



CHAPTER ccl.

An Act to make more effectual provision for preventing the pollution and obstruction of the streams in the county of Middlesex and to confer further powers on the County Council of Middlesex for that purpose to give to the Council powers in relation to making loans to local authorities main roads and other matters and to enlarge in some respects the powers of district councils in the said county. A.D. 1898.

[12th August 1898.]

WHEREAS owing to the rapid increase of the population of the county of Middlesex by reason of its proximity to the metropolis and to the abstraction of water from the rivers and streams in the said county or some of them for navigation and other purposes and to the irregularity of the flow of water therein occasioned thereby and other exceptional circumstances which obtain in that county the waters of the River Brent and of other streams in that county or parts thereof are especially in dry seasons so polluted by sewage and otherwise as to cause a nuisance and to endanger the health of residents in the vicinity :

And whereas the County Council of Middlesex (in this Act called "the Council") are empowered by section 14 of the Local Government Act 1888 to enforce the provisions of the Rivers Pollution Prevention Act 1876 (subject to the restrictions in that Act contained) in relation to so much of any stream as is situate within or passes through or by any part of their county :

And whereas having regard to such exceptional circumstances as aforesaid it would be of local and public advantage to confer on the Council such further powers and to make such provisions as in this Act contained with a view to the improvement of the condition of the said river and streams or parts thereof and it has been agreed between the Conservators of the River Thames and the Council that provision should be made as herein-after contained :

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And whereas for better providing a supply of water for the Regent's Canal and its collateral cuts and basins a reservoir on the River Brent in the parishes of Kingsbury Willesden and Hendon called the Brent Reservoir was constructed prior to the year one thousand eight hundred and fifty-one :

14 Vict.
c. xxxii.

And whereas by the Regent's Canal Reservoir Act 1851 the Company of Proprietors of the Regent's Canal were authorised to make and maintain an enlargement of the Brent Reservoir :

And whereas the flow of water in the River Brent is materially diminished and it has become expedient to make new and better provisions for preventing undue interference with the flow of water in the said river and to empower the Council to remove and prevent obstructions in the rivers and streams aforesaid :

And whereas it is expedient to enable the Council to lend money to urban and rural district councils and to boards of guardians and school boards and other local public bodies :

17 & 18 Vict.
c. clxix.

And whereas by a local and personal Act passed in the year 1854 "For the provision regulation and maintenance of County Industrial Schools in Middlesex" (herein-after referred to as "the Middlesex Industrial Schools Act 1854") it was enacted that no lands or buildings to be purchased or acquired under that Act for the purposes of industrial schools with or without any buildings or additional buildings to be erected thereon should while used for such purpose be assessed to any county parochial or other rates or taxes at a higher value or more improved rent than the value or rent at which the same were assessed at the time of such purchase or acquisition and under that Act the Industrial School at Feltham in the said county was established :

And whereas the administrative county of London was created by the Local Government (England and Wales) Act 1888 section 40 and that county was formed out of the metropolis and of such portions of the counties of Middlesex, Surrey and Kent as were included therein :

And whereas an apportionment of property debts and liabilities between those portions of the county of Middlesex which were included and those portions of the same county which were not included in the county of London was duly effected under the provisions of the same Act and under and by virtue of an award of the commissioners appointed by the same Act bearing date the twelfth day of April one thousand eight hundred and ninety-two the industrial school at Feltham became and is now the property of the London County Council :

And whereas the said industrial school is rated far below its real value and this has long been felt to be inequitable and it is just and expedient to repeal the said enactment: A.D. 1898.

And whereas it is expedient to make improved provision for the maintenance of main roads and public footways within the county and to enable the Council to contribute to the cost of acquiring laying out and maintaining open spaces:

And whereas it is expedient to make further provisions with respect to the borrowing of money by the Council:

And whereas the objects of this Act cannot be obtained 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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Middlesex County Council Act 1898. Short title.

2. In this Act unless the context otherwise requires—

“The county” means the administrative county of Middlesex;

“The Council” means the County Council of Middlesex;

“The canal companies” means the North Metropolitan Railway and Canal Company and the Grand Junction Canal Company;

“Stream” includes so much of every river or tributary thereof (except the River Thames the River Lea the New River and so much of the River Colne as is in the county of Buckingham but not including in such exception any tributary of any or either of such rivers) as passes through or by the county of Middlesex and also canalised streams brooks and watercourses canalised rivers canals and lakes within or passing by the said county;

“Daily penalty” means a penalty for each day on which an offence is continued after conviction therefor;

“Pollution” for the purposes of this Act does not include innocuous discoloration of any stream;

“Solid matter” does not include particles of matter in suspension in water;

“The Duke of Northumberland's River” means the river having its origin by a branch out of the River Colne

Interpretation.

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at Harmondsworth Point and having its outlets into the Thames in part south of Isleworth Church and in part at the north-east corner of Syon Park including so much of the River Crane as forms a portion of such river between Baber Bridge and Twickenham Tumbling Bay.

PART II.

PROTECTION OF STREAMS.

Council's powers as to dredging ballasting &c.

3. Subject to the provisions of this Act the Council may for the purpose of maintaining the purity and improving and freeing or keeping free from obstruction the flow of any stream—

- (A) Dredge cleanse and scour any stream;
- (B) Alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of any stream;
- (C) Reduce or remove any shoals shelves banks or other accumulations in any stream;
- (D) Abate or remove or cause to be abated or removed all impediments obstructions and annoyances and all nuisances and abuses whatsoever in any stream or on the banks or shores thereof.

Power to shorten bends.

4. The Council for the purpose of improving the flow of water may by agreement with the owners of land adjoining or in or near to any stream remove scour and take away any shoal mudbank or other accumulation in any stream and also shorten any bend or remove any angle in the course of any stream and for such purposes enter into agreements with the owners of land adjoining or in or near to any stream for the purchase of land or otherwise to enable them to effect any of the purposes aforesaid.

Where any person sustains any damage by reason of the exercise of any of the powers in the last preceding or in this section contained in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and if any dispute shall arise as to the fact of damage or amount of compensation the matter in dispute shall in default of agreement be determined by and compensation if any shall be recovered in a court of summary jurisdiction.

For protection of Duke of Northumberland's River and Curtiss and Harvey.

5. Notwithstanding anything in this Act contained neither the River Colne nor any branch thereof below Uxbridge nor any stream flowing from the Colne below Uxbridge nor the River Crane respectively shall be so dealt with (whether by agreement with the owners of land adjoining or in or near to any such stream or otherwise) and whether by scouring deepening removing shoals mudbanks or accumulations or shortening bends or removing angles

or otherwise howsoever in any way so as to lessen or alter the flow of water passing down the Duke of Northumberland's River and serving the mills at Bedfont and Hanworth now in the possession of Curtiss and Harvey.

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6. The Council shall execute the works referred to in sections 3 and 4 of this Act where any stream passes under through by the side of or in proximity to any railways lands or works of the London and North Western Railway Company (herein-after referred to as "the North Western Company") subject to the following conditions:—

For protection of London and North Western Railway Company.

(A) The Council shall not commence nor execute any such works as aforesaid until after fourteen days' previous notice in writing together with plans and drawings of the works intended to be executed shall have been delivered to the principal engineer for the time being of the North Western Company and if the said engineer shall by writing under his hand signify his disapproval of such works within fourteen days after such plans and drawings have been delivered to him then the Council shall not commence nor execute any such works unless and until plans and drawings thereof shall have been examined and approved of by an engineer to be appointed as herein-after provided:

If by reason of the works referred to in sections 3 and 4 of this Act the North Western Company shall in carrying out works in connexion with their railway be put to any additional cost or expense such extra cost or expense shall be repaid to the North Western Company by the Council:

(B) All such works shall be done under the superintendence and to the reasonable satisfaction of such principal engineer and shall be executed so as not to cause any injury to the said railways or works lands or property and if any injury shall arise to the said railways works lands or property the Council shall make full compensation to the North Western Company in respect of such injury the amount of such compensation to be recoverable by the North Western Company from the Council as a debt:

The Council shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them during the execution of the said works herein-before referred to of a sufficient number of inspectors or watchmen for watching the said railways and railway works with reference to and during the execution and maintenance of the said intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or

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persons in the employ of the Council with reference thereto or otherwise:

- (c) Any dispute or difference which may arise between the North Western Company and the Council with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the North Western Company or the Council and the Arbitration Act 1889 shall apply to such arbitration,

For protection of Metropolitan Railway Company.

7. The Council shall execute the works referred to in sections 3 and 4 of this Act where any stream passes under through by the side of or in proximity to any railways lands or works of the Metropolitan Railway Company (herein-after referred to as "the Metropolitan Company") subject to the following conditions:—

- (A) The Council shall not commence nor execute any such works as aforesaid until after fourteen days' previous notice in writing together with plans and drawings of the works intended to be executed shall have been delivered to the engineer for the time being of the Metropolitan Company and if the said engineer shall fail to approve such plans and drawings within fourteen days after such plans and drawings have been delivered to him then the Council shall not commence nor execute any such works unless and until plans and drawings thereof shall have been examined and approved of by an engineer to be appointed in the manner herein-after provided as in the case of any difference arising between the Council and the Company:

If by reason of the works referred to in sections 3 and 4 of this Act the Metropolitan Company shall in carrying out works in connexion with their railway be put to any additional cost or expense such extra cost or expense shall be repaid to the Metropolitan Company by the Council:

- (B) All such works shall be done under the superintendence and to the reasonable satisfaction of the engineer to the Metropolitan Company and shall be executed so as not to cause any injury to the said railways or works lands or property and if any injury shall arise to the said railways works lands or property the Council shall make full compensation to the Metropolitan Company in respect of such injury the amount of such compensation to be recoverable by the Metropolitan Company from the Council as a debt:
- (c) The Council shall bear and on demand pay to the Metropolitan Company the reasonable expense of the employment by them during the execution of the said works herein-before referred to

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of a sufficient number of inspectors or watchmen for watching the said railways and railway works with reference to and during the execution and maintenance of the said intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council with reference thereto or otherwise :

(D) Any dispute or difference which may arise between the Council and the Metropolitan Company with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the Metropolitan Company or the Council and the Arbitration Act 1889 shall apply to such arbitration :

(E) The powers of entry conferred by this Act shall in the case of any railways lands premises works or buildings belonging to or vested in the Metropolitan Company only be exercised by the Council at reasonable times in the daytime.

8. The Council may by agreement with riparian owners and others construct at proper places in the non-canalised portions of the River Brent such weirs with or without bottom paddles or sluices or such other apparatus as may be necessary for maintaining therein a sufficient volume of water for the use of riparian owners or otherwise.

Power for Council to place weirs in parts of River Brent.

9.—(1) The Council shall be deemed to have all such rights if any with respect to the flow of water in the River Brent as are possessed by any riparian owner or owners on the said river for the purpose of instituting and maintaining any action or other legal proceedings against the canal companies or either of them for the purpose of enforcing such rights and they are hereby empowered to institute and maintain any such action or other proceedings.

Provisions as to canal companies.

(2) The Council on the one hand and the canal companies or either of them on the other hand may enter into and carry into effect agreements with reference to the delivery by the companies or company parties or party to the agreement of water into the River Brent and the sale of water for that purpose to the Council.

10. Any urban district council in the county may out of the fund or rate applicable to their general expenses or out of moneys borrowed on the security of that fund or rate for the purpose of those expenses contribute towards the expenditure incurred by the Council in the execution of this part of this Act such sums as may be agreed between any such district council and the Council and any such district council may with the sanction of the Local

Power for district councils to contribute to expenditure of Council under this Act.

A.D. 1898. Government Board borrow money for the purposes of this section as if the purposes of this section were a purpose of the Public Health Act 1875.

Power to enter and inspect lands &c. for purposes of this part of Act.

11.—(1) For the purpose of giving effect to the provisions of this part of this Act any officer of or person authorised by the Council on producing if required so to do a certificate of his authority signed by the clerk of the Council may at any time between the hours of nine in the forenoon and four in the afternoon enter on any land or premises for the purpose of examining and laying open the same.

(2) If admission is refused any court of summary jurisdiction on complaint thereof on oath by any officer of the Council (made after reasonable notice in writing of the intention to make the same has been given to the person in the occupation or in charge of the land or premises) may by order require that person to admit during the hours aforesaid the officers of the Council or other persons authorised by them on the land or premises and to permit them or any of them to examine and lay open the same.

(3) If no person in the occupation or in charge of the land or premises can be found the court shall on oath made before it of the fact by order authorise the said officers and persons or any of them during the hours aforesaid to enter upon such land or premises and to examine and lay open the same.

(4) Any order made under this section shall continue in force until the examination and laying open of the land or premises for the purposes of which such order was made are completed.

(5) Any person who refuses to obey an order made under this section shall be liable to a penalty not exceeding five pounds.

(6) Where in the exercise of any of the powers by this section conferred the officers of the Council or any other person lay or lays open any land or premises they or he shall forthwith make and complete such examination and fill in and make good the surface of such land and restore the same or such premises (as the case may be) as near as may be to the former condition thereof.

(7) Where any person sustains any damage by reason of the exercise of any of the powers of this section full compensation shall be made to such person by the Council and any dispute as to the fact of damage or amount of compensation shall in default of agreement be ascertained by and recovered in a court of summary jurisdiction but no such compensation shall be made to such person if the court shall decide that the exercise by the Council of the powers of this section was caused by such person having committed a breach of the provisions of this part of this Act.

Provided that under the powers of this section no human remains buried in consecrated ground shall be removed or disturbed without a faculty from the bishop of the diocese or any human remains buried in unconsecrated ground without a licence from a Secretary of State. A.D. 1898.

12. If any person does any of the following things namely :—

(1) Opens into any stream any sewer drain pipe or channel whereby sewage or any other offensive or injurious matter whether solid or fluid shall flow or be likely to flow or pass into such stream ;

(2) Wilfully causes or without lawful excuse (the proof whereof shall lie upon him) suffers any sewage or any such matter aforesaid to flow or pass into any stream through any sewer drain pipe or channel not at the passing of this Act lawfully used for that purpose ;

Prohibition of new sources of pollution by sewage &c.

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

13.—(1) Whenever any sewage or any other offensive or injurious matter is caused or suffered to flow or pass into any stream then and in every such case even though such sewage or matter aforesaid had been lawfully so caused or suffered to flow or pass before the passing of this Act the Council may under the hand of the clerk of the Council give notice in writing to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in such notice but not being less than three months to discontinue such flow or passage.

Notice for discontinuance of existing sources of pollution by sewage &c.

(2) The Council may in like manner if they think fit at any time extend the time specified in such notice by another notice in writing.

(3) If any person to whom any such notice is given thinks himself aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may not later than one month before the expiration of the time or extended time so allowed by writing delivered to the clerk to the Council demand an extension of such time and in case the Council refuse to comply with such demand the question of such extension shall be referred to an arbitrator appointed by agreement or failing agreement by the Board of Trade on the application of either party.

(4) Any person to whom any notice is under this section given by the Council shall notwithstanding anything in any other Act within the time allowed by such notice subject to any extension

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of such time as in this section provided discontinue the flow or passage of the sewage or matter to which the notice refers and in default of so doing shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

Power of entry for taking samples.

14.—(1) For the better enforcement of the provisions of this Act it shall be lawful for any officer or other person authorised by the Council under the hand of the clerk of the Council and producing if required his written authority so to do at any time to enter on any land manufactory or other work or building for the purpose of taking and carrying away and to take and carry away samples of any effluent at the point where it passes into any stream.

(2) Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding five pounds.

(3) Such samples shall be taken by such officer or person in triplicate and shall thereupon before they are taken from the premises be respectively sealed up and marked by him and he shall leave one of such triplicate samples with the occupier of the premises whence the effluent flows another shall be submitted by the Council (if they think fit) for analysis and the third shall be retained by the Council for future comparison.

(4) Provided that nothing in this section or in the section of this Act of which the marginal note is "Power to enter and inspect lands &c. for purposes of this part of Act" shall be deemed to confer upon the Council any rights other than those (if any) which they now possess to enter into so much of the land and premises of the gunpowder mills at Bedfont and Hanworth now in the possession of Curtiss and Harvey as are used for the purposes of gunpowder factories.

Notice to affect successive owners &c.

15. Any notice given under the provisions of this part of this Act by the Council to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served.

Weeds &c. not to be thrown into streams.

16.—(1) All persons cutting and also all persons employing others to cut or knowingly suffering persons in their employment to cut weeds grass or other vegetation in any stream shall remove

or cause to be removed therefrom such weeds grass or other vegetation immediately after the cutting thereof so as to prevent their remaining and decaying in and contaminating the water of the stream.

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(2) Any person who throws or sweeps or employs any other person to throw or sweep or knowingly suffers any person in his employment to throw or sweep any weeds grass or other vegetation into any stream shall for every such offence be liable to a penalty not exceeding five pounds.

17. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely:

Prohibition of throwing ballast &c. into stream or allowing offensive matter to flow into it.

(1) Unloads throws or puts or causes or suffers to fall any gravel or any substance which has been used as ballast or any stones earth mud ashes dirt soil or rubbish or any refuse from gas-works or other manufactories into any stream or on the shore thereof;

(2) Knowingly puts any such gravel or other thing as aforesaid in any place where the same is likely to be carried by floods into any stream;

(3) Wilfully causes or suffers any washing or other substance produced in making or supplying gas or any other offensive matter whether solid or fluid to flow or pass into any stream;

(4) Puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter whether solid or fluid upon any bank of any stream or puts and allows to remain for more than forty-eight hours any such heap or collection near to any stream at any point so that the same will or may be likely to drain be blown or pass into any stream;

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

18. It shall not be lawful for any person other than the Council their agents servants and workmen to dredge or raise any gravel sand ballast or other substance from the bed of any stream so as to interfere with or prejudice the flow of the stream except with and in accordance with a licence granted by the said Council (proof of which licence shall lie on the person accused) and if any person acts in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding twenty pounds without prejudice to any other remedy or proceeding against him.

Prohibition against dredging without licence of Council.

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For protec-
tion of Earl
Percy.

19. And whereas the Duke of Northumberland's River belongs or is reputed to belong to the Right Honourable Henry George Baron Lovaine usually and in this section called Earl Percy and has always been managed regulated and kept in order by Earl Percy and his predecessors in title and other persons lawfully authorised by them so to do and Earl Percy and his predecessors in title have at all times taken all proper measures for protecting the natural purity of the water in the said river and provided for the cutting of the weeds and their removal from the said river as from time to time found necessary Therefore the provisions of the sections of this Act of which the marginal notes are "Council's powers as to dredging ballasting &c." "Power to shorten bends" and "Prohibition against dredging without licence of Council" shall not apply to the Duke of Northumberland's River.

Saving for
certain acts.

20. No person shall be deemed to have committed an offence against this Act for doing or causing to be done any of the following acts (that is to say) :—

- (1) Constructing improving or maintaining in or across any stream any building bridge weir dam sluice or other permanent work with necessary temporary coffer-dams and other works which but for the passing of this Act he would have a legal right to do;
- (2) Pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bonâ fide purpose of reclaiming land washed away by the action of any stream or of supporting or protecting the side or bank of any stream or of repairing the same or of erecting or repairing any bridge or any building drain sewer or watercourse upon or within the banks of any stream or the slopes or walls thereof at or convenient to the point at which the same shall be so pitched or deposited;
- (3) Putting or permitting to be carried into any stream any sand or gravel or other natural deposit which shall have flowed from or been deposited by the current of any such stream Provided that the sand or gravel or other natural deposit so put back or carried as aforesaid do not interfere with the due flow of or pollute the waters of such stream.

For protec-
tion of New
River Com-
pany.

21.—(1) Nothing in this Act shall prejudice or affect any rights which the Governor and Company of the New River brought from Chadwell and Amwell to London (herein-after called the "New River Company") possess of discharging water from the channel

of the New River into any rivers and streams in the county of Middlesex. A.D. 1898.

(2) Nothing in this Act shall prejudice or affect any right conferred upon the New River Company by the New River Company's Act 1897 to discharge water into the River Brent or into any other rivers or ditches or streams into which they are by that Act authorised to discharge water.

22. Nothing in this Act shall prejudice or affect any rights which the East London Waterworks Company (herein-after called "the East London Company") possess of discharging water from any streams channels cuts watercourses canals or reservoirs belonging to them into any rivers or streams in the county of Middlesex nor authorise the Council to enter upon or interfere with any stream channel cut watercourse canal or reservoir belonging to the East London Company or authorised by the East London Waterworks Act 1897. For protection of East London Waterworks Company.

23. Nothing in this Act contained shall authorise the exercise with respect to the Queen's or Longford River of any powers conferred by this Act without the previous consent in writing of the Commissioners of Her Majesty's Works and Public Buildings (which may be signified under the hand of their secretary) upon such terms and conditions as they shall think fit and save as aforesaid nothing in this Act shall have any application to or shall affect such river or any land or stream vested in or in the occupation or under the management of the said Commissioners or shall divest take away prejudice diminish or alter any estate right privilege power or authority now or from time to time vested in or enjoyed or exerciseable by or on behalf of the Queen's Majesty Her heirs or successors or the Commissioners of Her Majesty's Works and Public Buildings. For protection of Queen's or Longford River.

PART III.

MISCELLANEOUS ENACTMENTS.

24.—(1) The Council may agree with any local authority within the county (as herein-after defined) from time to time to lend to the local authority and the local authority may borrow from the Council such amounts as may be necessary to pay off the balance owing of any loan or loans which may have been duly contracted by the local authority on such terms and conditions as may be agreed. Provided that the whole of the sum so lent shall be repaid to the Council by the local authority within the period or periods respectively within which the local authority are required to repay the original loan or loans respectively. Power to Council to advance money to local authorities.

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(2) Whenever any local authority are desirous of raising money which by any Act of Parliament or sanction of a Government Department they are authorised to borrow they may apply to the Council to lend such money or any part of it and the Council are hereby authorised to lend the same to the local authority on such terms and conditions as may be agreed. Provided that any sum so lent shall be repaid to the Council by the local authority within the period within which the local authority may be required to repay the loan by the Act of Parliament or sanction under which the money is borrowed.

(3) Any agreement under the foregoing paragraphs may be made by resolutions passed respectively by the Council and by any local authority;

(4) For the purpose of making loans to local authorities as aforesaid the Council may irrespective of any limit of borrowing to which the Council may be subject borrow such sums as they may require as if that purpose were one of the purposes mentioned in section 69 of the Local Government Act 1888. Provided that the consent of the Local Government Board shall not be required to the exercise by the Council of the powers of borrowing conferred by this section.

(5) The following provisions shall apply to moneys raised or borrowed for the purpose of loans to any local authority:—

(A) The sum shall be lent by the Council to the local authority for a period not exceeding that for which the local authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined;

(B) If any sum payable to the Council for principal in respect of any sum lent to the local authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the county fund and if after the application or investment of the sum so set apart or the payment thereof as herein-after provided the whole or any part thereof shall be received by the Council the sum so received shall be carried to the credit of the county fund.

(6) The following provisions shall apply to moneys raised otherwise than by stock for the purpose of loans to any local authority:—

(A) All moneys so raised shall be repaid by the Council within a period to expire not more than one year after that for which the same was lent by them to the local authority;

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(b) All sums received from the local authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the county fund;

(c) All sums received from the local authority for principal except sums which are to be carried to the credit of the county fund under paragraph (5) (b) and all sums set apart out of the county fund under the same paragraph shall be carried to the credit of the sinking fund (if any) applicable to the discharge of moneys raised by the Council for the purposes of this section or be otherwise applied in or towards repayment of the principal of the sums borrowed by the Council under this section.

(7) The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to any local authority:—

(A) All sums received from the local authority for interest shall be paid into the stock dividends fund account of the county fund and shall be applied in paying the dividends on such stock;

(B) All sums received from the local authority for principal except sums which are to be carried to the credit of the county fund under paragraph (5) (b) and all sums set apart out of the county fund in pursuance of the same paragraph shall be paid into the stock redemption fund account of the county fund and applied accordingly.

25. In and for the purposes of the last preceding section of this Act the expression "local authority" means and includes any urban or rural district council board of guardians school board or other authority now or hereafter constituted and having power to raise a rate or to issue a precept for a rate for local purposes within the county and to borrow on the security of that rate.

Definition of local authority.

26. Section 15 of the Middlesex Industrial Schools Act 1854 is hereby repealed and the industrial school at Feltham and any additional buildings erected or to be erected shall while used for the purpose of an industrial school be assessed to county parochial district and other rates made after the commencement of this Act upon the same basis and to the same extent as other lands and buildings in the same parish or district.

Repeal of partial exemptions from rating of industrial schools.

27. Any urban district council in the county which under the provisions of section 11 of the Local Government Act 1888 claimed to retain the powers and duties of maintaining and

Power for district councils to give up

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management
of main
roads.

repairing any main road within their district may nevertheless at any time give notice to the Council of their desire that the Council should resume the powers and duties aforesaid and thereupon the Council may if they see fit accede to such desire and may resume undertake and perform as from such date as they may fix such powers and duties as if the district council had not made any claim under the said section to retain the same.

Power of
district
councils to
contribute
to repair of
main road
footpaths.

28. Any urban district council in the county which did not claim under section 11 of the Local Government Act 1888 to retain the powers and duties of maintaining and repairing any main road within their district may nevertheless contribute to the expenses of paving or otherwise maintaining and repairing or improvement of any of the footpaths on or by the side of any main road within their district such sums as may be agreed between such urban district council and the Council and may pay such sums out of the fund or rate applicable to the general expenses of their district.

Power for
Council to
contribute to
open spaces.

29. The Council may contribute out of the county fund such sums as the Council may see fit towards the expenses incurred by any urban or rural district council or properly constituted joint committee of any urban or rural district councils or any urban and rural district councils in the county in or about acquiring and laying out land as and for any open space or spaces for public use and recreation.

Power to
Council to
expend
money on
records.

30. The Council may expend such money as they see fit out of the county fund in preserving arranging indexing classifying and publishing such records of the county or such extracts from them or reference to their contents as the Council may think to be of public interest.

Committees
of Council.

31. The Council may in accordance with the Local Government Act 1888 but with the exceptions mentioned in that Act delegate to a Committee of the Council appointed for that purpose any of the powers or duties of the Council under this Act with or without any restrictions or conditions as the Council may see fit.

Borrowing
powers.

32. The Council may for the purpose of building or rebuilding any county bridge or for any of the purposes of this Act borrow such sums as may be required for such period in each case not exceeding sixty years as the Local Government Board shall sanction but subject as aforesaid any loan so borrowed shall be borrowed under and subject to the provisions of section 69 of the Local Government Act 1888 as by this section specially varied.

A.D. 1898.

33. All expenses incurred by the Council or by any committee to whom the Council may delegate all or any of their powers under this Act shall unless otherwise provided for be paid by the Council out of the county fund.

Expenses
in execution
of Act.

34.—(1) A court of summary jurisdiction before which any person is summoned under this Act for any act or default causing or contributing to or alleged to cause or contribute to the pollution or obstruction of any stream may (in lieu of inflicting a penalty or in addition to any penalty it may have inflicted for such offence) by order require such person to abstain from the commission of such offence and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just and generally may give such directions for carrying into effect any order as to the court seems meet.

Penalties
for offences
against Act.

(2) Any person making default in complying with any requirement of an order of the court under this section shall be liable to such a penalty not exceeding fifty pounds a day for every day during which he is in default as the court may order.

35.—(1) Offences under this Act may be prosecuted and penalties and costs may be recovered in a summary manner before a court of summary jurisdiction by the Council or by the clerk or other officer of the Council authorised in that behalf.

Recovery
and applica-
tion of
penalties.

(2) All penalties recovered by the Council under this Act shall be carried to the credit of the county fund.

36.—(1) If either party in any proceedings feels aggrieved by the decision of a court of summary jurisdiction under this Act such party may appeal to the next practicable court of quarter sessions holden in or for the county.

Appeal.

(2) If any defendant shall desire that the questions involved in any summons shall be decided in the High Court of Justice he may at any time within three days after the service of such summons give notice to the Council of such his desire and shall be entitled as of course on application to the High Court to an order that the said summons and all proceedings thereunder shall be removed into the High Court and be there determined by one of Her Majesty's judges from whose decision an appeal shall lie to the Court of Appeal on questions of law only. The provisions of this subsection shall be carried into effect in accordance with rules of the High Court.

A.D. 1898.

Saving of
right of
sanitary
authorities
&c.

37. Nothing in this Act shall prejudice or in any way affect or curtail the right of any sanitary authority or of any canal company undertakers of any navigation conservators or other public body or of any person to continue or to commence proceedings against any person or body of persons in respect of any pollution of any streams :

Provided that (save as herein-after mentioned) proceedings shall not be taken against any person under this Act while proceedings are pending against such person in respect of the same or a similar offence under any other Act and (subject to the provisions of the section of this Act the marginal note whereof is "Saving of rights of Conservators of the River Thames") proceedings shall not be taken against any person under any other Act while proceedings are pending against such person in respect of the same offence under this Act :

Nevertheless if in any case the Local Government Board shall be of opinion on the representation of the Council or of any person that any proceedings pending under this Act or any other Act are not being prosecuted bonâ fide and with due diligence they may by order authorise such other proceedings to be taken either under this Act or under any other Act and either by the Council or by any person as having regard to all the circumstances of the case the Local Government Board may think just.

Saving of
rights of
Conservators
of the River
Thames.

38. Nothing in this Act contained shall authorise the Council to take proceedings under the sections of this Act of which the marginal notes are as follows :—

Prohibition of new sources of pollution by sewage &c. ;

Notice for discontinuance of existing sources of pollution by sewage &c. ;

Notice to affect successive owners &c. ;

Weeds &c. not to be thrown into streams ;

Prohibition of throwing ballast &c. into stream or allowing offensive matter to flow into it ;

with respect to any stream which flows directly or indirectly into the Thames above Teddington Lock (including the River Colne and the part of the Grand Junction Canal north of Cowley Lock and the part of the Duke of Northumberland's River north of the point marked A on the map signed in duplicate by Ralph Makinson Littler on behalf of the Council and Sir Frederick Dixon-Hartland Baronet on behalf of the Conservators of the River Thames one copy of which plan has been deposited at the office of the clerk of the peace for the county and the other at the office of the said Conservators) or any tributary of any such stream and nothing in or done under this Act shall extend to interfere with take away

abridge or prejudicially affect any right power authority jurisdiction or privilege of the Conservators of the River Thames under the Thames Conservancy Act 1894. A.D. 1898.

39. Nothing in this Act contained shall authorise the Council to exercise any of the powers conferred by the sections of this Act of which the marginal notes are "Council's powers as to dredging ballasting &c." (except paragraph (d) thereof) and "Power to shorten bends" with respect to any canal or canal feeder belonging to or under the control of the canal companies or either of them and nothing in this Act contained shall render the canal companies or either of them liable to be proceeded against under the section of this Act of which the marginal note is "Prohibition against dredging without licence of Council" with respect to any such canal or canal feeder Provided always that the canal companies shall in discharging flood water from the Brent reservoir into the River Brent comply with such regulations as to the method of such discharge as may be agreed upon between the Council and the canal companies or failing agreement shall be settled by an engineer to be nominated by the President of the Institution of Civil Engineers. For protec- tion of canal companies.

40. Nothing in the provisions of this Act relating to pollution shall prevent the owners lessees or occupiers of watercress beds using any streams channels springs of water or works in connexion therewith for the proper cultivation of watercress by any of the best known methods or from opening any such drains pipes or channels as may be required for the purpose of passing water through any such beds into any tributary. For protec- tion of culti- vation of watercress.

41. Nothing in this Act shall be construed to deprive any riparian owner of any legal rights in the soil or bed of any stream which he may now possess or of any legal remedies which he may now possess or to give any riparian owner any right as against the public which he did not possess before the passing of this Act. Saving of rights of riparian owners.

42. It shall not be competent for any person other than the Council their solicitors officers or agents or a person authorised by the Local Government Board under the section of this Act of which the marginal note is "Saving of right of sanitary authorities &c." to institute or carry on any proceeding or prosecution under the provisions of this Act relating to pollution but nothing in this Act shall be deemed to affect any of the provisions of any Act or Acts for the time being in force relating to solicitors. Right to prosecute to be in Council only.

43. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them Orders as to costs of inquiries.

A.D. 1898. — under this Act (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector) and as to the parties by whom such costs shall be borne and every such order and every order for the payment of costs made by any court under this Act may be made a rule of the High Court.

Power of inspectors of Local Government Board.

44. Inspectors of the Local Government Board shall for the purposes of any inquiry directed by that Board under this Act have in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be inspected similar powers to those which the inspectors of the said Board have under the Public Health Act 1875 for the purposes of that Act.

Costs incurred by Local Government Board to be paid by Council.

45. All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Council.

Act not to legalise nuisances or affect other remedies.

46. Nothing in this Act shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

Powers of Act cumulative.

47. All the powers and provisions of this Act are in addition to and not in derogation of any other powers possessed by the Council under the Rivers Pollution Prevention Act 1876 or any other Act of Parliament and such other powers may be exercised and put in force by the Council as if this Act had not been passed Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

Costs of Act.

48. The costs charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Council out of the county fund.

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