



CHAPTER ccxviii.

An Act to make better provision for the Sewerage of a part of the parish of Beckenham in the county of Kent; and for other purposes.

A.D. 1873

[5th August 1873.]

WHEREAS the board of works for the Lewisham district (in this Act called the Lewisham Board of Works), constituted and incorporated under and by the Metropolis Management Act, 1855, are empowered to make sewers for the effectual drainage of their district, which district comprises the parish of Lewisham in the county of Kent, and the hamlet of Penge in the county of Surrey, and which parish and hamlet are separated from one another by a piece of land part of the parish of Beckenham in the said county of Kent, but the parish of Beckenham is not comprised in the district of the Lewisham Board of Works, and is beyond the limits of the metropolis as defined by the Metropolis Management Act, 1855:

And whereas the Lewisham Board of Works have by virtue of the statutory powers vested in them as such board made a sewer, called the Penge and Bell Green Sewer, for the drainage of part of their district, and have carried the said sewer through part of the hamlet of Penge, and thereout across the said piece of land, in the parish of Beckenham, into and through part of the parish of Lewisham, and so into the Ravensbourne and Sydenham main sewer of the Metropolitan Board of Works:

And whereas the parish of Beckenham is comprised in the Bromley Poor Law Union, which union forms a rural sanitary district within the Public Health Act, 1872, and the guardians of that union, or a committee appointed by them, are the rural sanitary authority of that district:

And whereas a considerable part of the sewage arising within the area of the said piece of land, in the parish of Beckenham, finds its way into the Penge and Bell Green Sewer without any contribution from the parochial authorities within that area towards

A.D. 1873. the cost of the said sewer or of the Ravensbourne and Sydenham main sewer, and it is reasonable that the use of the said sewers should be paid for by the district benefited thereby :

And whereas on sanitary and other grounds it would be of great local and public advantage if the guardians of the Bromley Union were admitted within the drainage area of the Metropolitan Board of Works, and empowered and required to use the Penge and Bell Green Sewer (in that part thereof where it crosses the piece of land aforesaid separating the parish of Lewisham from the hamlet of Penge) for the purposes of the more effectual drainage of that portion of the parish of Beckenham which is shown on a map prepared for the purposes of this Act, and authenticated by the signatures of Samuel Edwards on behalf of the Lewisham Board of Works, and of Joseph William Bazalgette on behalf of the Metropolitan Board of Works, and is thereon distinguished by a green colour, and which portion of the said parish of Beckenham is in this Act referred to as the Beckenham Sewerage Area :

And whereas it is expedient that the drainage of the before-mentioned portion of the parish of Beckenham be accomplished by the granting of the powers and upon the conditions contained in this Act, but this cannot be done 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,)

Short title. 1. This Act may be cited as the Beckenham Sewerage Act, 1873.

Interpreta-
tion of terms. 2. In this Act the expression the guardians shall mean the guardians of the Bromley Poor Law Union, and shall extend to and include any committee appointed by them under section thirteen of the Public Health Act, 1872, and also any sanitary authority for the time being having by law the control or management of the sewerage of the said Beckenham Sewerage Area as defined by this Act.

Custody of
map. 3. The Lewisham Board of Works shall, within one month after the passing of this Act, deposit the said map with the clerk of the peace for the county of Kent, and the same shall be kept subject and according to the provisions of the Public General Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter eighty-three, and also deposit a duplicate

of the said map with the clerk of the guardians, and any ratepayer of the parish of Beckenham may inspect the same on reasonable notice. A.D. 1873.

4. The Lewisham Board of Works shall, on or before the twenty-fifth day of March one thousand eight hundred and seventy-four, put the said Penge and Bell Green Sewer into a fit, efficient, and proper state of repair in all respects, and shall at all times keep and maintain the same in good, efficient, and complete repair in all respects. Lewisham Board to put Penge and Bell Green Sewer into repair, &c.

5. Subject to the provisions of this Act, the guardians shall, with all reasonable dispatch after the passing of this Act, connect all or any of the drains or sewers already made or hereafter to be constructed upon or within the Beckenham Sewerage Area with the Penge and Bell Green Sewer within the parish of Beckenham, subject to the following conditions; (namely,) Use by guardians of Penge and Bell Green Sewer, subject to conditions.

- (1.) Before commencing the construction of any such sewer the guardians shall submit to the Lewisham Board of Works and to the Metropolitan Board of Works a plan of the street or place in which they propose to construct it, drawn to such a convenient scale as the said respective boards from time to time require, and showing the position, course, and dimensions of the proposed sewer, with a section thereof, and such other particulars relative thereto as the said boards from time to time may reasonably require :
- (2.) The guardians shall not proceed with any such sewer or works without the approval in writing or in contravention of the directions of the said respective boards, and the guardians shall comply with all such orders and directions from the Metropolitan Board of Works as that board shall make and give in connexion with the works under the Act affecting the main drainage of the metropolis :
- (3.) The guardians shall give three clear days notice in writing to the Lewisham Board of Works before connecting any sewer with the Penge and Bell Green Sewer, and the necessary junction or communication for that purpose shall be made to the reasonable satisfaction of the Lewisham Board of Works :
- (4.) The payment by the guardians of all costs, charges, and expenses properly incurred preliminary to, and of and incidental to the preparing of and applying for, and the obtaining and passing of this Act.

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Sewage of other districts not to pass into Penge and Bell Green Sewer.

6. The guardians shall not, without the consent of the Lewisham Board of Works and of the Metropolitan Board of Works, permit or suffer any district or place beyond the area under the jurisdiction of the Metropolitan Board of Works, other than the Beckenham Sewerage Area, to drain into or otherwise to be connected with any sewer or sewers for the time being discharging into the said Penge and Bell Green Sewer, and no such other district or place shall have any such power, notwithstanding any powers in any general Act to the contrary.

Stormwaters, so far as practicable, to be excluded from sewers.

7. The guardians shall in exercise of the powers of this Act, so far as is practicable, prevent the storm waters of their district from flowing into the sewers within the Beckenham Sewerage Area, and thereby into the Penge and Bell Green Sewer.

Payments by guardians to Lewisham Board.

8. The guardians shall, on or before the twenty-fifth day of March one thousand eight hundred and seventy-four, pay to the Lewisham Board of Works the sum of one thousand and sixty-two pounds and ten shillings, and shall pay to that board a yearly sum equal to the amount that would be produced by a rate of one half-penny in the pound on the annual rateable value of the property in the Beckenham Sewerage Area assessable to the rate for the relief of the poor, which yearly sum shall be payable half-yearly on the twenty-ninth day of September and the twenty-fifth day of March in each year, and the first half-yearly payment shall be made on the twenty-ninth day of September one thousand eight hundred and seventy-four.

As to apportionment of assessments.

9. If and whenever it may be necessary in making any rate for any of the purposes of this Act to apportion any assessment upon any property in the parish of Beckenham between so much of that parish as is within the Beckenham Sewerage Area and the remainder of that parish, the overseers of the poor of that parish shall forthwith give notice in writing of every such assessment and the apportionment thereof to the Lewisham Board of Works, and if the said board object to any such apportionment they shall, within twenty-one days after the receipt of such notice, give to the said overseers notice in writing of such their objection, stating the ground thereof, and thereupon the matter in difference (if any) shall, upon the application of either party (after fourteen clear days notice given to the other party), be referred to the determination of the metropolitan police magistrate for the time being sitting at the police court at Greenwich, whose decision thereon shall be final, binding, and conclusive on all parties; and the costs of and incident to such determination shall be in the discretion of such magistrate, and such magistrate shall have power to alter and shall alter any

such rate accordingly: Provided nevertheless, that it shall not be required of the said overseers to give to the said Lewisham Board the notice herein-before specified except in the following cases; namely,

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1. As to any such assessment and apportionment thereof existing at the passing of this Act:
2. As to any such assessment and apportionment thereof first made after the passing of this Act:
3. As to any such assessment and apportionment thereof made after the passing of this Act which shall differ from the last preceding assessment or apportionment thereof.

10. For the purpose of contributing to the cost incurred by the Metropolitan Board of Works in respect of their main drainage system the guardians shall pay to the treasurer of the Metropolitan Board of Works the several sums after mentioned at the times and during the periods following; (that is to say)

Contributions to be paid by guardians towards cost of main drainage system.

- (1.) The sum of two thousand three hundred and twelve pounds and ten shillings on or before the twenty-fifth day of March one thousand eight hundred and seventy-four, and of that sum one thousand and sixty-two pounds and ten shillings, being the contribution by the guardians towards the cost of the Ravensbourne and Sydenham main sewer, shall be placed by the Metropolitan Board of Works to the credit of the parishes and parts of parishes which defrayed the cost of the said main sewer in the proportions following; (namely,)

	£	s.	d.
St. Paul, Deptford - - -	56	10	4
Greenwich - - - - -	195	8	9
Kidbrooke - - - - -	17	15	11
Lewisham - - - - -	618	6	2
Camberwell - - - - -	9	16	2
Charlton - - - - -	51	0	0
Eltham - - - - -	3	8	5
Lee - - - - -	110	4	3
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	£1,062 10 0		
	<hr style="border: none; border-top: 3px double black;"/>		

- (2.) A yearly sum sufficient to provide the requisite interest and sinking fund in respect of such a proportion of the money borrowed by the Metropolitan Board of Works for main drainage purposes before or after the passing of this Act, and for the time being undischarged, as the annual rateable value of the property within the Beckenham

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Sewerage Area assessable to the rate for the relief of the poor bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges :

- (3.) The yearly sum aforesaid shall be paid in every year during the residue to come at the passing of this Act of the period of sixty years from the time of the first creation by the Metropolitan Board of Works of any Metropolitan consolidated stock :
- (4.) The yearly sum aforesaid shall be paid for the first year on the twenty-ninth day of September one thousand eight hundred and seventy-four, and for every subsequent year on such day in each year as shall be specified in that behalf in a notice in writing to be delivered by the Metropolitan Board of Works to the clerk of the guardians on or before the first day of May in each year, but so that the day so specified for payment be not sooner than three months after the date of delivery of the notice :
- (5.) The guardians shall also pay such further yearly sum as the Metropolitan Board of Works in each year (as well during the residue aforesaid of the said period of sixty years as after the expiration of that period), by notice in writing delivered by the Metropolitan Board of Works to the clerk of the guardians on or before the first day of May in each year, shall require the guardians to pay as a contribution towards the cost of the maintenance and working of the main drainage system of the Metropolitan Board of Works :
- (6.) Provided that the amount of any such further yearly sum as last aforesaid shall not exceed a sum which shall bear to the whole expense incurred by the Metropolitan Board of Works in the maintenance and working of their main drainage system the same proportion as the annual rateable value of the property within the Beckenham Sewerage Area assessable for the relief of the poor bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges.

Power for
Lewisham
and Metro-
politan
Boards to
levy in de-
fault of
guardians.

11. In case of any default or neglect on the part of the guardians to pay in full and in accordance with this Act any amount payable by them under this Act to the Lewisham Board of Works or the Metropolitan Board of Works, in every such case those two boards jointly, or either of them (as the case may require), may appoint persons to levy within the Beckenham Sewerage Area the amount

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in arrear and all expenses connected therewith and occasioned by such default or neglect, and the persons so appointed shall in relation thereto proceed in the like manner, and have the like powers, remedies, and privileges, and be subject to the like regulations and penalties, as if they were overseers of the poor of the parish of Beckenham acting under an order of the guardians. A.D. 1873.

12. The Lewisham Board of Works and the Metropolitan Board of Works respectively may by their proper officer from time to time inspect any poor rate made for the parish of Beckenham, and also any rate made in pursuance of this Act, and may take any copy or extract thereof or therefrom respectively without payment, and if the person having the custody thereof respectively does not allow either of those boards to do so he shall for every such offence be liable, on summary conviction before two justices, to a penalty not exceeding ten pounds. Inspection
of rates.

13. Subject to the provisions of this Act, the guardians may, for the purpose of defraying the costs, charges, and expenses which they may have incurred or may incur, or become liable to pay, for or on account of anything done preliminary to or in consequence of, or incidental, or in anywise relating to the introduction, progress, or passage through Parliament of the Bill for this Act, including the settlement and adjustment of the clauses and provisions thereof, and also including the costs, charges, and expenses which, as hereinbefore provided, the guardians are required to pay to the Lewisham Board of Works, and for the defraying and paying of the pecuniary requirements, payments, and obligations whatsoever imposed and authorised by this Act, and in anywise arising out of, under, or by virtue of this Act or of any Acts, either expressly or by reference, incorporated therewith, when and as they shall think fit, issue their precept to the overseers of the poor of the parish of Beckenham requiring them to pay over to the guardians the amount specified therein, and in order to comply therewith the said overseers shall, by a day not less than one calendar month from the date thereof, and to be therein named, levy within the Beckenham Sewerage Area, as defined by this Act, a rate herein-after called the special drainage rate; and such overseers and all other persons and bodies shall, in relation thereto, proceed in like manner, and have the like powers, remedies, and privileges, and be subject to the like exemptions, regulations, and penalties, as are contained in the 18th and 19th sections of "The Public Health Act, 1872," with reference to the levy of rates, and as if the Beckenham Sewerage Area were a contributory place within the meaning of "The Public Health Act, 1872." Power to
guardians to
levy rates
for the pur-
pose of Act.

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Provisions as to general district rates to apply to special drainage rates.

Amount of rate to include expenses of recovering it.

Occupiers to pay special drainage rate and deduct same from rent.

Guardians empowered to borrow money, and Metropolitan Board of Works empowered, subject to certain restrictions, to lend the money.

14. The several powers and provisions of the Local Government Acts with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemptions and limitations, shall extend and apply to the special drainage rates under this Act.

15. The amount of any special drainage or other rate under this Act may be such an amount as will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

16. The occupiers of property in the Beckenham Sewerage Area rated or to be rated under this Act shall pay the special drainage rate assessed thereon, and may deduct the amount so paid from and out of the rents payable by them to the lessors or landlords which shall become payable next after the payment of any such rate: Provided that this enactment shall in nowise prejudice or affect any agreement already or hereafter to be made between any owner or landlord and his tenant of the property so to be rated: Provided also, that where any such property is unoccupied at the time of making any special drainage rate, the owner thereof shall pay the amount of such special drainage rate thereon without prejudice to any agreement as aforesaid.

17. The guardians from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under "The Public Health Act, 1872," or any Acts incorporated therewith, may borrow at interest on mortgage of "the special drainage rate," and of any other rates leviable by them within the Beckenham Sewerage Area, and either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act; and every such mortgage may and shall be made in the manner prescribed by and subject to the provisions in relation to mortgages of the Sewage Utilization Acts, subject to this qualification, that such moneys may be borrowed for any term not exceeding fifty years; and any money from time to time borrowed by the guardians for the purposes of this Act may, with the consent of the Commissioners of Her Majesty's Treasury, and on such terms and conditions as the said Commissioners from time to time think fit, be borrowed from and be lent by the Metropolitan Board of Works; and section 37 of "The Metropolitan Board of Works (Loans) Act, 1869," shall apply to every such loan, with the substitution of the guardians and this Act and the other Acts empowering the guardians, for the managers and the Acts in that section

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mentioned, and with the omission of the reference in that section to the Poor Law Board, and with the addition to the amount in that section mentioned of the money from time to time borrowed by the guardians under the authority of this Act. A.D. 1873.
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18. Every mortgage made by the guardians for money borrowed by them from the Metropolitan Board of Works may be made in such manner and form as the guardians and that board agree upon, and subject and without prejudice to the other provisions of this Act any such mortgage shall be deemed a mortgage granted by the guardians under this Act and any other Act authorising the guardians to borrow money on mortgage, and in respect thereof the Metropolitan Board of Works shall be deemed mortgagees of the guardians under the same Act or Acts, as the case may be. As to mortgages made with Metropolitan Board of Works.

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