



CHAPTER xlix

An Act to consolidate with amendments the provisions relating to the constitution of the Lee Conservancy Catchment Board to extend the time for the execution of works to make further provision in reference to payments by the Metropolitan Water Board and the increase and application of sums which may be demanded from local authorities the superannuation of officers and the preservation of the purity of the river Lee and for other purposes. [28th July 1950.]

WHEREAS—

(1) The Lee Conservancy Catchment Board were constituted and incorporated by section 80 of the Land Drainage Act 1930 and provisions in relation to their constitution and powers are contained in the Lee Conservancy Act 1868 the Lee Conservancy Act 1900 the Lee Conservancy Act 1921 the Lee Conservancy Catchment Board Act 1936 the Lee Conservancy Catchment Board Act 1938 and the Transport Act 1947 and it is expedient to repeal certain of these provisions and so far as may be necessary to re-enact them with amendments :

(2) By section 118 of the Transport Act 1947 and the Lee Conservancy Catchment Board (Additional Functions) Regulations 1947 made thereunder certain functions of the Lee Conservancy Board relating to fisheries and pollution are exercisable by the Board in lieu of being exercisable by the British Transport Commission :

(3) Under the Lee Conservancy Act 1868 as amended by subsequent enactments the Metropolitan Water Board are under obligation to pay to the Board a yearly sum not exceeding two

thousand pounds for the exercise and execution by the Board of their functions for preserving the purity of the water of the river Lee and its tributaries and it is expedient to make further provision in regard thereto :

(4) Under the Land Drainage Act 1930 the expenses of the Board under that Act in so far as they are not met otherwise are apportioned among the councils of the counties and county boroughs within or partly within the Board's catchment area and the Board are empowered to issue precepts to those councils requiring payment of the amounts apportioned such amounts in any year not to exceed (except as mentioned in the said Act) the estimated amount produced by a rate of twopence in the pound and it is expedient to enlarge the limit and to make further provision in regard to the application of the sums demanded :

(5) Doubts have arisen as to the interpretation of section 27 of the Lee Conservancy Act 1900 and it is expedient to make provision for the removal of such doubts :

(6) It is expedient to make further provision in reference to superannuation of the Board's officers and that the other provisions of this Act should be enacted :

(7) The purposes of this Act cannot be effected without the authority of Parliament.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 and
collective
titles.

1.—(1) This Act may be cited as the Lee Conservancy Catchment Board Act 1950.

(2) The Lee Conservancy Catchment Board Act 1936 the Lee Conservancy Catchment Board Act 1938 and this Act may be jointly cited as the Lee Conservancy Catchment Board Acts 1936 to 1950.

Interpretation.

2.—(1) In this Act unless the context otherwise requires the following expressions have the meanings assigned to them :—

“ the Board ” means the Lee Conservancy Catchment Board ;

“ the Lee catchment area ” means the Lee catchment area as determined in pursuance of the Act of 1930 ;

“ the clerk ” means the clerk of the Board and includes any person authorised by the Board to discharge temporarily the duties of that officer ;

PART I
—cont.

“ the Minister ” means the Minister of Agriculture and Fisheries ;

“ the Act of 1900 ” “ the Act of 1930 ” and “ the Act of 1938 ” mean respectively the Lee Conservancy Act 1900 the Land Drainage Act 1930 and the Lee Conservancy Catchment Board Act 1938.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

CONSTITUTION OF THE BOARD

3.—(1) The Board shall consist of twenty members who shall be appointed and elected as follows :—

Constitution
of Board.

(a) Appointed members—

- one by the Minister ;
- one by the Bedfordshire County Council ;
- one by the Hertfordshire County Council ;
- three by the Essex County Council ;
- three by the Middlesex County Council ;
- three by the London County Council ;
- one by the common council of the city of London ;
- one by the council of the county borough of West Ham ;
- two by the Metropolitan Water Board ;

(b) Elected members—

- one by the local authorities in Hertfordshire mentioned in Part I of the First Schedule to this Act ;
- one by the local authorities in Essex mentioned in Part II of that schedule ;
- one by the local authorities in Middlesex mentioned in Part III of that schedule ;
- one by the local authorities in London mentioned in Part IV of that schedule.

(2) Appointed and elected members need not be members of the bodies by whom they are respectively appointed or elected.

PART II
—cont.

(3) The Board shall be the drainage board of the Lee catchment area.

(4) The provisions of the Act of 1930 with respect to the constitution and membership of drainage boards of catchment areas shall not apply in relation to the Board.

Continuance
of existing
members
until July 1952.

4. The persons who are members of the Board immediately before the first Friday in April nineteen hundred and fifty-two shall unless they previously die or resign or become disqualified continue in office until the first day of July nineteen hundred and fifty-two and shall then go out of office but shall be eligible for re-appointment or re-election.

Appointed
members.

5.—(1) The appointed members of the Board shall be appointed by the Minister and the bodies respectively referred to in paragraph (a) of subsection (1) of section 3 (Constitution of Board) of this Act not later than the fifteenth day of June nineteen hundred and fifty-two and the fifteenth day of June in every succeeding third year.

(2) The appointments shall be in writing and the appointment by the Minister shall be signed by a secretary or an assistant secretary of the Ministry the appointment by a county council by the clerk of the council the appointment by the council of a city or borough by the town clerk thereof and the appointment by the Metropolitan Water Board by the clerk of that board.

(3) All appointments shall forthwith be transmitted to the clerk.

Elected
members.

6.—(1) Elected members shall be elected in the year nineteen hundred and fifty-two and in every subsequent third year in accordance with the provisions contained in the Second Schedule to this Act.

(2) At an election of elected members the clerk shall be the returning officer and he shall make a return to the Board under his hand of the persons elected and every person so returned shall be deemed duly elected.

(3) The clerk shall send a copy of his return to each of the local authorities mentioned in the First Schedule to this Act.

Term of
office.

7. The members of the Board shall come into office on the first day of July in the year in which they are appointed or elected and unless in the meantime he dies or becomes disqualified or by notice in writing given to the clerk resigns his office a member shall continue in office for three years and then retire but shall be eligible for re-appointment or re-election.

8.—(1) If an appointed member of the Board dies or resigns or goes out of office otherwise than by reason of effluxion of time the person or body by whom he was appointed shall except as provided by this section appoint another person in his place and send the appointment signed in accordance with section 5 (Appointed members) of this Act to the clerk. Casual vacancies.

(2) If a member of the Board elected by the local authorities in any of the groups referred to in the First Schedule to this Act dies or resigns or goes out of office otherwise than by reason of effluxion of time the local authorities in that group shall except as provided by this section elect another person in his place and the provisions of the Second Schedule to this Act shall apply to any such election with the substitution for the dates mentioned in paragraphs 1, 3 and 4 of that schedule of such dates as may be determined by the Board and communicated to the local authorities in the group.

(3) When a casual vacancy occurs within six months before the ordinary day for the retirement of members the vacancy may be filled but need not be filled if the person or body to make the appointment or a majority of the local authorities in the group concerned decide that it is unnecessary for the vacancy to be filled.

(4) Every person appointed or elected in pursuance of this section shall hold office until the date upon which the person in whose place he is appointed or elected would have retired and he shall then retire but shall be eligible for re-appointment or re-election.

(5) The provisions in force immediately before the passing of this Act shall have effect with regard to any vacancy occurring before the first day of July nineteen hundred and fifty-two.

9. The following persons shall be disqualified for being or continuing members of the Board:— Disqualification for membership of Board.

- (1) Every person who has been adjudged bankrupt or has made a composition or arrangement with his creditors:
- (2) Every person who holds any paid office or other place of profit (other than that of chairman of the Board) in the gift or disposal of the Board or of any committee thereof:
- (3) Every person who has within five years before the date of his appointment or election or since his appointment or election been convicted in the United Kingdom the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine:

PART II
—cont.

- (4) Any member who is absent from meetings of the Board for more than six months consecutively unless his absence is due to illness or some other reason approved by the Board:

Provided that—

- (a) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease—
- (i) if the bankruptcy is annulled either on the ground that he ought not to have been adjudged bankrupt or that his debts have been paid in full on the date of the annulment; or
 - (ii) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part on the date of his discharge; or
 - (iii) in any other case on the expiration of five years from the date of his discharge;
- (b) the disqualification attaching to a person by reason of his having made a composition or arrangement with his creditors shall cease—
- (i) if he pays his debts in full on the date on which the payment is completed; or
 - (ii) in any other case on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Member
interested in
a contract.

10.—(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board or of any committee or sub-committee thereof and the disclosure shall be recorded in the minutes of such meeting and such member shall not take any part in any deliberation or decision of the Board or of any committee or sub-committee thereof with respect to such contract.

(2) The failure of a member of the Board to comply with the provisions of this section shall not affect the validity of any resolution passed at a meeting of the Board or of any committee or sub-committee thereof or the validity of any action taken in consequence of such resolution.

Validity of
proceedings.

11. The proceedings of the Board shall not be invalidated by any vacancy in their number or by any defect in the appointment election or qualification of any member of the Board.

Expenses of
elections etc.

12. Expenses incurred by the returning officer or otherwise by or on behalf of the Board in relation to elections under this Act shall be paid by the Board.

13. On the first day of July nineteen hundred and fifty-two—

PART II.

—cont.

(1) Part II (Constitution of the Board) of the Act of 1900 and section 11 (Casual vacancies amongst appointed members) of the Lee Conservancy Act 1921 shall cease to apply to the Board ; and

Repeal.

(2) Subsections (1) (3) and (4) of section 80 of the Act of 1930 and subsections (1) and (4) of section 118 of the Transport Act 1947 and the Twelfth Schedule to that Act shall be repealed.

PART III

EXTENSIONS OF TIME

14.—(1) The time limited by section 19 of the Act of 1938 for the compulsory purchase of land for the purposes of that Act as extended by the Lee Conservancy Catchment Board Act 1938 (Extension of Time) Order 1941 the Lee Conservancy Catchment Board Act 1938 (Extension of Time) (No. 2) Order 1944 and the Lee Conservancy Catchment Board Act 1938 (Extension of Time) (No. 3) Order 1946 is hereby further extended until the thirty-first day of December nineteen hundred and fifty-five.

Extensions
of time.

(2) The time limited by section 34 of the Act of 1938 for the completion of the works authorised by that Act as extended by the Lee Conservancy Catchment Board Act 1938 (Extension of Time) (No. 3) Order 1946 is hereby further extended until the thirty-first day of October nineteen hundred and sixty-five.

(3) Section 6 of the Act of 1938 (which as regards certain lands limits the compulsory powers of the Board to the acquisition of a lease for a short period) shall have effect as if no notice to treat had been served thereunder before the sixteenth day of September nineteen hundred and forty-nine.

(4) The Minister may by order extend still further the periods referred to in subsections (1) and (2) of this section.

(5) Before deciding whether or not to make an order under the last foregoing subsection the Minister may require the fulfilment by the Board in such manner as may be specified in the requirement of such conditions with respect to the publication of notices and the giving of notices to such persons as may be so specified and the Minister shall afford to any person appearing to him to be likely to be affected by the making of the order an opportunity of making representations to him and may if he thinks fit cause a local inquiry to be held.

(6) The provisions of subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to an inquiry held

23 & 24 Geo. 5.
c. 51.

PART III
—cont.

under the last foregoing subsection as they apply to inquiries held under that section as if for references therein to a department there were substituted references to the Minister.

(7) As soon as may be after making an order under this section the Minister shall cause to be published in the London Gazette and in such other manner as appears to him to be best adapted for informing persons affected a notice stating that the order has been made and specifying a place where copies thereof may be obtained.

Power to
owners and
lessees to give
notice as to
purchase of
land.

15.—(1) If any person being the owner or lessee of any land which may be acquired compulsorily under the Act of 1938 (other than any of the lands referred to in section 6 of that Act) shall desire that any such land or his interest therein shall be acquired as soon as may be and shall give notice in writing to the Board of such desire the Board within a period of three months after the receipt of such notice shall either—

- (a) enter into an effective contract with such person for the acquisition by agreement of such land or part of such land or his interest in such land or part thereof or an easement or right in respect of such land; or
- (b) serve a notice to treat for the compulsory acquisition of such land or part of such land or of such person's interest in such land or part thereof or of an easement or right in respect of such land; or
- (c) notify their intention not to proceed with the purchase of such land.

(2) In any case in which the Board notify their intention not to proceed with the purchase of any land or any interest in any land the powers conferred by the Act of 1938 for the compulsory purchase of such land or interest shall cease.

PART IV

FINANCIAL AND MISCELLANEOUS PROVISIONS

Payments by
Metropolitan
Water Board.

16.—(1) On the first day of January nineteen hundred and fifty-one section 131 (Additional payments by water companies) of the Lee Conservancy Act 1868 subsection (2) of section 25 of the Act of 1900 and subsection (2) of section 5 (Increased payments by Metropolitan Water Board) of the Lee Conservancy Act 1921 and so much of subsection (3) of that section as relates to subsection (2) thereof shall be repealed.

(2) (a) In the period from the first day of January nineteen hundred and fifty-one to the thirty-first day of March nineteen hundred and fifty-two and in every subsequent year beginning on the first day of April the Metropolitan Water Board (in this

section called "the water board") shall pay to the Board such sum not exceeding the maximum sum determined as hereinafter provided as the Board may from time to time think requisite for the exercise and discharge by them of their powers and duties under any enactments for preserving the purity of the river Lee and its tributaries:

Provided that the Board shall at the commencement of every year and before determining the amount requisite for such purposes send an estimate thereof to the water board and if within fourteen days thereafter that Board shall in writing object to the amount of the estimate the same unless otherwise agreed shall be referred to and determined by arbitration the arbitrator being appointed by the Minister of Health.

(b) If at the end of any year it shall appear that the amount paid by the water board is greater or less than the money requisite to be paid by them for the purposes aforesaid in that year in accordance with this section the deficiency or excess shall be carried to the debit or credit (as the case may be) of the estimate of the succeeding year.

(3) The maximum sum hereinbefore referred to shall be—

(a) in the period from the first day of January nineteen hundred and fifty-one to the thirty-first day of March nineteen hundred and fifty-two eight thousand seven hundred and fifty pounds ;

(b) in the year commencing on the first day of April nineteen hundred and fifty-two seven thousand pounds ;
and

(c) in any subsequent year beginning on the first day of April such sum as may be agreed between the Board and the water board or in the absence of agreement determined by the Minister of Health.

17. The Board shall produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act stamped with duty at the rate of five shillings for every hundred pounds or fractional part of one hundred pounds of the sum of eleven thousand seven hundred and fifty pounds being the aggregate of the two sums referred to in subsection (3) of the last foregoing section after deducting the sum of four thousand pounds in respect of which the said subsection is a substituted security and with duty of ten shillings being the maximum duty as upon a substituted security in respect of the said sum of four thousand pounds and in default of such production within six months after the passing of this Act the duty with interest thereon at five per centum per annum shall become a debt from the Board to His Majesty.

PART IV
—cont.Contributions
of local
authorities.

18. The Act of 1930 in relation to the Board shall have effect—

(a) as if in section 20 thereof there were substituted—

(i) for the words “the expenses under this Act” in subsection (1) the words “the expenses under any enactment”; and

(ii) for the words “this Act” where they secondly and thirdly occur in subsection (3) the words “any enactment”; and

(b) as if in section 22 of that Act there were substituted for the words “two pence” wherever those words occur the words “four pence”.

Super-
annuation.9 & 10 Geo. 6.
c. 67.

19.—(1) In subsection (7) of section 80 of the Act of 1930 (which relates to superannuation allowances for the Board’s officers or servants) the expression “not otherwise legally entitled to any pension or superannuation allowance” shall not include a retirement pension under the National Insurance Act 1946 or a pension or superannuation allowance resulting from any service the period of which is not taken into account by the Board under the provisions of subsection (2) of this section for the purpose of a superannuation allowance from the Board.

(2) Where an officer of the Board was at any time before entering their service—

(a) in the employment of a local authority whose officers were entitled to the benefit of superannuation provisions under a general or local Act; or

(b) in the employment of an employing authority as defined in the National Health Service (Superannuation) Regulations 1950 or of a local health authority or of a local education authority and to whom Part II Part III or Part IV of those regulations applied; or

(c) in the employment of a body company or person whose employees are entitled to the benefit of a superannuation scheme;

the Board may by resolution direct that the period during which he had served in that employment and which if he had remained in that employment would have been taken into account for the purpose of determining his pension or superannuation allowance shall upon his retirement from the service of the Board be taken into account in computing the amount of superannuation allowance granted to him in pursuance of section 80 of the Act of 1930:

Provided that if such officer upon leaving that employment had become entitled to claim the repayment with or without interest of the whole or any part of his contributions to the

superannuation fund of the local authority or of his contributions under the said regulations or of his contributions under a superannuation scheme he shall pay to the Board the amount so repaid to him before he ceases to hold office under the Board.

(3) If an officer who in pursuance of the proviso to the last foregoing subsection has paid to the Board the amount repaid to him of the contributions therein referred to does not receive from the Board a superannuation allowance they shall repay to him the amount paid by him in pursuance of that proviso.

(4) If an officer who in pursuance of the proviso to subsection (2) of this section has paid to the Board the amount repaid to him of the contributions therein referred to dies before he has received from the Board by way of superannuation allowance an amount equal to the sum so paid by him to the Board his legal personal representatives shall be entitled to receive from the Board the difference between the total amount which he has received by way of superannuation allowance and the sum so paid to the Board.

(5) In this section the expression "officer" includes servant.

(6) Subsection (3) of section 7 (Superannuation) of the Lee Conservancy Catchment Board Act 1936 shall cease to apply to the Board and their officers.

20.—(1) The provisions of section 49 of the Act of 1930 relating to the audit of the accounts of catchment boards shall apply to the accounts of all receipts and expenditure of the Board and the officers of the Board as they apply to the accounts of receipts and expenditure under the Act of 1930 of catchment boards and of the officers of catchment boards. Audit of accounts.

(2) This section shall come into force on the first day of April nineteen hundred and fifty-one and apply to sums received and expended on and after that date.

21. In and for the purposes of section 27 of the Act of 1900 (which provides amongst other things that if any person without lawful excuse wilfully causes or suffers any offensive matter or waste manufactured products whether solid or fluid or any matter likely to silt up or form obstructions to flow or pass into the river Lee or into any tributary thereof he shall be liable to penalties) the expression "tributary" includes any river stream water-course ditch cut dock canal channel and water which may communicate either directly or indirectly with the river Lee. Definition of tributary.

22. The costs charges and expenses preliminary to of and incidental to the preparing for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board. Costs.

SCHEDULES

FIRST SCHEDULE

PART I

Local authorities in Hertfordshire

Barnet Urban District Council.
Bishops Stortford Urban District Council.
Braughing Rural District Council.
Cheshunt Urban District Council.
East Barnet Urban District Council.
Elstree Rural District Council.
Harpenden Urban District Council.
Hatfield Rural District Council.
Hertford Borough Council.
Hertford Rural District Council.
Hitchin Rural District Council.
Hoddesdon Urban District Council.
St. Albans Rural District Council.
Sawbridgeworth Urban District Council.
Stevenage Urban District Council.
Ware Rural District Council.
Ware Urban District Council.
Welwyn Rural District Council.
Welwyn Garden City Urban District Council.

And the council of any borough or district to be hereafter created in the county of Hertford and lying wholly within the Lee catchment area.

PART II

Local authorities in Essex

Chingford Borough Council.
Dunmow Rural District Council.
Epping Rural District Council.
Epping Urban District Council.
Leyton Borough Council.
Saffron Walden Rural District Council.
Waltham Holy Cross Urban District Council.
Walthamstow Borough Council.

And the council of any borough or district to be hereafter created in the county of Essex and lying wholly within the Lee catchment area.

PART III

Local authorities in Middlesex

Edmonton Borough Council.
Enfield Urban District Council.
Friern Barnet Urban District Council.

Southgate Borough Council.
Tottenham Borough Council.
Wood Green Borough Council.

1ST SCH.
—cont.

And the council of any borough or district to be hereafter created in the county of Middlesex and lying wholly within the Lee catchment area.

PART IV

Local authorities in London

Metropolitan borough council of Hackney.
Metropolitan borough council of Poplar.
Metropolitan borough council of Stepney.

SECOND SCHEDULE

ELECTION OF MEMBERS OF THE BOARD BY GROUPS OF LOCAL AUTHORITIES

1. Every candidate for election by the local authorities in any of the groups referred to in the First Schedule to this Act shall be nominated by one or more of those authorities upon a nomination paper in a form provided by the Board stating the name address and occupation of the person nominated and every such nomination paper shall be sent to the clerk and received by him not later than noon on the first day of June.

2. If only one person is nominated by the local authorities in any of the said groups that person shall be deemed to have been elected.

3. If more than one person is nominated by the local authorities in any of the said groups the clerk shall not later than the eighth day of June transmit to each of the local authorities in that group a voting paper stating the name address and occupation of every person so nominated.

4. The voting paper of every local authority in any of the said groups completed in accordance with a resolution of the authority and signed by their clerk or town clerk shall be transmitted to the clerk and received by him not later than noon on the twenty-fifth day of June in the year of election.

5. If in any case the numbers voting for two or more candidates for election by the local authorities in any group shall be equal the returning officer shall decide between those candidates by lot.

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*Lee Conservancy Catchment
Board Act, 1950*

14 GEO. 6

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 9d. net

(75116)

PRINTED IN GREAT BRITAIN

Thames Conservancy Act, 1950

14 GEO. 6 Ch. 1

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