



**CHAPTER clxvi.**

An Act to make more effectual provision for preventing the pollution of the Rivers of the West Riding of Yorkshire and their tributaries. [17th August 1894.] A.D. 1894.

**W**HEREAS by an order of the Local Government Board dated the seventeenth day of May one thousand eight hundred and ninety-three made under the Local Government Act 1888 and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1893 a Joint Committee consisting of representatives of the county council of the west riding of Yorkshire and of the county boroughs of Bradford Halifax Huddersfield Leeds and Sheffield has been constituted and incorporated by the name of the Joint Committee for the rivers of the west riding of Yorkshire herein-after referred to as "the Joint Committee":

And whereas by the said order power is conferred on the Joint Committee to enforce the provisions of the Rivers Pollution Prevention Act 1876 (subject to the restrictions in that Act contained) in relation to so much of every river or tributary thereof as passes through or by the said west riding or through or by any of the said county boroughs: 39 & 40 Vict.  
c. 75.

And whereas the restrictions contained in the said Act are such as to preclude effective action by the Joint Committee for the improvement of the condition of the said rivers or parts thereof and their tributaries:

And whereas the polluted and filthy condition of the said rivers or parts thereof and their tributaries urgently requires improvement and with that view it is desirable and expedient to confer such powers on the Joint Committee and to make such provisions as are in this Act mentioned:

And whereas it is expedient that the name of the Joint Committee should be changed:

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Act, 1894.

A.D. 1894. And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited as the West Riding of Yorkshire Rivers Act 1894.

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

Part I.—Preliminary.

Part II.—Change of name.

Part III.—Solid matters.

Part IV.—Liquid sewage pollution.

Part V.—Liquid manufacturing pollution.

Part VI.—Penalties and procedure.

Part VII.—Miscellaneous.

Interpretation. 3.—(1) In this Act—

“Rivers” or “river” includes so much of every river or tributary thereof as passes through or by the county of the west riding of Yorkshire or through or by any of the county boroughs of Bradford Halifax Huddersfield Leeds and Sheffield;

“Stream” includes canalised streams brooks and watercourses canalised rivers canals and lakes;

“Liquid sewage” includes unpurified urine excrementitious matter and liquid refuse of any house or premises blood and the washings of a slaughter-house containing blood or urinary or foecal matter but shall not include any liquid rendered poisonous noxious or polluting in the course of some manufacturing process;

“Slaughter-house” includes a knacker's yard;

“Solid matter” does not include particles of matter in suspension in water.

(2) Any liquid which merely occasions innocuous discolouration of any river or stream shall not be deemed to be “polluting” for the purposes of this Act.

PART II.—CHANGE OF NAME.

Change of name. 4. On and after the passing of this Act the name of the Joint Committee shall be changed and they shall thenceforward be called

and known by the name of "the West Riding of Yorkshire Rivers Board" in this Act referred to as "the Rivers Board." A.D. 1894.

The alteration in the name of the Joint Committee shall not affect any rights powers authorities privileges duties or obligations of the Joint Committee or render defective in any manner any indictment information warrant summons writ process notice precept or proceeding preferred laid issued instituted or taken by or against the Joint Committee but the same respectively may be continued preferred laid issued instituted taken or commenced by at the instance or on behalf of or against the Joint Committee under their new name as fully as they respectively might have been continued preferred laid issued instituted taken or commenced against the Joint Committee under their former name the name of the West Riding of Yorkshire Rivers Board being for all purposes substituted for the name of the Joint Committee for the rivers of the west riding of Yorkshire.

### PART III.—SOLID MATTERS.

#### 5. Every person who—

- (A) Puts or throws or causes to be put or thrown or to fall; or
- (B) Knowingly permits to be put or to fall or to be carried; or
- (C) Causes or knowingly permits to be put in such a position as to be liable to fall or to be carried

Prohibiting putting solid matter into rivers.

into any river or stream within the jurisdiction of the Rivers Board the solid refuse of or the sweepings from any manufactory manufacturing process brickyard mine pitshaft quarry workshop or shop or any bricks stones gravel sand earth mud soil ashes cinders or clinkers or any rubbish or any deposit in a reservoir mill-dam water-lodge or pond or any sludge or any solid sewage matter or any garbage or offal from a slaughter-house or the carcase or portion of the carcase of any animal or any solid matter shall be deemed to have committed an offence against this Act.

6. No person shall be deemed to have committed an offence against this Act for doing or causing to be done any of the following acts (that is to say):—

Saving for certain acts.

- (1) Constructing improving or maintaining in or across any river or stream any building bridge weir dam sluice or other permanent work with necessary temporary coffer-dams and other works which but for the passing of this Act he would have a legal right to do;
- (2) Pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the

A.D. 1894.

stream or current rising to the line of an ordinary flood) at the side or on the bank of any river or stream for the express and bonâ fide purpose of reclaiming land washed away by the action of any river or stream or of supporting or protecting the side or bank of any river or stream or of repairing the same or of erecting or repairing any bridge or any building drain sewer or watercourse upon or within the banks of any river or stream or the slopes or walls thereof at or convenient to the point at which the same shall be so pitched or deposited ;

- (3) Putting or permitting to be carried into any such river or stream any sand or gravel or other natural deposit which shall have flowed from or been deposited by the current of any such river or stream Provided that the sand or gravel or other natural deposit so put back or carried as aforesaid do not interfere with the due flow of or pollute the waters of such river or stream.

#### PART IV.—LIQUID SEWAGE POLLUTION.

Prohibiting  
sending  
liquid  
sewage into  
rivers.

7.—(1) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any river or stream within the jurisdiction of the Rivers Board any liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

(2) Where any liquid sewage matter falls or flows or is carried into any stream after passing through or along a channel which is vested in a sanitary authority the sanitary authority shall be deemed to knowingly permit the liquid sewage matter so to fall flow or be carried.

(3) A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of liquid sewage matter into a river or stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority.

Power to  
grant time  
for execution  
of works in  
case of  
existing  
pollutions.

8.—(1) On the application of any sanitary authority which at the passing of this Act is committing any offence within the meaning of the last preceding section the Rivers Board may if having regard to all the circumstances of the case they think necessary by order grant time to such authority for or with respect to the executing of any works or the doing of any acts necessary to prevent the commission of the offence.

(2) The Rivers Board may in such order prescribe the several periods within which any successive steps preliminary to and requisite for the obtaining of power to execute such works or to do such acts

shall be taken by such sanitary authority and the period for executing the said works and for doing the said acts and such periods or any of them may be extended by a subsequent order. A.D. 1894.

(3) Unless and until such sanitary authority make default in taking any such step or executing any such works or doing any such act within the time prescribed in that behalf in such order no proceedings under the said section shall be taken by the Rivers Board against the authority named in the order.

#### PART V.—LIQUID MANUFACTURING POLLUTION.

9.—(1) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any river or stream within the jurisdiction of the Rivers Board any poisonous noxious or polluting liquid which proceeds from any manufactory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act. Prohibiting sending polluting liquid from manufactory into rivers.

(2) Where any such poisonous noxious or polluting liquid as aforesaid falls or flows or is carried into any river or stream along a channel used constructed or in process of construction at the date of the passing of the Rivers Pollution Prevention Act 1876 or any new channel constructed in substitution thereof and having its outfall at the same spot for the purpose of conveying such liquid the person causing or knowingly permitting the poisonous noxious or polluting liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous noxious or polluting liquid so falling or flowing or carried into the river or stream.

10. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers: Sanitary authority to afford facilities for factories draining into sewers.

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect such sewers or the disposal by sale application to land or otherwise of the sewage matter conveyed along such sewers or which would from its temperature or otherwise be injurious in a sanitary point of view:

Provided also that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district nor where such

A.D. 1894. facilities would interfere with any order of any court respecting the sewage of such authority.

Restrictions on proceedings under this part of this Act.

**11.**—(1) Proceedings shall not be taken under this part of this Act against any person without the consent of the Local Government Board.

(2) The Rivers Board shall one month at least before taking proceedings under this part of this Act against any person serve by post or otherwise on such person a written notice requiring him to show cause before the Rivers Board (at a time and place to be specified in the notice) why proceedings should not be taken against him under this part of this Act.

(3) If the Rivers Board either after hearing such person or in default of his appearance decide that proceedings ought to be taken they shall forthwith notify their decision and the grounds thereof to such person and to the Local Government Board and shall apply for that board's consent.

(4) The Local Government Board may hold a local inquiry into the circumstances of the case but shall inform the Rivers Board and such person whether they give or withhold their consent.

(5) The Rivers Board shall not take proceedings against any person under this part of this Act and the Local Government Board shall not give their consent to such proceedings unless the Rivers Board and the Local Government Board respectively are satisfied after due inquiry and having regard to the reasonableness of the cost and the effect on the industry or trade in question that means for rendering harmless the poisonous noxious or polluting liquid are reasonably practicable and available under all the circumstances of the case and that no material injury will be inflicted by such proceedings on the interests of such industry or trade.

#### PART VI.—PENALTIES AND PROCEDURE.

Penalty on offences against Act.

**12.**—(1) Except where otherwise expressly provided every person who commits an offence against this Act for which no other penalty is specified shall be liable for the first offence to a penalty not exceeding twenty pounds and for a second or any subsequent offence to a penalty not exceeding fifty pounds and to a penalty not exceeding forty shillings for every day on which the offence is continued after conviction.

(2) A court of summary jurisdiction before which any person is summoned for an offence under this Act may (in lieu of inflicting a penalty or in addition to any penalty it may have inflicted for such offence) by order require such person to abstain from the

commission of such offence and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just and generally may give such directions for carrying into effect any order as to the court seems meet.

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(3) Any person making default in complying with any requirement of an order of the court under this section shall be liable to such a penalty not exceeding fifty pounds a day for every day during which he is in default as the court may order.

**13.**—(1) Offences under this Act may be prosecuted and penalties and costs recovered in a summary manner before a court of summary jurisdiction by the Rivers Board or by the clerk or other officer of the Rivers Board authorised in that behalf.

Recovery and application of penalties.

(2) All penalties recovered under this Act shall be carried to the credit of the common fund of the Rivers Board.

(3) In all cases under this Act the costs of the parties of and incidental to the proceedings shall be in the discretion of the said court and shall be paid as it shall direct.

**14.**—(1) If either party in any proceedings feels aggrieved by the decision of a court of summary jurisdiction under this Act such party may appeal to the next practicable court of quarter sessions holden in or for the county or borough or place where the matter of appeal arises.

Appeal.

(2) If either party on an appeal to the said court of quarter sessions feels aggrieved by the decision of the said court he may appeal from that decision to the High Court in accordance with the rules of the Supreme Court for the time being.

(3) On the hearing of an appeal the High Court shall have power to draw any inference of fact and may either order a new trial on such terms as the Court shall think just or may order judgment to be entered for any party as the case may be or may make a final or other order on such terms as the High Court may think proper to ensure the determination on the merits of the real questions in controversy between the parties.

(4) If any defendant shall desire that the questions involved in any summons shall be decided in the High Court of Justice he may at any time within three days after the service of such summons give notice to the Rivers Board of his said desire and shall be entitled as of course on application to the registrar of the district of the High Court in which such defendant resides to an order that

A.D. 1894. the said summons and all proceedings thereunder shall be removed into the High Court and be there determined by one of Her Majesty's judges of assize at the next practicable assizes for the west riding of Yorkshire from whose decision an appeal shall lie to the Court of Appeal on questions of law only. The provisions of this sub-section shall be carried into effect in accordance with rules of the High Court.

Power of entry.

**15.—(1)** For the better enforcement of the provisions of this Act it shall be lawful for any officer of or other person authorised by the Rivers Board and producing his written authority if required so to do at any time to enter on any land manufactory or other work or building for the purpose of taking and carrying away and to take and carry away samples of any effluent at the point where it passes into any river or stream within the jurisdiction of the Rivers Board.

(2) Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding five pounds.

(3) Such samples shall be taken by such officer or person in triplicate and shall thereupon before they are taken from the premises be respectively sealed up and marked by him and he shall leave one of such triplicate samples with the occupier of the premises whence the effluent flows another shall be submitted by the Rivers Board (if they think fit) for analysis and the third shall be retained by the Rivers Board for future comparison.

Defendant &c. may be witness.

**16.** All offences under this Act shall be deemed to be within the Act of 40 Victoria chapter 14 intituled "An Act for the amendment of the law of evidence in certain cases of misdemeanor."

#### PART VII.—MISCELLANEOUS.

Provisions of Act cumulative.

**17.** All the powers and provisions of this Act are in addition to and not in derogation of any other powers possessed by the Rivers Board under the provisions of the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1893 and the Rivers Board may exercise all or any of such other powers as if this Act had not been passed:

Nothing in this Act shall prejudice or in any way affect or curtail the right of any sanitary authority or of any canal company undertakers of any navigation conservators or other public body or of any person to continue or to commence proceedings against any person or body of persons in respect of any pollution of the rivers of the west riding or any tributary thereof respectively:



Provided that (save as herein-after mentioned) proceedings shall not be taken against any person under this Act while proceedings are pending against such person in respect of the same or a similar offence under any other Act and proceedings shall not be taken against any person under any other Act while proceedings are pending against such person in respect of the same offence under this Act: A.D. 1894.  
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Nevertheless if in any case the Local Government Board shall be of opinion on the representation of the Rivers Board or of any person that any proceedings pending under this Act or any other Act are not being prosecuted bonâ fide and with due diligence they may by order authorise such other proceedings to be taken either under this Act or under any other Act and either by the Rivers Board or by any person as having regard to all the circumstances of the case the Local Government Board may think just.

**18.** It shall not be competent for any person other than the Rivers Board their officers attorneys solicitors or agents or a person authorised by the Local Government Board under the provisions of the last preceding section to institute or carry on any proceeding or prosecution under the provisions of this Act. As to right  
to prosecute.

**19.** The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act and as to the parties by whom such costs shall be borne and every such order and every order for the payment of costs made by the said board under this Act may be made a rule of the High Court. Orders as to  
costs of  
inquiries.

**20.** Inspectors of the Local Government Board shall for the purposes of any inquiry directed by that board under this Act have in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be inspected similar powers to those which the inspectors of the said board have under the Public Health Act 1875 for the purposes of that Act. Power of  
inspectors of  
Local  
Government  
Board.

**21.** All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that board may determine for the services of any inspector) in relation to the duties imposed on that board under this Act shall be paid by the Rivers Board. Costs  
incurred by  
Local  
Government  
Board to be  
paid by  
Rivers  
Board.

**22.** Notwithstanding anything in this Act contained no person shall be deemed to have committed an offence against this Act or be liable to any proceeding under this Act by reason or in consequence Saving as  
waterflow n  
from mines.

A.D. 1894. of any water flowing into the said rivers or streams or any tributary thereof respectively in the same condition as that in which such water has been drained or raised from any mine pit shaft or quarry or by reason or in consequence of any water flowing into the said rivers or streams or any tributary thereof respectively from any colliery or pit bank or by reason or in consequence of any water so flowing which has passed through efficient settling tanks in connexion with any coal washing machinery.

Saving for  
the Hudders-  
field Canal.

23. Notwithstanding anything in this Act contained the London and North Western Railway Company as owners of the Huddersfield Canal shall not be deemed to have committed an offence against this Act or be liable to any proceeding under this Act by reason or in consequence of their returning into the River Colne any sludge or deposit which may come into the said Huddersfield Canal by way of Aspley Goit so long as such goit shall be effectually scoured once at least in every twenty-four hours Sundays excepted.

Saving for  
tidal waters.

24. Nothing in this Act shall apply to any tidal waters which have not been determined by the Local Government Board to be a stream in accordance with section 20 of the Rivers Pollution Prevention Act 1876.

Saving rights  
of Humber  
Conservancy  
Commis-  
sioners.

25. Nothing contained in this Act shall prejudice alter vary or affect any of the provisions of the Humber Conservancy Acts 1852-1876 or any of them or prejudice or alter any title of the Humber Conservancy Commissioners in to or over any lands or foreshores held or acquired by them under the said Acts or any of them or under any lease or agreement made under the powers thereof or confirmed thereby or otherwise howsoever.

For the pro-  
tection of the  
Aire and  
Calder Navi-  
gation and  
the Leeds  
and Liver-  
pool Canal.

26. Nothing in this Act shall extend to interfere with take away abridge prejudice alter or affect any of the rights powers authorities and privileges of the undertakers of the Rivers of Aire and Calder or of the Leeds and Liverpool Canal Company with reference to the construction maintenance management carrying on alteration or improvement of any river or stream canalised stream reservoir canal or navigation or any works connected therewith And nothing in this Act shall extend to prevent the said undertakers or the said company from doing any other act or thing in connexion with any river or stream canalised stream reservoir canal or navigation or any work connected therewith which under any Act of Parliament they are empowered to do and which would not cause any pollution thereof or injurious interference with the due and proper flow thereof.

**27.** Nothing in this Act shall extend to interfere with take away abridge prejudice alter or affect any of the rights powers authorities and privileges of the lord mayor aldermen and citizens of the city of York acting as trustees of the navigation of the River Ouse or as conservators of the said river with reference to the maintenance management and carrying on of the said navigation or any works connected therewith or the alteration or improvement of any part of the said river or any works connected therewith which they are now empowered to execute.

A.D. 1894.  
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Saving rights  
of the  
Corporation  
of York.

**28.** All expenses incurred by the Rivers Board in carrying this Act into execution shall be paid out of their common fund.

Expenses of  
executing  
this Act.

**29.** All the costs of and incidental to preparing and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Rivers Board out of their common fund.

Costs of Act.

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