

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the  
London Government Act 1963, SCHEDULE 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO SEWERAGE AND DRAINAGE

##### PART I

1—4. .... F1

###### Textual Amendments

**F1** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

##### PART II

<sup>M1</sup>SPECIFIC MODIFICATIONS OF SEWERAGE PROVISIONS OF PUBLIC HEALTH ACT 1936

###### Marginal Citations

**M1** 1936 c. 49.

1—4. .... F2

###### Textual Amendments

**F2** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

5 ..... F3

###### Textual Amendments

**F3** Sch. 9 Pt. II para. 5 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

6 ..... F4

###### Textual Amendments

**F4** Sch. 9 Pt. II para. 6 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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7—10. .... F5

**Textual Amendments**

**F5** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

11 In section 30 the reference to Part II of the Public Health Act 1936, and in section 31 the reference to the foregoing provisions of the said Part II, shall be construed as including references to Part III of this Schedule.

12—16. .... F6

**Textual Amendments**

**F6** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

17 In the provisions of Part XII mentioned in section 37 (1) of this Act any reference to the <sup>M2</sup>Public Health Act 1936 shall include a reference to Part V of this Act (including Part III of this Schedule).

**Marginal Citations**

**M2** 1936 c. 49.

18 .... F7

**Textual Amendments**

**F7** Sch. 9 Pt. II para. 18 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 133(2), 134, 135, [Sch. 7](#)

19 .... F8

**Textual Amendments**

**F8** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

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### PART III

#### <sup>M3</sup>PROVISIONS REPRODUCED FROM PART II OF PUBLIC HEALTH (LONDON) ACT 1936

##### Marginal Citations

**M3** 1936 c. 50.

##### *Construction, maintenance and operation of sewers, etc.*

- 1 (1) For the purpose of exercising their functions under the enactments mentioned in section 37 (1) of this Act, the Greater London Council may construct a public sewer—
- (a) in, under or over any street, or in or under any cellar or vault below any street;
  - (b) in, on or over any land not forming part of a street; and
  - (c) in, under or over the bed, banks or shores of the River Thames.
- (2) Where the Greater London Council propose in the exercise of their powers under this paragraph to construct a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority other than the Council or the council of a London borough or county district, they shall before adopting plans for the construction of the sewer give notice of their proposals to that authority; and if that authority within twenty-eight days of the giving of the notice to them serve on the Greater London Council notice of objection to the proposals, the Council shall not proceed with the proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals with or without modification.
- (3) [<sup>F9</sup>Section 29(1) of the Land Drainage Act 1976] (which requires the consent of a river authority to the erection, alteration or repair of structures in, over or under watercourses) shall not apply to any work executed under this paragraph.
- (4) The foregoing provisions of this paragraph shall not be construed as exempting the Council from compliance with any relevant requirement imposed by or by virtue of section 279 or any other provision of Part XII of the <sup>M4</sup>Public Health Act 1936 or by or by virtue of the <sup>M5</sup>Public Utilities Street Works Act 1950.
- (5) Except where notice has to be given by the Greater London Council in pursuance of sub-paragraph (2) of this paragraph or of any requirement mentioned in sub-paragraph (4) thereof, no notice need be given by them of any exercise of the powers conferred by this paragraph.

##### Textual Amendments

**F9** Words substituted by [Land Drainage Act 1976 \(c. 70, SIF 73:1\), s. 117\(2\), Sch. 7 para. 3](#)

##### Marginal Citations

**M4** 1936 c. 49.

**M5** 1950 c. 39.

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- 2 (1) Where any sewer or part of a sewage disposal works vested in the Greater London Council interrupts or will interrupt communications between any premises and any other land or between several parts of the same premises, the Greater London Council may construct such bridges, arches, roads, passages or culverts as they think appropriate for restoring or preserving those communications or may instead pay such compensation to the owners and occupiers of the premises affected as may be agreed with them or as may be just.
- (2) Without prejudice to any duty imposed on them by any other enactment, any bridges, arches, roads, passages or culverts constructed in pursuance of this paragraph shall be maintained by the Greater London Council.

- 3 No works under or over the main navigable channel of the River Lee shall be executed by the Greater London Council in pursuance of the enactments mentioned in section 37 (1) of this Act or in pursuance of this Part of this Schedule, unless—
- (a) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and
  - (b) in the case of any work over any part of the navigation, the soffit of the work is at least eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet:

Provided that the British Waterways Board, upon the application of the Greater London Council, may allow a variation of the said dimensions or any of them.

- 4 (1) Notwithstanding anything in sections 30, 31 and 331 of the <sup>M6</sup>Public Health Act 1936, the Greater London Council—
- (a) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the London borough numbered 17 in Part I of Schedule 1 to this Act south of the bridge carrying Abbey road over that river or, as the case may be, that creek; and
  - (b) may permit any storm water discharged under this paragraph into the said river or creek to flow thence into Bow Creek and thence into the River Thames:

Provided that the Greater London Council—

- (i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the sewerage area of the Greater London Council; and
  - (ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the Council under this paragraph.
- (2) The Greater London Council shall, at the request of the British Waterways Board, cause to be removed at the expense of the Council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said Board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the Council of storm water into the said river or creek under this paragraph.

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Any dispute arising, under this sub-paragraph between the Greater London Council and the British Waterways Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by the Minister of Transport on the application of either party to the dispute.

(3) ..... F10

**Textual Amendments**

**F10** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

**Marginal Citations**

**M6** 1936 c. 49.

F11 .....

5

**Textual Amendments**

**F11** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

F12 .....

6

**Textual Amendments**

**F12** Sch. 9 Pt. III para. 6 repealed by S.I. 1987/798, reg. 3(3), **Sch. 4 Pt. I**

F13 .....

7, 8.

**Textual Amendments**

**F13** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

9 The Greater London Council or the council of an inner London borough may, so far as may be necessary for the execution in the sewerage area of the Council or in that borough, as the case may be, of any works by that council under the enactments mentioned in section 37 (1) of this Act or under this Part of this Schedule, close or stop up any street.

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*F14*  
 .....

10—12.

**Textual Amendments**

**F14** Sch. 9 Pt. I, Pt. II paras. 1–4, 7–10, 12–16, 19 and Pt. III paras. 4(3), 5, 7, 8, 10–12 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

*F15*  
 .....

13—15.

**Textual Amendments**

**F15** Sch. 9 Pt. III paras. 13–15 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 133(2), 134, 135, [Sch. 7](#)

*Miscellaneous*

16 It shall be the duty of the council of a London borough or county district, the Common Council, the Sub-Treasurer or the Under-Treasurer, as the case may be, to cleanse every grating and gully in the borough, district, City, Inner Temple or Middle Temple, as the case may be, which satisfies all the following conditions, that is to say—

- (a) it is vested in, or under the control of, the Greater London Council; and
- (b) it is situate in a street which is not a metropolitan road; and
- (c) it communicates with a sewer vested in the Greater London Council.

17 (1) The council of a London borough or county district may serve on the owner or occupier of any land abutting on a street vested in, or repairable by, the council a notice requiring him within the period of twenty-eight days beginning with the service of the notice to carry out such works on the land as may be specified in the notice for preventing soil or refuse from the land from entering any sewer or gully in the street in such quantities as to choke up the sewer or gully.

(2) If any person fails to comply with the requirements of a notice under this paragraph, he shall be liable to a fine not exceeding [<sup>F16</sup>five pounds][<sup>F16</sup>£200] and to a further fine not exceeding twenty shillings for every day on which the failure continues after conviction.

(3) Any person aggrieved by the requirements of any such notice may appeal to a magistrates' court.

**Textual Amendments**

**F16** “£200” substituted with effect in Greater London for “five pounds” by virtue of [Greater London Council \(General Powers\) Act 1983 \(c. iii\)](#) s. 3, Sch.

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- 18 (1) If any person—
- (a) knowingly erects or places any building, wall, bridge, fence, obstruction or encroachment in, on, over or under any sewer vested in the Greater London Council or in the council of an inner London borough; or
  - (b) obstructs, fills in or diverts any sewer or drain vested in or under the control of, the Greater London Council or the council of an inner London borough, without the previous consent in writing of the council in whom the sewer or drain is vested or by whom it is controlled, then, without prejudice to any other proceedings which may be taken against him, that council—
    - (i) may recover from him, as a debt due from him to the council, a penalty not exceeding [<sup>F17</sup>twenty pounds][<sup>F17</sup>£200], and a further penalty not exceeding five pounds for every day on which the contravention continues after notice thereof has been served on him by the council; and
    - (ii) may demolish and remove the building, wall, bridge, fence, obstruction or encroachment, and execute any works necessary for re-opening, restoring, repairing or reinstating the sewer or drain, as the case may be, and may recover from the offender the expenses incurred by the council in so doing.
- (2) Nothing in this paragraph shall prevent or impede the maintenance, repair or renewal of any building or works under which a sewer or drain has been constructed, so however that the building or works shall not injure or obstruct the sewer or drain.
- [<sup>F18</sup>(3) Nothing in this paragraph applies to the erection of a building or extension of a building if section 18 of the Building Act 1984 would apply if plans of that building or extension were, in accordance with building regulations, deposited with a local authority.]

#### Textual Amendments

- F17** “£200” substituted with effect in Greater London for “twenty pounds” by virtue of [Greater London Council \(General Powers\) Act 1983 \(c. iii\) s. 3, Sch.](#)
- F18** [Sch. 9 Pt. III para. 18\(3\)](#) added by [S.I. 1987/798, reg. 3\(2\)](#), [Sch. 3 para. 2](#)

- 19 If any person—
- (a) removes, demolishes or otherwise interferes with any sewer or part of a sewer vested in the Greater London Council or in the council of a London borough or county district, without the previous consent in writing of the council concerned; or
  - (b) wilfully damages any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work or thing vested in the Greater London Council or in the council of a London borough or county district; or
  - (c) does anything by reason of which the drainage of the sewerage area of the Greater London Council or any part thereof may be obstructed or damaged,
- the council concerned may, without prejudice to any other proceedings which may be taken against that person, recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and also the amount of the expenses incurred by that council in repairing, restoring or reinstating the sewer or other work or thing removed, demolished, interfered with, damaged or obstructed, as the case may be.

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- 20 (1) Every person found in, or attempting to enter, any sewer vested in the Greater London Council or in the council of a London borough or county district without the permission of the council in whom the sewer is vested, shall be liable to a fine not exceeding [<sup>F19</sup>level 1 on the standard scale].
- (2) Any person found in, or attempting to enter, any such sewer as aforesaid without the permission of the council in whom it is vested may be removed from the sewer by an officer of that council, and in the event of the name and address of that person not being known the officer may detain him and hand him over to a police constable.

#### Textual Amendments

**F19** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

- 21 Without prejudice to the generality of the enactments relating to the acquisition of land by local authorities, the Greater London Council and the council of a London borough or county district may—
- (a) purchase, or procure the removal of the whole or any part of, any structure, apparatus or other thing which interrupts or impedes sewerage or drainage, and purchase any land which it may be necessary or expedient to purchase for the purpose of preventing the obstruction of sewerage or drainage;
  - (b) purchase or take on lease the whole or any part of any stream or spring of water or any rights therein which it appears to them necessary to acquire and use for the purpose of cleansing sewers and drains or for any other purposes of Part II of the <sup>M7</sup>Public Health Act 1936 or this Part of this Schedule;
  - (c) purchase or take on lease any land which the council consider it advisable to purchase or take on lease for the purpose or drawing or obtaining water from springs or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, water-courses and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid:

Provided that nothing in this paragraph shall authorise any council to use any works executed by them under Part II of the Public Health Act 1936 or this Part of this Schedule, or permit such works to be used, for the purpose of carrying water by supply pipes into any house or factory for domestic manufacturing or commercial purposes.

#### Marginal Citations

**M7** [1936 c. 49.](#)



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