

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*



### CHAPTER cxcviii.

An Act to amend the Metropolis Management Act, 1855, and the Acts amending the same, so far as relates to the protection of the Metropolis from Floods and Inundations caused by the overflow of the River Thames; and for other purposes. A.D. 1879.  
[11th August 1879.]

**W**HEREAS, notwithstanding the provisions of the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the protection of lands from floods and inundations, the River Thames in times of high tides, floods, and excessive rains, by reason of the low level of various places, overflows its banks, causing inconvenience to persons and injury to health and property, and it is therefore expedient that the said provisions should be amended, and that provisions such as are in this Act contained should be made for providing for the due execution and maintenance of the works necessary to prevent the overflowing of the said River Thames within the limits by this Act prescribed, and for empowering the Metropolitan Board of Works to enforce such provisions and to provide for the expenses incurred in relation thereto: 18 & 19 Vict.  
c. 120.

Be it therefore 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:

#### *Preliminary.*

1. This Act may for all purposes be cited as the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879. Short title.

2. In the construction of this Act the following words and expressions have the following meanings, unless excluded by the subject or context; (that is to say,) Interpreta-  
tion of terms.

[*Local.*-198.]

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1

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

19 & 20 Vict.  
c. 112.  
25 & 26 Vict.  
c. 102.

The expression "the principal Act" means the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1856, and the Metropolis Management Amendment Act, 1862:

The expression "the Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "the Board" means the Metropolitan Board of Works:

The expression "person" includes any corporation, whether aggregate or sole:

The expression "River Thames" includes the rivers, streams, and watercourses within the flow and re-flow of the tides of the said river within the limits of this Act:

The expression "bank" and the expression "dam" includes any bank, wall, fence, wharf, dock, lock, gate, sluice, dam, or defence, or appliance, whether of a moveable, temporary, fixed, or permanent character, for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames:

The expression "flood works" means the entire or partial construction, alteration, reconstruction in the same or any altered position of any bank, and the repairing, raising, strengthening, improvement, or removal of any bank, and the enlargement, contraction, raising, lowering, arching over, improvement, or alteration of any sewer, channel, or watercourse, and the discontinuance, closing up, or destruction of any such sewer, channel, or watercourse necessary for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames:

The expression "lands" includes messuages, buildings, erections, banks, lands, tenements, and hereditaments of any tenure, and rights and easements in, over, under, or in respect of the same:

The expression "street," in addition to the meaning assigned to the same term by the principal Act, includes the carriageway of any turnpike road and any county bridge and any place laid out as a street:

The expression "premises" includes lands and streets:

The expression "owner" means (except where otherwise expressly provided) the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

if such lands or premises were let at a rackrent, and includes any commissioners, trustees, or other persons or person in whom the premises in connexion with which the said word is used are vested, or who are charged with the control or management of the same. A.D. 1879.

3. The limits of this Act shall extend to the metropolis as defined by the principal Act. Limits of Act.

4. The principal Act, as amended by this Act, and this Act shall be read and construed together as one Act. Construction of Acts.

*Execution of Works.*

5. From and after the passing of this Act the execution of all flood works shall be subject to and in accordance with such plans as the Board may from time to time cause to be prepared in pursuance of this Act, or with such plans or specification as the Board may from time to time approve, and such works shall be carried on and completed to the satisfaction of the Board, and save as aforesaid no such works shall be commenced, carried on, or completed. Flood works not to be executed except in accordance with plans.

6. Subject to the provisions and limitations in this Act contained, the following bodies and persons shall be liable to provide for the execution of all flood works which may from time to time in the opinion of the Board be necessary for the protection of premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames; (that is to say,) Bodies and persons liable to provide for execution of flood works.

In respect of all such works to be executed upon any premises vested in or subject to the control and management of the Commissioners of Sewers of the City of London, the vestry of any parish mentioned in Schedule A. to the principal Act, or the board of works of any district mentioned in Schedule B. to the principal Act, such Commissioners, vestry, or board of works :

In respect of all other such works the owners of the premises upon which the same are to be executed :

Where any such works are to be executed through, along, over, or under any part of the bed or soil of the River Thames immediately connected with any premises, such works shall be deemed to be works to be executed upon such premises.

7. The Board, as soon as may be after the passing of this Act, shall cause a plan to be prepared showing the line and level of the flood works which are in their opinion immediately necessary for Board to make plan of necessary flood works,

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

and serve  
notice of  
the making  
thereof upon  
Commis-  
sioners of  
Sewers of  
the City of  
London,  
vestries, dis-  
trict boards,  
and owners  
affected  
thereby.

effectually protecting all premises within the limits of this Act which in their judgment require protection from floods or inundations caused by the overflow of the River Thames; and when such plan has been prepared the Board shall cause notice of the preparation thereof to be served upon the Commissioners of Sewers of the City of London and upon the vestry of every parish and the board of works for every district in which any of the works shown on such plan are proposed to be executed, and upon every owner of premises liable to provide for the execution of any of the same, and shall together therewith cause two copies of such part of such plan as relates to any of such works in respect of the execution of which such Commissioners, vestry, board of works, and owner are or is liable respectively to provide to be transmitted to them or him respectively, together with such sections, estimates, and other information relating to such copies as aforesaid as they may think proper; and the Board shall by such notice require such Commissioners, vestry, district board, or owner to inform the Board within twenty-eight days after the receipt of the same whether they or he intend or intends to execute to the satisfaction of the Board the works shown on the copies of such parts of such plan respectively, and for the execution of which such Commissioners, vestry, district board, or owner are or is respectively liable to provide, or whether they or he object or objects to execute such works, and the reasons for such objection.

If the Commissioners of Sewers of the City of London, the vestry of any parish, board of works for any district, or any owner or owners give notice to the Board of their or his objection to execute any flood works in manner aforesaid, and of the reasons for such objection, the Board shall, during the twenty-eight days next after the receipt thereof, consider such objection and reasons, and shall as soon as may be after the expiration of such last-mentioned period of twenty-eight days make such order in relation thereto as the Board may think just, and may by such order make any modification or alteration in such flood works, and shall transmit a copy of such order to the body or person making such objection.

In case the Board by any such order make any modification or alteration in the flood works so objected to as aforesaid, they shall amend the plan prepared in manner aforesaid so as to show thereon such modification or alteration, and in such case they shall transmit to the body or person by whom such objection was made two copies of the part of such plan so amended, together with such order.

The Board shall cause a copy of such plan showing all amendments made therein to be kept at their office, and the Commissioners

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

of Sewers, the vestry of every parish, and the board of works of every district to which copies of any part of such plan or of any amendments therein have been transmitted as aforesaid shall cause one of such copies to be kept at their office, and all persons may at all reasonable times inspect any such copy without payment.

A.D. 1879.

8. Nothing in this Act contained shall authorise the Board, notwithstanding the general definition of the term bank and flood works, to direct the execution of any works other than such as are necessary for the protection of lands within the limits of this Act from floods and inundations caused by the overflow of the River Thames, and the Board shall have no authority under this Act to prescribe or order any works for any other purpose, or any works for the embankment of the River Thames, or any part thereof, in the nature of the various embankments heretofore executed by the Board under the authority of any special Act of Parliament.

Limitation  
of powers  
as to works.

9. Where in the opinion of the Board the erection of a dam of a fixed or permanent character on any premises would materially interfere with the transaction of the business carried on upon the river side of such premises, the Board may, instead of ordering such works of a fixed or permanent character, by order authorise and require the erection of a temporary or moveable dam, subject to such regulations, restrictions, and conditions with respect to the fixing, removing, and maintenance of the same as the Board may from time to time think necessary; and the Board may by any such regulations, restrictions, and conditions authorise the temporary removal of any such dam during such times as they may think proper, and may prohibit the removal or alteration of the same, except during such times and in such manner as to them may seem necessary or proper.

Powers of  
Board as to  
flood works  
of a tem-  
porary cha-  
racter.

10. Where the Board have ordered the erection of any dam of a temporary or moveable character subject to any regulations, restrictions, or conditions, any person making default in the due observance or committing a breach of any of the same shall be liable to a penalty not less than twenty pounds and not exceeding fifty pounds, and in case of a continuing offence to a further penalty not less than twenty pounds and not exceeding fifty pounds for each day after the first during which such default or breach continues; but, save as aforesaid, such person shall not be liable to any penalty or damages or to pay any compensation by reason or in respect of any such default or breach.

Penalty for  
breach of  
regulations,  
&c. as to  
temporary  
works.

11. The Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district within

Power to  
Commis-  
sioners of

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.  
Sewers of  
City of Lon-  
don, vestry,  
or district  
board to  
execute  
flood works.

the limits of this Act may, within twenty-eight days after the receipt of the copy or copies of such part of such plan transmitted to them as aforesaid, if they have not made any objection to execute the flood works shown on such copy, or if they have made any such objection, within twenty-eight days after the receipt by them of the order of the Board made after consideration of such objection, give notice in writing to the Board of their intention to execute to the satisfaction of the Board the flood works shown on such copy, and for the execution of which such Commissioners, vestry, or district board are liable to provide, and thereupon such Commissioners, vestry, or district board may proceed to execute such works in accordance with such copy, under the authority and with the powers by this Act conferred.

Power to  
owner or  
owners liable  
to execute  
flood works.

**12.** Any owner or owners of premises who is or are liable to provide for the execution upon such premises of any flood works shown on any copy or copies of any part or parts of such plan transmitted to him or them as aforesaid, may within twenty-eight days after the receipt of the copy or copies of such part or parts of such plan as aforesaid, if he or they have not made any objection to execute the flood works shown on such copy or copies, or if he or they have made any such objection, within twenty-eight days after the receipt by him or them of the order of the Board made after consideration of such objection, give notice to the Board of his or their intention singly or jointly to execute to the satisfaction of the Board such works as shown on such copy or copies, and thereupon such owner or owners may, subject to the provisions of this Act, singly or jointly enter upon any such premises and proceed to execute such works in accordance with such copy or copies, under the authority and with the powers by this Act conferred.

Power to  
Board to  
execute flood  
works in  
case of de-  
fault of Com-  
missioners of  
Sewers of  
City of Lon-  
don, vestry,  
district  
board, or  
owner.

**13.** If the Commissioners of Sewers of the City of London, or any vestry, district board, or any owner of premises, neglect during twenty-eight days after the receipt of the copy of any part of such plan as aforesaid, if they or he have not made any objection, to execute the flood works shown on such copy, or if they or he have made any such objection, during twenty-eight days after the receipt by them or him of the order of the Board made after consideration of such objection, neglect to give such notice as aforesaid to the Board, or within twenty-eight days thereafter neglect to begin to execute any flood works shown on such copy, and for the execution of which such Commissioners, vestry, district board, or owner are liable to provide, or fail to carry on or complete such works, when begun, with all reasonable despatch and to the satisfaction of the Board, then and in every such case the Board may, subject to the

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

provisions of this Act, cause the same to be executed, carried on, or completed, and may for such purpose themselves and by their officers, servants, and workmen enter upon such premises and do all such acts, matters, and things as may be necessary for the execution of such works.

A.D. 1879.

14. The Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises, in the execution of any flood works, in accordance with the provisions of this Act, may carry the same through, along, across, or under any street, or through, along, across, or under any cellar or vault which may be under the pavement of any street, and into, through, along, across, upon, or under any lands, and may for such purpose enter upon any such cellar, vault, and lands, and any premises in the vicinity of or adjoining the same or connected therewith, compensation being made for any damage done thereby in manner provided by this Act.

Powers for execution of flood works.

15. Where for the purpose of executing any flood works in accordance with the provisions of this Act it is in the opinion of the Board necessary that the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises liable under this Act to provide for the execution of such works, should take and use any premises not vested in them or subject to their control or management, or of which they or he are or is not the owner, or that the Board for the purpose of executing such works in place of them or him should take and use such last-mentioned premises, then and in every such case the Board may take and use any such last-mentioned premises which may be required for the purpose of executing such works, and the Board shall for such purpose have and may exercise all the powers of taking land conferred upon the Board by the principal Act in relation to the taking of lands for works for the purpose of the sewerage or drainage of the metropolis.

Powers of Board to take lands.

For the purposes of notices required by the principal Act to be served upon owners or reputed owners of lands before applying for the consent of the Secretary of State to the taking of lands compulsorily, the term "owner" shall, in relation to premises to be taken for the purposes of this Act, have the same meaning as in the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict.  
c. 18.

When the Board have taken any premises under the authority of this Act, they may by writing under their seal authorise the Commissioners of Sewers, the vestry of any parish, the board of works

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 Vict.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879. for any district, and any owner to take or use the same for the execution of any flood works in accordance with the provisions of this Act, and thereupon such Commissioners, vestry, district board, or owner may for such purpose take and use such premises or any of them, and shall in respect of the same have all and the same powers as though they or he were or was the Board.

Power to construct flood works on the shores and bed of the River Thames.

20 & 21 Vict. c. cxlvii.

**16.** For the purpose of executing any works under the authority of this Act, the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, and any owner of premises liable to execute flood works, may, subject to the provisions of this Act, construct any such works through, along, over, or under the bed and soil and banks and shores of the River Thames: Provided always, that no such work shall be constructed in or upon the bed or shore of the River Thames as defined by the Thames Conservancy Act, 1857, except with the permission of the Conservators of the said river, and under a license to be granted by the said Conservators in accordance with the provisions of the said last-mentioned Act.

Provision as to certain dock companies.

**17.** Notwithstanding anything in this Act, the following provisions shall apply and shall be the only provisions of this Act which shall apply to the execution of flood works in the case of or with reference to the following dock companies and their respective undertakings; that is to say, the London and Saint Katherine Docks Company, the Surrey Commercial Dock Company, the Millwall Dock Company, and the East and West India Docks Company:

(a.) If the Board are of opinion that it is necessary for the protection of any lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames that the height or level of any bank of any such dock company should be raised, they may by notice in writing under the hand of the chairman or engineer for the time being of the Board, to be served upon the secretary or left at the chief office of the company, require that the height or level of such bank shall be raised by the company to such an extent as the Board think necessary and shall specify in the notice; and if the Company do not within one month after the service of the notice upon them as aforesaid give such notice to the Board as is herein-after mentioned, the Company shall with all convenient speed raise the height or level of such bank to the extent specified in the notice.



[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

- (b.) Within the said period of one month the company may give notice in writing to the Board that they consider the requirement of the Board to be unnecessary in whole or in part for the purpose of such protection as aforesaid; and that they desire that the question whether such requirement is or is not necessary shall be determined by arbitration, and thereupon, upon the application either of the company or the Board, the Board of Trade may appoint a competent and impartial engineer as arbitrator to determine the question. A.D. 1879.
- (c.) The arbitrator by his award may direct that the height or level of any bank specified in the notice of the Board shall be raised by the company to such an extent as he may consider necessary, and the company shall with all reasonable speed comply with any such direction of the arbitrator. If the arbitrator is of opinion that the requirements of the Board are unnecessary in whole or in part, he shall so certify. The award of the arbitrator shall be final and conclusive, and the costs of the arbitration shall be in his discretion.

**18.** For the purpose of giving effect to the provisions of this Act, any engineer, surveyor, district surveyor, or other person duly authorised in writing by the Board or by the Commissioners of Sewers of the City of London, or by the vestry of any parish, or by the board of works for any district, or by any owner of premises liable to execute flood works, or the owner of such premises, may enter upon any premises upon which any works executed or to be executed by them or him in pursuance of this Act are or will be situate, for the purpose of inspecting or taking surveys of the same, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon; and if any person during such hours refuses to allow such engineer, surveyor, district surveyor, or other officer or person, or any such owner, to enter upon any such premises, or obstructs him in the making of such inspection or survey, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day after the first day during which he so continues to act in contravention of this Act. Power to  
inspect lands.

**19.** In order to preserve the navigation of the River Lee, the plan of any flood works to be constructed under the authority of this Act through, along, over, or under the bed or soil or banks or Flood works  
upon the  
shore of the  
River Lee to

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.  
be approved  
by the Lee  
Conservancy  
Board.  
31 & 32 Vict.  
c. cliv.

shores of the River Lee within the limits of the jurisdiction of the Lee Conservancy Board under the Lee Conservancy Act, 1868, which may interfere with the free navigation of the said river, shall be approved by the Lee Conservancy Board in writing under their common seal before such works are commenced, certifying that the works according to such plan will not interfere with the free navigation of the said river, and thereupon such works shall only be executed in accordance with such plan, and no alteration shall thereafter be made in such plan, except with the approval of the Lee Conservancy Board in writing under their common seal as aforesaid.

Saving rights  
of the Lee  
Conservancy  
Board.

**20.** Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights of the Lee Conservancy Board, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the Lee Conservancy Board did or might lawfully claim, use, or exercise, so far as such rights, power, authority, or jurisdiction may be exercised, or for the preserving of the free navigation of the River Lee.

Saving rights  
of the Com-  
missioners  
of Sewers  
for Havering  
and other  
levels.

**21.** Except in so far as may be necessary for the due execution of this Act, nothing in this Act contained shall affect, alter, abridge, or interfere with any of the rights or powers at the time of the passing of this Act vested in the Commissioners of Sewers for the levels of Havering, Dagenham, Ripple, Barking, East Ham, West Ham, Leyton, and Walthamstow, and for the respective borders and confines thereof near to the same, as the same are respectively standing, lying, running, and being in the respective counties of Essex, Middlesex, and Kent, and except in so far as the said rights and powers are varied by or are inconsistent with the provisions of this Act they shall continue in full force.

*Maintenance of Banks.*

Maintenance  
and repair  
of banks.

**22.** The bodies and persons by this Act liable to provide for the execution of flood works upon any premises shall respectively be liable to maintain and repair the banks upon the same, and shall for the purpose of such maintenance and repair, in accordance with any plan or specifications approved of by the Board, have all and the same powers and be subject to all and the same conditions as are by the preceding provisions of this Act conferred and imposed upon them respectively with respect to the execution of flood works in accordance with plans by the Board.

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

**23.** From and after the passing of this Act, if any person make any alteration to any bank so as to affect the security of the premises upon which the same is situate, or of any other premises adjacent or near thereto, from flooding caused by the overflow of the River Thames, without the previous sanction in writing of the Board, such person shall be liable to a penalty not exceeding ten pounds, and in the case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first day after the making of such alteration until the same be sanctioned by the Board as aforesaid, or if the same is not so sanctioned until such bank be restored to its former condition to the satisfaction of the Board.

A.D. 1879.  
Penalty for alteration of banks without consent of Board.

**24.** Whenever it is made known to the Board that any bank in any parish or in any district within the limits of this Act is out of repair, dangerous, or insufficient for the effectual protection of any premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames, they shall require a survey of such bank to be made by the district surveyor or by some other competent surveyor, and it shall also be the duty of the district surveyor to make known to the Board any information he may receive with respect to any bank being in such state as aforesaid :

Survey and repair of dangerous or insufficient banks and maintenance and repair of same.

Upon completion of his survey such district or other surveyor shall certify to the Board his opinion as to the state of any such bank as aforesaid :

If such certificate is to the effect that such bank is not out of repair, dangerous, or insufficient for the purposes aforesaid, no further proceedings shall be had in respect thereof ; but

If it is to the effect that such bank is out of repair, dangerous, or insufficient for the purposes aforesaid, the Board shall cause notice thereof to be served upon the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district, or owner of premises liable to execute flood works in relation thereto, specifying the flood works which are in their opinion necessary for repairing such bank, removing any cause of danger in relation thereto, or rendering the same sufficient for the purposes aforesaid, (which works are in this Act referred to as "works of maintenance,") and transmitting therewith a plan showing the line and level of the same, and such sections, estimates, and other information relating to the same as they may think proper, and thereupon all the preceding provisions of this Act as to the giving notices to the Board in relation to the execution of such works, and to objections as to the mode of such execution, and to

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879. — the execution of such works, shall extend and apply to the giving of notices to the Board in relation to the execution of such works of maintenance, and to objections as to the mode of such execution, and to the execution of such works of maintenance, in like manner in every respect as though such works of maintenance had been works shown on the plan referred to in such preceding provisions and prepared by the Board immediately after the passing of this Act as aforesaid.

*Compensation.*

Mode of  
ascertaining  
amount of  
compensa-  
tion for  
damages  
caused by  
execution of  
flood works,  
&c.

25. Any person or body who claims compensation for any damage caused by the execution of any flood works under the authority of this Act, or in respect of any lands or any interest in lands taken or used for the purposes of or injuriously affected by the execution of flood works under the authority of this Act, may claim such compensation from the Board; and if such person or body and the Board do not agree with respect to such claim, then and in every such case the validity of such claim and the amount of compensation (if any) payable in respect thereof shall, on the application of either party, be determined by arbitration by the standing arbitrator herein-after referred to, subject to and in accordance with the provisions of this Act, and such provisions shall be in substitution for the provisions with respect to the tribunal for determining the settlement of questions of disputed compensation contained in the principal Act or any Act incorporated therewith, and the amount of compensation payable in respect of any such claim, when agreed upon or determined as aforesaid, shall be paid by the Board as though the same were compensation payable in respect of lands taken under the authority of the principal Act: Provided always, that the owner or occupier of any lands shall not be entitled to any compensation on account of the execution by himself or by any other person or body of any flood works for which such owner is in pursuance of this Act liable to provide upon any lands of which he is the owner or occupier unless after the execution of such works such lands are permanently injuriously affected thereby, and then only to the extent of such permanent injury.

Powers of  
standing ar-  
bitrator as to  
amount of  
compensa-  
tion.

26. When any claim is made for compensation under the authority of this Act the standing arbitrator shall have power to decide upon the validity of such claim, and to determine what (if any) compensation shall be made to the person or body making such claim, and in adjudicating upon such claim the standing

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

arbitrator shall have regard to the nature of the flood works with respect to which the claim has arisen, the manner in which the same have been executed, the benefit (if any) which has accrued or which may reasonably be expected to accrue to the person or body making such claim by reason of the execution of such works, and generally to all the circumstances of the case; and the standing arbitrator may, in determining the compensation to be paid for any lands or interest in lands taken or injuriously affected under the authority of this Act, according as he shall think fit, include in or exclude from such compensation an allowance in respect of the compulsory powers of this Act, and he may make such order as to the payment of the costs of such arbitration wholly or in part by the Board or the claimant, as he shall think just.

A.D. 1879.

27. For the purpose of determining the validity of claims for compensation and the amount of compensation payable in respect of any claim declared to be valid by this Act directed to be settled by arbitration, there shall be an arbitrator, in this Act called the "standing arbitrator," appointed and acting as follows; (that is to say,)

Appointment  
of standing  
arbitrator.

- (1.) The Secretary of State shall before the 31st day of December in the year 1879, and before the same day of December in every third succeeding year, by writing under his hand appoint a standing arbitrator and fix the remuneration to be paid to him, and every person so appointed shall continue in office for three years from such 31st day of December in such years respectively :
- (2.) Any standing arbitrator may be removed from his office by the Secretary of State by writing under his hand :
- (3.) If any standing arbitrator during his term of office dies or resigns or is removed from office, the Secretary of State shall in manner aforesaid, within one month after notice of his death or resignation or removal, appoint another person to be a standing arbitrator in his place, and the person so appointed shall continue in office as long only as the person in whose place he is appointed would have been entitled to continue in office :
- (4.) The remuneration of the standing arbitrator shall be paid by the Board.

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a justice make and subscribe the following declaration ; (that is to say,)

"I, *A.B.*, do solemnly and sincerely declare that I will faithfully  
and honestly, and to the best of my skill and ability, hear

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

“ and determine all matters which may from time to time be  
“ referred to me under the provisions of the Metropolis  
“ Management (Thames River Prevention of Floods) Amend-  
“ ment Act, 1879.

“ *A.B.*”

And if the standing arbitrator having made such declaration wilfully acts contrary thereto, he shall be guilty of a misdemeanor.

If any reference is pending before a standing arbitrator at the time when he resigns or goes out of office by effluxion of time, it shall nevertheless be proceeded with by him, and his decision shall have the like effect as if he had not resigned or gone out of office.

Proceedings  
before  
standing  
arbitrator.

**28.** The standing arbitrator shall appoint a place and time for the hearing of any matter coming before him, and shall cause six days previous notice thereof to be given in such manner as he shall think proper, and at such place and time shall consider such matter and hear the parties appearing by themselves, their counsel, solicitors, or agents, and take evidence, and the standing arbitrator may administer an oath or an affirmation (where an affirmation in lieu of an oath would be admitted in a court of justice) to any person before hearing any evidence from him, and may admit the affidavit or declaration of any person.

The standing arbitrator, on the application of any party, may by summons require the attendance before him of any person to be examined as a witness before him, and may, on the like application, by summons require any person to bring before him all books, papers, and writings in his possession, custody or control relating to any matter to be inquired into by the standing arbitrator.

Every person so summoned shall attend the standing arbitrator and answer all questions touching the matter to be inquired into, and bring and produce all papers, books, and writings required according to the tenor of the summons; and every such person not attending in obedience to such summons, or refusing to answer such questions, or failing to bring or produce such papers, books, and writings as aforesaid, shall be liable, if the standing arbitrator shall so order, to a penalty not exceeding fifty pounds: Provided that any person so summoned shall not be bound to obey the summons unless a reasonable sum is first paid or tendered to him for his expenses.

If any person on examination on oath or affirmation before the standing arbitrator, or in any affidavit or declaration used before the standing arbitrator, wilfully gives false evidence, he shall be deemed guilty of perjury.

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

In case any party fail to appear at the time and place appointed for the hearing of any matter by the standing arbitrator, the standing arbitrator may proceed with the hearing of such matter in the absence of such party.

The decision of the standing arbitrator in any arbitration under this Act shall be final and binding upon the parties to such arbitration.

No award made by the standing arbitrator in accordance with this Act shall be set aside for any irregularity or informality.

*Financial.*

**29.** The expenses from time to time incurred by the Commissioners of Sewers of the City of London in the execution of any flood works under this Act, and any expenses which the Board may from time to time require payment of from the said Commissioners as herein-after provided, shall be paid by the said Commissioners out of any rates which the said Commissioners are authorised to direct to be made under any Act relating to the sewerage of the said city, or out of moneys borrowed on the security of such rates; and the said Commissioners shall have full power from time to time to raise the amount of any such expenses, and the interest on any moneys borrowed as aforesaid, and any moneys required for the repayment thereof, by any such rate which they may be authorised to direct to be made as aforesaid or by any addition thereto.

Payment of expenses of Commissioners of Sewers of City of London.

**30.** Any vestry or district board, for the purpose of paying any expenses from time to time incurred by them in the execution of any flood works under this Act, or any expenses which the Board may from time to time require payment of as herein-after provided, shall from time to time raise the sums they may require by borrowing or by means of rates in every respect as if such expenses were expenses of such vestry or district board incurred in the execution by them of the principal Act in relation to the sewerage of their parish or district; and any such vestry or district board in any case in which it appears to them that such expenses have been incurred for the special benefit of any particular part of their parish or district, or have not been incurred for the equal benefit of the whole of their parish or district, may by order direct the sum or sums necessary for defraying such expenses, or any part thereof, to be levied in such part or exempt any part of such parish or district from the rates, or require a less rate to be levied thereon, as the circumstances of the case may require; and any such district board may refrain, where any entire parish, or parishes ought in their

Payment of expenses of vestries and district boards.

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

judgment to be so exempt, from levying any money thereon, notwithstanding they may issue any order or orders for levying sums upon any other parish or parishes in their district.

All the provisions of the principal Act concerning orders by vestries and district boards requiring overseers of parishes to levy and pay sums required by vestries and district boards for defraying their expenses in relation to the sewerage of their parish or district as aforesaid, and for and in relation to the making of rates for such purposes, and for levying and enforcing payment of the same, shall extend and apply to and in the case of all sums required by vestries and district boards for defraying the expenses incurred by them in the execution of this Act, and for paying interest on moneys borrowed for the payment of such expenses and for repaying such moneys under the authority of this Act.

Power to  
Board to re-  
cover expen-  
ses incurred  
by them  
in whole or  
in part.

**31.** Where the Board execute any flood works for the execution of which the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works of any district, or any owner of premises were or was liable to provide, they may by order require payment of and recover the whole or such part as they may think just of the expenses incurred by them in respect of the execution of the same (exclusive of any moneys paid or any expenses incurred by them in respect of or in relation to compensation) from the said Commissioners, from such vestry, board of works, or owner :

Provided also, that if the said Commissioners or any vestry, district board, or owner feel aggrieved by the amount of any sum required by order of the Board to be paid by them or him in respect of any such expenses so incurred by the Board as aforesaid, they or he may at any time within twenty-one days after service of any such order decline to pay such amount, and thereupon the amount of such sum shall be determined by arbitration by the standing arbitrator, who, upon the application of either party, shall, having regard to all the circumstances of the case, determine the amount of the sum to be paid to the Board in respect of such expenses, and shall make such order as to the payment of the costs of such arbitration as he shall think just, and the amount so fixed shall be paid to and may be recovered by the Board.

Where any sum is payable to the Board by any owner of premises in pursuance of this section, the Board shall, if required by such owner, accept payment of such sum by half-yearly instalments of such amount as will be sufficient to discharge the same, together with interest on so much thereof as shall for the time being remain unpaid, at the rate of five pounds per centum per annum, in thirty



[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

years from the date when such sum became payable by such owner, and thereupon the Board shall be entitled from time to time to require payment of such half-yearly instalments from the owner of such premises for the time being ; and until all such instalments shall be fully paid off they shall be a charge upon such premises in priority of all other charges and incumbrances whatsoever, except the land tax and the property tax charged upon the owner, and shall from time to time be paid by the owner of such premises for the time being to and may be recovered by the Board.

A.D. 1879.

**32.** Where any owner of lands has incurred any expenses in pursuance of this Act, the Board, on being satisfied that such expenses have been duly incurred, may by order under their seal grant to such owner a yearly rentcharge issuable out of the lands in respect whereof such expenses have been incurred and specified in such order, and thereupon such lands shall be subject to and charged with the payment of such rentcharge in priority of all other charges or incumbrances whatsoever (except the land tax and the property tax charged upon the owner), and such rentcharge shall be payable by the person who for the time being is the owner of such premises.

Rentcharge  
may be  
granted in  
respect of  
works.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works in respect of which such expenses shall in any such order be expressed to have been incurred, and shall be payable by equal half-yearly payments on the days mentioned in such order during a term not exceeding, thirty years, in such manner that the whole of such expenses, with the costs of preparing the said order, together with interest thereon respectively at the rate of five pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

At any time before the expiration of the term during which any such instalments or any such rentcharge are or is payable, the person liable to pay the same may redeem such instalment or rentcharge by paying to the Board or to the person entitled to receive the expenses in respect of which such instalments are payable or such rentcharge was granted; or such part thereof respectively as may not have been defrayed by the half-yearly payments of such instalments or rentcharge respectively already made.

Whenever any annual payment by way of instalment or rentcharge is under this Act payable by the owner for the time being of any lands, and such owner for thirty days after notice requiring him to pay the same makes default in paying the same, then and in every such case the Board or the person entitled thereto shall be

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 Vict.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879.

at liberty to require the occupier of such premises to pay the same to them or him, and in case any such occupier shall for fourteen days after notice in writing by the Board or person so entitled as aforesaid requiring him to make such payment make default therein, then and in every such case the Board or such person entitled as aforesaid may recover the amount due in respect of such rentcharge or instalments from such occupier in the same manner and with the like remedies in every respect as if they or he were overseers of the poor of the parish in which such premises are situate, and as if the amount due were poor rates in arrear in respect of such premises: Provided always, that where any payment is made by or recovered from any occupier under this section, he shall be entitled to deduct the amount of the same from any payment he may from time to time be liable to make to the owner until he be reimbursed such amount.

Power to apply moneys raised under other Acts to expenses incurred by Board under this Act.

**33.** The Board, for the purpose of paying any expenses from time to time incurred by them under this Act, may apply any moneys raised or authorised to be raised by them under any Act of Parliament and not required for the purposes of that Act, and also any moneys which they may be authorised to raise for the purposes of this Act.

Expenses of Board.

**34.** All expenses incurred by the Board in the execution by them of this Act, and not hereby otherwise provided for, shall be deemed to be expenses incurred by them in the execution of the principal Act, and shall be raised and paid accordingly.

As to liability in respect of certain flood works for which persons are liable by Act of Parliament, by prescription, tenure, or otherwise by law.

**35.** Nothing in this Act contained shall exempt from liability to maintain and repair any bank any person or body who is by Act of Parliament, by prescription, or by reason of tenure, or otherwise by law liable to maintain or do any repairs to any bank: Provided always, that whenever any flood works have been executed by any body or person in pursuance of this Act affecting such bank, and in relief of the liability of the person or body liable to maintain or do any repair to such bank as aforesaid in respect of such maintenance and repair thereof, then and in every such case the person or body so liable as aforesaid shall pay to the body or person executing such works such sum as is hereafter in this section mentioned.

The sum to be paid by such person or body in respect of such works shall be such sum as may be agreed on between such person or body and the body or person executing such works as aforesaid, or in default of agreement as may be settled by arbitration by the standing arbitrator, who, upon the application of either party, shall

A.D. 1879.

settle the same, and shall in settling the same have regard to the expenses which the person or body by whom such sum is to be paid would have reasonably been liable to incur in respect of the maintenance or repair of such bank as aforesaid if such works had not been executed as aforesaid, and who shall make such order as to the payment of the costs of such arbitration as he shall think just.

Any moneys received by the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works of any district under the provisions of this section, shall be applied by them towards the payment of the expenses which they have incurred or may incur in the execution of works in pursuance of the provisions of this Act.

Where the expenses of any such works are made a charge by the Board upon any premises, any moneys received by the Board in respect of the same under the provisions of this section shall be applied by the Board in reduction of the amount of such charge.

*Miscellaneous.*

**36.** Any expenses recoverable by the Board under the authority of this Act may be recovered in manner prescribed by the principal Act with respect to the recovery of expenses directed by that Act to be recovered in a summary manner.

Recovery of expenses.

**37.** A notice or order under this Act may be wholly or partly in writing or in print, and may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises or with some inmate of his abode, or if there is no occupier by putting up such notice, plan, or order on a conspicuous part of the building or premises to which the same relates, and it shall not be necessary to name the owner or occupier of such premises; nevertheless, when the owner of any such premises and his residence or that of his agent is known to or can with reasonable diligence be discovered by the party by whom or on whose behalf any notice or order is intended to be served, it shall be the duty of such party to send a copy of every such notice or order by the post in a registered letter addressed to the residence or last known residence of such owner or of his agent.

As to notices and orders.

The term "notice" in this section shall include plan.

**38.** Nothing in this Act contained shall be taken to avoid any contract made between any landlord and tenant of any lands to which the provisions of this Act relate with respect to the execution of any flood works or of any other works for the protection

Agreement between landlord and tenant not to be avoided.

[Ch. cxcviii.] *Metropolis Management (Thames [42 & 43 VICT.]  
River Prevention of Floods) Amendment Act, 1879.*

A.D. 1879. of such lands or any lands adjoining or near the same from floods or inundations caused by the overflow of the River Thames, or with respect to the maintenance and repair of such lands, or of any house, building, or other erection thereupon, or with respect to any payments, rates, dues, and sums of money payable in respect of such lands, house, building, or other erection; and any moneys paid by any landlord or any tenant in pursuance of this Act, in relation to any matters with respect to which under any such contract such tenant or landlord is liable, may be recovered by such landlord as rent due by such tenant, or be deducted by such tenant from any rent from time to time due by him to such landlord.

Saving rights of the Conservators of the River Thames.

**39.** Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates or rights of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Saving rights of the Duchy of Cornwall.

26 & 27 Vict.  
c. 49.

**40.** Nothing contained in this Act shall extend to authorise the Board to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act, 1863, section 39, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy, or belonging to the Duke of Cornwall for the time being, without the consent of such Duke, testified in writing under the seal of the Duchy of Cornwall, first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

Saving rights of the Crown.

**41.** Nothing contained in this Act shall authorise the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises liable to execute flood works, to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the

[42 & 43 VICT.] *Metropolis Management (Thames [Ch. cxcviii.]  
River Prevention of Floods) Amendment Act, 1879.*

Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1879.

42. Nothing in this Act shall authorise the Board to exercise any power or control whatsoever in or over any lands or hereditaments which now are or hereafter shall be vested in the Crown or in the Commissioners of Her Majesty's Works and Public Buildings for public purposes or for the public service, or under the management of the same Commissioners for the like purposes or service. Saving rights of the Crown in respect of property vested in the Crown or in the Commissioners of Her Majesty's Works.

43. From and after the passing of this Act the provisions of sections sixty-nine and seventy of the principal Act, so far as they relate to the execution and maintenance of flood works and banks as defined by this Act by vestries and district boards, shall cease to be in force or to have effect. So much of sections 69 and 70 of 18 & 19 Vict. c. 120. as relates to flood works, &c. to cease to be in force.

44. Every penalty, fine, or forfeiture imposed by this Act, or for default or breach of any regulation, restriction, or condition made or imposed in pursuance thereof, may be sued for and recovered by the Board, or any officer or servant by them authorised, as if it were a penalty or forfeiture imposed by the principal Act, and shall be paid to the Board and applied by them towards the expenses of carrying this Act into execution, anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty, chapter seventy-one, or in any other Act or Acts, to the contrary notwithstanding. Recovery and application of penalties.

45. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, applying for, obtaining, and passing of this Act shall be paid by the Board. Expenses of Act.

