and under the superintendence (if given) of the London Council.

Arbitration.

7. Any question or difference arising between the London Council on the one hand and the Surrey Council or the Mitcham Council (as the case may be) on the other hand under this Act shall be settled by arbitration and shall be referred to and determined by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Costs of Act.

8. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be borne by the London Council and the Surrey Council in equal shares and shall be defrayed—

- (a) in the case of the London Council as payments for general or special county purposes within the meaning of the London Government Act 1939 as the London Council may decide; and
- (b) in the case of the Surrey Council out of their county fund.

Table of Statutes referred to in this Act

Short title	Session and chapter
Metropolis Management Act 1855	18 & 19 Vict. c. 120.
Local Government Act 1888	51 & 52 Vict. c. 41.
Surrey County Council Act 1925	15 & 16 Geo. 5 c. cxv.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
London Government Act 1939	2 & 3 Geo. 6 c. 40.

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