

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 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 London Government Act 1963 ;

and " the main metropolitan watercourses " means the watercourses falling within paragraph (a) above (referred to below as " the tidal Thames "), the watercourses falling within paragraph (b) above, the watercourses mentioned by name in paragraphs (c) to (e) above and any watercourse that immediately before the commencement of this Act was a main metropolitan watercourse by virtue of an order under the said paragraph 15(2).

(2) The Minister may, after consultation with the Greater London Council and 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 ;

and an order under paragraph (a) above shall specify the local enactments that are to be the local enactments for the purposes of this Schedule in relation to the watercourse or part of a watercourse dealt with by the order.

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- (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.

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;

" the Authority " means the Thames Water Authority ;

" 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 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 London County Council (General Powers) Act 1932;
- (b) in relation to any watercourse falling within paragraph 1(1)(b) above, the River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961 ;
- (c) in relation to any watercourse falling within paragraph 1(1)(c) above, the River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961 ;
- (d) in relation to any watercourse falling within paragraph 1(1)(d) above, Part II of the Surrey County Council Act 1925, section 15 of the Surrey County Council Act 1931, Part II of the Surrey County Council Act 1936 and the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960 ;
- (e) in relation to any watercourse falling within paragraph 1(1)(e) above, Part V of the Middlesex County Council Act 1944 ;
- (f) in relation to any watercourse that is a metropolitan watercourse by virtue of an order under paragraph 1(2)(a) above, such enactments as may be specified in relation thereto by the order ;

" 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 ".

General provision with respect to the London excluded area

- 3 (1) Nothing in section 1(1) or any other provision of this Act shall make any land drainage function exercisable in the London excluded area by the Authority or any other water authority, and no part of the London excluded area shall be included in any local land drainage district.
- (2) Land drainage functions relating to the London excluded area shall continue to be exercisable (subject to the provisions of this Schedule) by the Greater London Council and other authorities by whom they were exercisable immediately before

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the passing of this Act, and in accordance with the enactments by virtue of which they are exercisable.

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

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 London Government Act 1963—
- (a) the functions conferred on the council of any county or county borough by the local enactments relating to the metropolitan watercourses shall (instead of being exercisable by that council, or the successor to that council under the Local Government Act 1972) be exercisable by the Greater London Council, and references in any such enactment to any such council shall be construed accordingly;
 - (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.
- 5 Subject to section 21 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 and to any provision made by an order under section 84 or 87 of the London Government Act 1963, the power of the Greater London Council 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.
- 6 Paragraph 4(a) and (b) above and so much of paragraph 2 above as relates to paragraph 4(a) and (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.

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

- 7 The Minister may give the Greater London Council directions, either of a general or of a particular character, as to the exercise by the Council of their land drainage functions.

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- 8 (1) The following provisions of the Water Act 1973, namely—
section 4(5)(a) and (b) ;
section 8(1) to (4);
section 22; and
section 24(5) and (6) and (8) to (12),
shall have effect in relation to the land drainage functions of the Greater London Council as if that Council were a water authority and the London excluded area were their water authority area.
- (2) The Greater London Council shall send the Authority a copy of any report which sets out the results of a survey made by them under section 24(5) of the Water Act 1973, as applied by sub-paragraph (1) above, and of any programme submitted by them to the Minister under section 24(6) of that Act as applied by that sub-paragraph.
- 9 (1) If the Greater London Council intend to carry out any works for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Authority of any of their functions in the London excluded area, the Council shall notify the Authority in writing of their intention.
- (2) The Authority may within 2 months of the date of a notice under sub-paragraph (1) above require the Council to consult with them about any of the matters to which the notice relates.
- (3) If, within a period of 2 months beginning with the date on which a requirement under sub-paragraph (2) above was sent by the Authority to the Council, the Authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Authority shall notify the Ministers of that fact and the Ministers shall give directions to the Council as to any such matter.
- 10 (1) If the Authority intend—
(a) to carry out works in their area for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions, or
(b) to carry out any works in the London excluded area for the purposes of any of their functions or to exercise any of those functions in that area in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions,
the Authority shall notify the Greater London Council in writing of their intention.
- (2) The Greater London Council may within 2 months of the date of a notice under sub-paragraph (1) above require the Authority to consult with them about any of the matters to which the notice relates.
- (3) If, within a period of 2 months beginning with the date on which a requirement under sub-paragraph (2) above was sent to the Authority by the Greater London Council, the Authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Council shall notify the Ministers of that fact and the Ministers shall give directions to the Authority as to any such matter.

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Provision with respect to the Common Council

- 11 The powers conferred by the provisions of this Act other than section 98 on the Common Council shall be exercisable as respects the City, the Inner Temple and the Middle Temple.