

Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 105.

PROVISIONS RELATING TO LONDON

Interpretation

1 (1) In this Act, subject to any order under sub-paragraph (2) below, “the metropolitan watercourses” means—

- (a) so much of the river Thames as lies within the London excluded area, including all its associated watercourses within the flow and re-flow of its tides in that area;
- (b) the watercourses shown marked in red on the signed plan as defined in and for the purposes of Part II (Alteration of Kent River Authority area and London excluded area) of the ^{M1}Greater London Council (General Powers) Act 1968;
- (c) the river Ravensbourne, the Chaffinch Brook, the Beck River, the Pool River, the Quaggy River, the Kid Brook, the Kyd Brook and the Lower Kid Brook, and their associated watercourses;
- (d) the Beverley Brook, the river Graveney, the Pyl Brook and the river Wandle, and their associated watercourses;
- (e) the river Brent, the river Crane and the Duke of Northumberland’s river, and their associated watercourses;
- (f) any watercourse that immediately before the commencement of this Act was a metropolitan watercourse by virtue of an order under paragraph 15(2) of Schedule 14 to the ^{M2}London Government Act 1963;

and . . . ^{F1}

(2) The [^{F2}Secretary of State] may, after consultation with . . . ^{F3} the council of any district or London borough appearing to him to be affected, by order provide that—

- (a) the whole or any part of a watercourse within the London excluded area shall become a metropolitan watercourse; or
- (b) the whole or any part of a watercourse other than the tidal Thames shall cease to be a metropolitan watercourse; or
- (c) the whole or any part of a metropolitan watercourse shall become or cease to be a main metropolitan watercourse;

..... ^{F3}

(3) Notwithstanding anything to the contrary in any enactment or instrument, no part of any of the metropolitan watercourses shall be or form part of a public sewer.

Textual Amendments

F1 Definition of “main metropolitan watercourse” repealed by [S.I. 1986/208, art. 5\(3\)](#), [Sch. 2](#)

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F2 Words in Sch. 5 para. 1(2) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 19** (with arts. 5(3), 6)

F3 Words repealed by S.I. 1986/208, art. 5(3), **Sch. 2**

Marginal Citations

M1 1968 c. xxxix.

M2 1963 c. 33.

2 In this Schedule—

“associated watercourse”, in relation to any river, means a tributary or other watercourse the water from which ultimately flows into, or which is directly or indirectly connected with, that river;

F4.

“flood works”, in relation to the tidal Thames, has the same meaning as in the local enactments relating thereto;

“the former county of London” means the area constituted by the county of London as it existed immediately before the passing of the ^{M3}London Government Act 1963 (under which the said county ceased to exist);

“local enactment” means—

(a) in relation to any watercourse falling within paragraph 1(1)(a) above, the Thames River (Prevention of Floods) Acts 1879 to 1962 and section 14 of the ^{M4}London County Council (General Powers) Act 1932;

(b) F4

“the tidal Thames” means the watercourses falling within paragraph 1(1)(a) above;

“watercourse” includes all rivers and streams and all ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows;

and any mention of a particular river shall not be construed as prejudicing the meaning of the expression “associated watercourse”.

Textual Amendments

F4 Definition of “the Authority” and subparagraphs (b) to (f) in the definition of “local enactment” repealed by S.I. 1986/208, art. 5(3), **Sch. 2**

Marginal Citations

M3 1963 c. 33.

M4 1932 c. lxx.

General provision with respect to the London excluded area

3 (1) F5

(3) Part III of the ^{M5}Surrey County Council Act 1925 shall not apply to any area outside the London excluded area.

Textual Amendments

F5 Sch. 5 para. 3(1)(2) repealed by S.I. 1986/208, art. 5(3), **Sch. 2**

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Marginal Citations

M5 1925 c. cxv.

Functions of the Greater London Council with respect to the metropolitan watercourses

4 (1) Subject to paragraph 6 below, and to any provision made by an order under section 84 or 87 of the ^{M6}London Government Act 1963—

- (a) ^{F6}
- (b) the local enactments relating to so much of the tidal Thames as lies within the former county of London shall apply to the whole of the tidal Thames (as defined for the purposes of this Schedule), and in those enactments references to, or which are to be taken as references to, the county of London shall be construed as references to the London excluded area;
- (c) no functions relating to the drainage of land, flood prevention and the like matters shall (subject to paragraph 6 below) be exercisable with respect to the tidal Thames by any authority under any local statutory provisions other than the enactments mentioned in sub-paragraph (b) above.

(2) In sub-paragraph (1)(c) above “local statutory provisions” means provisions of a local Act (including an Act confirming a provisional order) or provisions of a public general Act passed with respect only to the whole or part of the former county of London or provisions of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act.

Textual Amendments

F6 Sch. 5 para. 4(1)(a) repealed (and functions of Greater London Council transferred) by S.I. 1986/208, arts. 3, 5(3), Sch. 2

Marginal Citations

M6 1963 c. 33.

5 Subject to section 21 of the ^{M7}Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 [^{F7}the power of the Thames Water Authority] under the said Act of 1879 and the other enactments relating to the tidal Thames to approve, require the execution of and execute flood works for the protection of land from flooding by the river Thames in the London excluded area shall be exercisable by them for the protection of land from flooding by such of the river’s associated watercourses as immediately before 1st April 1974 lay within the flow and re-flow of its tides in the Lee catchment area.

Textual Amendments

F7 Words substituted by S.I. 1986/208, art. 5(1), Sch. 1 Pt. II para. 6(1)

Modifications etc. (not altering text)

C1 Functions of Greater London Council transferred by S.I. 1986/208 art. 3

Marginal Citations

M7 1879 c. cxviii.

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6 Paragraph 4 . . . ^{F8}(b) above and so much of paragraph 2 above as relates to paragraph 4 . . . ^{F8}(b) above shall not be construed as extending or restricting the application of any of the local enactments relating to the tidal Thames to property for the time being held for the purposes of their undertaking by the Port of London Authority or as extending or restricting the functions of that Authority.

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Textual Amendments
F8 Words repealed by S.I. 1986/208, art. 5(3), **Sch. 2**

*General provision with respect to the Greater
London Council and the Thames Water Authority*

7 ^{F9}

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Textual Amendments
F9 Ss. 1–3, 20, 62, 117(4), Sch. 5 para. 7 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

8—11. ^{F10}

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Textual Amendments
F10 Sch. 5 paras. 8–11 repealed by S.I. 1986/208, art. 5(3), **Sch. 2**

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