

## CHAPTER 48

### ARRANGEMENT OF SECTIONS

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###### Section

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33. Minor amendments of River Boards Act, 1948

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An Act to enable river boards and catchment boards to raise drainage charges for the purpose of meeting part of their expenses; and to make further provision relating to the drainage of land and to drainage boards.  
[27th July, 1961]

**B**E 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:—

## PART I

## DRAINAGE CHARGES

*General drainage charges*

Power of river board to raise revenue by means of general drainage charges.

1.—(1) For the purpose of increasing revenue available to meet the expenses of drainage works a river board may raise, and levy on the occupiers of chargeable hereditaments in the river board area, a charge to be known as a general drainage charge.

(2) For the purposes of this Part of this Act the chargeable hereditaments in any river board area shall be the agricultural

land and agricultural buildings in so much of the area as does not fall within an internal drainage district.

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(3) Every general drainage charge shall be at a uniform amount per pound on the annual value of each chargeable hereditament within the river board area, and that amount shall be an amount ascertained in accordance with regulations made under section two of this Act.

2.—(1) The Minister shall make regulations for ascertaining the amount per pound of annual value at which a river board may raise a general drainage charge for any year. Amount of general drainage charge.

(2) The regulations shall define that amount by stating the proportion which it is to bear to the river board's precept rate for that year, and in determining that proportion the Minister shall secure that the amount of the drainage charge will be such as appears to him to be as nearly as practicable equivalent to that precept rate, but may, so far as necessary to avoid small fractions of a penny, make different provisions for different precept rates.

(3) For the purposes of subsection (2) of this section, the precept rate of a river board for any year shall be taken to be the amount per pound (of rateable value) at which a rate levied for that year on so much of the areas of county boroughs and county districts wholly or partly within the river board area as is within that area would have produced the amount for which precepts are issued in that year by the river board under section ten of the River Boards Act, 1948.

(4) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

#### *Special drainage charges in interests of agriculture*

3.—(1) Where it appears to a river board that the interests of agriculture in the river board area or any part of it require the carrying out of drainage works in connection with any watercourses in the area, the river board may submit to the Minister for confirmation a scheme designating those watercourses, and any watercourses connected with them, for the purposes of this section and making provision for the raising, in accordance with this Part of this Act, of a charge, to be known as a special drainage charge, for the purpose of meeting the expenses of drainage works in connection with the designated watercourses and any expenses arising from such works. Designation of watercourses for drainage works in the interests of agriculture.

(2) Any such scheme shall designate either the whole or any part of the river board area for the purposes of the special drainage charge, according as the carrying out of drainage works in connection with the designated watercourses would, in the opinion of the river board, be in the interest of agriculture in the whole of the river board area or only in the designated part.

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(3) The watercourses designated in any such scheme shall, if the scheme is confirmed, be treated for the purposes of the Act of 1930 as part of the main river, and the Minister shall cause such variations to be made in any map prepared under section six of the River Boards Act, 1948, as may be necessary to show the designated watercourses as part of the main river and distinguish them from any other part of the main river; and any such variation shall for the purposes of subsection (4) of that section (which makes any map as approved or varied in accordance with the provisions of that section conclusive evidence as to what is the main river) be deemed to be a variation made in accordance with those provisions.

(4) The power under subsection (3) of the said section six to vary a map approved under that section shall include power to vary it with respect to the watercourses shown on it as designated under this section.

(5) A scheme under this section may make provision for any of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (1) of section four of the Act of 1930 (as modified by paragraph 3 of the Third Schedule to the River Boards Act, 1948) and, subject to subsections (6) to (10) of this section, those Acts shall apply to such a scheme as they apply to a scheme under paragraph (b) of the said subsection (1).

(6) So much of the said paragraph 3 as enables the Minister to direct a river board to submit a scheme shall not apply to a scheme under this section.

(7) Before submitting a scheme under this section a river board shall consult organisations appearing to them to represent the interests of persons engaged in agriculture in the river board area or, as the case may be, the part of that area designated in the scheme.

(8) Where a river board submit a scheme under this section which designates any watercourse wholly or partly within an internal drainage district, then, unless the river board are the drainage board for that district, the scheme must be accompanied either by a statement that the drainage board for that district have consented to the designation or by a statement that they have not consented thereto and a further statement setting out the reasons why the watercourse should nevertheless be designated for the purposes of this section.

(9) The persons to whom copies of any scheme submitted under this section are to be sent as required by subsection (2) of section four of the Act of 1930 shall be the council of any county, county borough or county district wholly or partly included in the river board area or, as the case may be, any part of it designated in the scheme, the drainage board for any internal drainage district included in that area or part, and

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organisations appearing to the river board to represent the interests of persons engaged in agriculture in that area or part.

(10) The Minister shall not confirm a scheme under this section unless he is satisfied that, having regard to all the circumstances, and in particular to any contributions from local authorities and internal drainage boards which, if the scheme is confirmed, are likely to be available to the river board in addition to the special drainage charge authorised by the scheme, the scheme is reasonable and financially sound.

(11) For the purposes of this section—

- (a) the expenses of any drainage works which may be necessary in consequence of other drainage works, and so much of any contribution made under subsection (3) of section twenty-one of the Act of 1930 as is fairly attributable to such expenses, shall be deemed to be expenses arising from those other drainage works; and
- (b) the expenses of any drainage works shall be taken to include a proper proportion of the cost of the officers and buildings and establishment of the authority carrying them out.

4.—(1) A special drainage charge shall be levied by a river board on the occupiers of chargeable hereditaments in the area of the river board or, if part only of that area is designated for the purposes of the charge in the scheme authorising it, in that part.

Provisions as to special drainage charge.

(2) The special drainage charge shall be at a uniform amount per pound on the annual value of each chargeable hereditament concerned and that amount shall not exceed—

- (a) an amount to be specified in the scheme as the maximum amount of the charge or such greater amount as may be authorised by an order made by the Minister on the application of the river board; nor
- (b) one shilling or such other amount as may be substituted for one shilling by an order made by the Minister by statutory instrument and approved by a resolution of the Commons House of Parliament, less, in either case, the amount (if any) per pound at which a general drainage charge is raised for the same year by the river board.

(3) Before making an order under paragraph (a) of subsection (2) of this section the Minister shall consult with such of the associations and persons concerned as he considers appropriate and shall cause a notice of his intention to make the order and of the time (which shall not be less than thirty days) within which objections to the proposed order may be made to him, to be published in such manner as he thinks best adapted for informing persons affected, shall, if he considers it necessary,

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afford such persons an opportunity of appearing before and being heard by a person appointed by him for the purpose, and shall consider the report of the person so appointed and any objections duly made.

(4) Any order under paragraph (a) or paragraph (b) of subsection (2) of this section may be varied or revoked by a subsequent order made thereunder.

*Provisions applicable to general and special drainage charges*

Operation and  
incidence of  
drainage  
charges.

5.—(1) A drainage charge shall be raised by a river board in writing under the common seal of the board and shall be deemed to be raised on the date on which a resolution is passed by the board authorising their seal to be affixed to the charge.

(2) Every drainage charge shall be raised for a year ending on the thirty-first day of March and shall be raised in the year preceding that for which it is raised.

(3) The Minister may by statutory instrument make regulations prescribing the forms of drainage charges and of demands for drainage charges.

(4) The following provisions shall have effect with respect to the assessing of persons to a drainage charge in respect of any hereditament, and their liability in regard to the charge:—

(a) the charge shall be assessed on the person who at the date of the raising of the charge is the occupier of the hereditament ;

(b) the full amount of the charge may be recovered by the river board from any person who is the occupier of the hereditament at any time during the period for which the charge is raised ; but

(c) a person who is in occupation of the hereditament for part only of the period for which the charge is raised is liable to bear a proportionate part only of the charge and, if he has been required under paragraph (b) of this subsection to pay the full amount of the charge, he may recover from any person who was in occupation of the hereditament for part of that period the amount which that other person is liable to bear.

(5) Where a hereditament is a chargeable hereditament during part only of the year for which a drainage charge is raised, a proportionate part only of the charge shall be payable in respect of that hereditament ; and any amount overpaid shall be repaid.

(6) Where the name of any person liable to be assessed to any drainage charge is not known to the river board, it shall be sufficient to assess him to the charge by the description of the “ occupier ” of the premises (naming them) in respect of which the assessment is made, without further name or description.

(7) A river board shall not be required to demand or enforce payment of a drainage charge in any case where the amount

thereof is in their opinion insufficient to justify the expense of collection.

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6.—(1) A drainage charge shall not be valid unless notice thereof is given in accordance with subsection (2) of this section within ten days of the date on which it is raised. **Publication of drainage charges.**

(2) The notice must state the amount of the charge and the date on which it was raised and must be affixed in one or more public or conspicuous places in the river board area and published in one or more newspapers circulating in that area.

7.—(1) The annual value of any land for the purposes of any drainage charge shall be its annual value as determined, within the meaning of section one of the Drainage Rates Act, 1958, for the purposes of income tax under Schedule A for the last year of assessment ending before the end of the period for which the charge is raised; and subsections (2), (3) and (5) of that section shall apply as if the charge were a drainage rate made at the date the charge was raised. **Ascertainment of annual value.**

(2) Where a chargeable hereditament consists of or includes part only of any land in respect of which an assessment to income tax is made under Schedule A, the river board shall ascertain its annual value by apportioning the annual value of the land.

(3) The Minister may by statutory instrument make regulations prescribing principles to be observed in making apportionments under this section, and such regulations may require apportionments made by internal drainage boards for the purposes of drainage rates to be used for the purposes of this section and may require such boards to furnish to river boards such information as may be required to enable them to comply with the regulations.

A statutory instrument containing regulations under this subsection shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(4) Where any land owned by or occupied for the purposes of the Crown is not assessed to income tax under Schedule A, subsections (1) and (2) of this section shall not apply to any hereditament which is or forms part of the land, but the annual value of such a hereditament for the purposes of any drainage charge shall be such as the river board may determine.

(5) Where a river board have made an apportionment or determination under this section, they shall serve notice of their decision upon both the owner and the occupier of the hereditament, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice appeal against the decision to a magistrates' court.

(6) A river board may from time to time require the surveyors of taxes for their area to furnish to them, on payment at such

**PART I** rate as the Treasury may determine, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A for all or any of the properties in that area, and such particulars of notices of assessments, appeals against assessments and the determination of such appeals as may be required to enable the river board to give effect to subsections (1) and (2) of this section.

(7) Notwithstanding anything in the foregoing provisions of this section, where the annual value of any land for the purposes of any drainage charge would include a fraction of a pound, the fraction shall, if greater than ten shillings, be treated as one pound and shall in any other case be disregarded.

Amendments  
as respects  
drainage  
charge.

8.—(1) A river board may, as respects any drainage charge raised by them for the current or the preceding year, make such additions to, cancellations of or amendments in any demands or other documents relating to the charge as appear to them necessary in order to make the raising, levying and collection of the charge conform with the provisions of this Part of this Act, and in particular may—

- (a) correct any clerical or arithmetical error;
- (b) correct any erroneous insertions or omissions or any misdescriptions;
- (c) make such additions or corrections as appear to the board to be necessary by reason of—
  - (i) any change in the occupation of any chargeable hereditament; or
  - (ii) any property previously occupied as a single hereditament becoming liable to be treated as two or more separate hereditaments; or
  - (iii) any property ceasing to be a chargeable hereditament.

(2) An amendment may be made under subsection (2) of section one of the Drainage Rates Act, 1958, as applied by section seven of this Act, notwithstanding that the charge in respect of which it is made was raised for an earlier year than is mentioned in subsection (1) of this section, and such an amendment shall have effect from the beginning of the year for which that charge was raised.

(3) A river board shall serve a notice of any amendment made by them in pursuance of this section or of the said subsection (2) on the owner and occupier of every hereditament affected thereby.

Appeal  
against  
demand for  
drainage  
charge.

9.—(1) If any person is aggrieved by a demand for a drainage charge made on him as the occupier of a chargeable hereditament, or an amendment of such a demand, on any ground on which he could not have appealed to a magistrates' court under section seven of this Act, he may appeal to the court of quarter



sessions for the county or borough in which the hereditament is situated.

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(2) Notice of appeal under this section, specifying the grounds of appeal, must be given within twenty-eight days after the date on which the demand was made or notice of the amendment was served on the appellant, as the case may be, to the court to which the appeal is made and to the river board and also, if the appeal relates to a hereditament not in the occupation of the appellant, to the occupier of the hereditament.

(3) On an appeal under this section the court shall, as it thinks just, either confirm the demand or annul or modify it.

(4) Sections twelve, thirteen and fourteen of the Quarter Sessions Act, 1849 (which relate to arbitration) shall not apply in the case of an appeal under this section, but the appellant and the respondent to the appeal may agree in writing to refer the matter in dispute to the arbitration of such a person as may be agreed on between them, or as may in default of agreement be appointed by the Minister.

10.—(1) Arrears of any drainage charge may be recovered by a river board in the same manner as if the charge were a rate within the meaning of the Distress for Rates Act, 1960. Recovery of drainage charges.

(2) A river board may by resolution authorise any member or officer of the river board, either generally or in respect of particular proceedings, to institute or defend on their behalf proceedings in relation to a drainage charge or to appear on their behalf, notwithstanding that he is not qualified to act as a solicitor, in any proceedings before a magistrates' court for the issue of a warrant of distress for failure to pay a drainage charge.

(3) In proceedings for the recovery of arrears of a drainage charge the defendant shall not be entitled to raise by way of defence any matter which might have been raised on an appeal under section seven or section nine of this Act.

11.—(1) A river board and any such authority as is mentioned in subsection (2) of this section may enter into agreements for the doing by the authority, as agents of the river board, of anything required for the purpose of the assessment to and recovery of a drainage charge in respect of the chargeable hereditaments mentioned in that subsection, and for the making by the river board to the authority of payments in respect of anything so done. Agreements for assessment to and recovery of drainage charge.

(2) The said authorities are the council of any county borough or county district wholly or partly included in the river board area, the drainage board of any internal drainage district included in that area and any river board; and the said chargeable hereditaments are, in relation to any such council, those within the area of the council and, in relation to any drainage board, such as may be specified in the agreement.

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Power of river boards to require information from owners of chargeable hereditaments.

Unoccupied hereditaments.

Assessment of drainage charge on owners.

**12.** A river board may require the owner of any chargeable hereditament in their area to state in writing the name and address of any person known to him as being an occupier of that hereditament; and if the owner fails to comply with the requirement or knowingly makes a misstatement in respect of the information required, he shall be liable on summary conviction to a fine not exceeding five pounds.

**13.** For the purposes of this Part of this Act the owner of any hereditament shall be deemed to be its occupier during any period during which it is unoccupied.

**14.—(1)** Notwithstanding anything in this Part of this Act, where the owner of a chargeable hereditament has made a request under section one hundred and ten of the Income Tax Act, 1952 (which provides for the assessment, at their option, of landlords to tax under Schedule A), any drainage charge raised for a period for which the request has effect shall, in the case of that hereditament, be assessed on the owner, and references in this Part of this Act (other than this section) to the occupier and to occupation shall be construed accordingly.

(2) Where by virtue of this section a drainage charge is assessed on the owner and he pays the amount due before the expiration of one half of the period for which the charge is raised, the river board shall make to him an allowance equal to ten per cent. of the full amount of the charge.

(3) The owner may recover from the occupier any amount paid by or allowed to him under this section which, as between the owner and the occupier, the occupier is liable to pay.

(4) The occupier of a chargeable hereditament may by notice in writing served on the river board—

(a) elect that subsection (1) of this section shall not apply to the hereditament; and

(b) cancel any election previously made under this subsection;

and any such election or cancellation shall have effect in relation to any drainage charge raised for any period beginning after the date on which the notice is served.

(5) A river board shall send a copy of any notice served on them under subsection (4) of this section to the owner of the hereditament to which the notice relates.

(6) A river board may from time to time require the surveyors of taxes for their area to furnish to them, on payment at such rate as the Treasury may determine, such information as may be required to enable the board to give effect to this section.

Appointment of additional members of river boards.

**15.—(1)** Where a river board have raised a drainage charge for any year the Minister may appoint not more than two additional members of the board from among persons appearing to him to represent occupiers of chargeable hereditaments in the river board area, and any member so appointed—

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- (a) shall be disregarded for the purposes of subsection (2) of section two of the River Boards Act, 1948 (which requires an order establishing a river board to provide for the appointment of not more than forty members in accordance with the provisions of that subsection); and
- (b) shall (notwithstanding paragraph 3 of the Second Schedule to that Act) come into office on the first day of that year or the day of his appointment, whichever is the later, and hold office so long as the other members of the board will hold office, except that if, for any year beginning within that period, neither a general nor a special drainage charge is raised by the river board, he shall cease to hold office at the end of the preceding year.

(2) Before making an appointment under this section the Minister shall consult such associations and persons as appear to him to represent occupiers of chargeable hereditaments in the river board area.

## 16. In this Part of this Act—

Interpretation  
of Part I.

- “agricultural buildings” has the meaning assigned to it by subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928;
- “agricultural land” has the meaning assigned to it by section twenty-nine of the Land Drainage Act, 1930;
- “chargeable hereditament” has the meaning assigned to it by subsection (2) of section one of this Act;
- “drainage charge” means general drainage charge or special drainage charge.

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MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND  
DRAINAGE BOARDS*Amendments of Act of 1930*

17. Where, under a scheme made by a river board under paragraph (a) of subsection (1) of section four of the Act of 1930, liabilities incurred in connection with drainage works are transferred from the council of a county, county borough or county district to the river board, the river board may require the council to make to them contributions towards the discharge of the liabilities; and if the amount of those contributions is not agreed between the board and the council it shall be determined by a single arbitrator agreed on by them or, in default of such agreement, by the Minister and the Minister of Housing and Local Government acting jointly.

Contribution  
by local  
authority in  
respect of  
liabilities  
transferred to  
river board.

**PART II**  
**Performance**  
**by river board**  
**of functions**  
**of internal**  
**drainage**  
**board.**

**18.—(1)** A scheme under paragraph (b) of subsection (1) of section four of the Act of 1930 which makes provision for the constitution of a new internal drainage district may provide for the river board submitting the scheme to be constituted the drainage board of that district and for conferring on it in relation to that district the powers and duties of an internal drainage board; and any expenses incurred by the river board as the drainage board of such a district shall be defrayed under and in accordance with the powers so conferred and not in any other manner.

(2) Where, whether by virtue of subsection (1) of this section or of an order under section eleven of the Act of 1930, a river board are the drainage board of an internal drainage district and a petition for constituting an internal drainage board for that district is made to the river board by a sufficient number of qualified persons or by a qualified authority, the Minister may by order constitute an internal drainage board for that district and transfer to it the property and liability of the river board so far as vested in or incurred by them in their capacity as the drainage board for that district.

(3) The provisions of the Act of 1930 shall apply in relation to an order under subsection (2) of this section as they apply in relation to an order under section eleven of that Act.

(4) On receiving such a petition as is mentioned in subsection (2) of this section the river board shall send a copy of it to the Minister and they shall inform the Minister, within six months of the date on which the petition is received, whether in their opinion an order under that subsection ought to be made.

(5) Before making an order under subsection (2) of this section the Minister shall consider the views expressed by the river board in accordance with subsection (4) of this section.

(6) (a) The Minister shall by regulations provide for the payment by a river board, subject to such exceptions or conditions as may be specified in the regulations, of compensation to any officer or servant of that board who suffers loss of employment or loss or diminution of emoluments which is attributable to an order made under subsection (2) of this section or anything done in pursuance of any such order.

(b) Different regulations may be made under this subsection in relation to different classes of persons.

(c) Regulations made under this subsection may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.

(d) Regulations made under this subsection shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**19.—**(1) The power of a river board to maintain, improve or construct drainage works for the purpose of defence against sea water or tidal water shall be exercisable anywhere in the river board area, irrespective of whether they are works in connection with the main river; and for the purposes of this subsection the river board area shall be deemed to extend beyond the low-water mark. **PART II**  
Sea defence works.

(2) The power of a river board under section forty-seven of the Act of 1930 to make byelaws for securing the efficient working of the drainage system in their area shall include power to make such byelaws as the board consider necessary for securing the proper defence against sea water or tidal water of any part of the river board area.

**20.—**(1) The power of a river board under section eight of the Act of 1930 to submit to the Minister for confirmation a scheme for revoking, varying or amending any provisions affecting or relating to land drainage contained in an award made under a public or local Act shall be exercised if the Minister, on an application under this section, so requires. Variation of awards.

(2) An application under this section may be made by any person who is under any obligation imposed by the award or by any drainage authority.

(3) An application under this section shall not be entertained unless the applicant has requested the river board to submit such a scheme as aforesaid and either the river board have refused to do so or failed to do so within six months or have submitted a scheme different from that so requested.

**21.—**(1) Where (whether by virtue of section eleven of the Act of 1930 or of section eighteen of this Act) a river board are the drainage board of an internal drainage district, they may by resolution specify an amount as corresponding to the amount of any contribution which, if the river board were not the drainage board of that district, the river board would require from or make to that drainage board under subsection (1) or subsection (3) of section twenty-one of the Act of 1930; and to the extent of any amount so specified— Allocation of revenue of river board in lieu of contributions under s. 21 of Act of 1930.

(a) the expenses incurred by the river board as such shall be defrayed out of sums received by it as the drainage board of that district; or

(b) the expenses incurred by the river board as the drainage board of that district shall be defrayed out of their other revenue;

according as the amount is specified in the resolution as corresponding to a contribution under the said subsection (1) or as corresponding to a contribution under the said subsection (3).

(2) A river board shall publish any resolution under this section in one or more newspapers circulating in the internal drainage district.

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## (3) Where—

- (a) a sufficient number of qualified persons ; or
- (b) the council of any county or county borough wholly or partly within the river board area ;

are aggrieved by a resolution of a river board under this section or the amount specified in such a resolution (whether on the ground that it is too small or too large), or the failure of a river board to pass such a resolution, they may appeal to the Minister and the Minister may, after considering any objections made to him, make such an order in the matter as he thinks just, and any such order shall be deemed to be an order under the said section twenty-one.

(4) An appeal under this section (other than an appeal on the ground that the river board have failed to pass a resolution under this section) must be made within six weeks after the date on which the river board have published the resolution in respect of which it is made.

**Drainage  
rates—basis of  
assessment.**

**22.**—(1) The following provisions of this section shall have effect with respect to any drainage rate made for a period beginning after the end of March, nineteen hundred and sixty-three.

(2) Subsection (4) of section twenty-four of the Act of 1930 (which provides for the assessment of drainage rates on the annual value of agricultural land and one-third of the annual value of other land) shall have effect as if paragraph (a) thereof referred to agricultural buildings (as defined in subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928) as well as to agricultural land.

(3) Where a drainage board have demanded a drainage rate in respect of any land the annual value of which for the purposes of the drainage rate has been ascertained in accordance with the Drainage Rates Act, 1958, then, if—

- (a) the land is, forms part of, or comprises land whose annual value for the purposes of income tax under Schedule A has been ascertained by reference to any rent fixed by an agreement commencing after the end of March, nineteen hundred and forty-six ; and
- (b) the owner and occupier or either of them, by notice in writing served on the board within twenty-eight days of the date on which the demand is made or such further time as the drainage board may allow, claim that the annual value of the land for the purposes of the drainage rate shall be determined by the board under this subsection ;

the annual value of the land for the purposes of the drainage rate and any subsequent drainage rate shall be such value as may be determined by the board, having regard to the annual

values of comparable land in their district, other than those ascertained as mentioned in paragraph (a) of this subsection; and subsection (3) of section twenty-nine of the Act of 1930 (which provides for an appeal against a determination under subsection (2) of that section) shall extend to any determination made under this subsection.

**PART II**

(4) Subsection (4) of section twenty-four of the Act of 1930 and the Drainage Rates Act, 1958, shall not apply in the case of land for which a rateable value is shown in the valuation list for the time being in force; but in the case of any such land—

- (a) the value on which any drainage rate is assessed shall be one-third of the rateable value so shown; and
- (b) the amount per pound at which a drainage rate is so assessed shall be determined in accordance with section twenty-three of this Act.

(5) Where, after an assessment to a drainage rate has been made in respect of any land in accordance with subsection (4) of this section, the rateable value shown in the valuation list for that land is altered and the alteration has effect for the whole of the period for which the rate is made, the rate shall be amended accordingly, and the amendment shall have effect from the beginning of that period and shall be treated for the purposes of the Act of 1930 as an amendment made in pursuance of section twenty-eight of that Act.

(6) Subsection (6) of section twenty-four of the Act of 1930 (which provides for differential rating) shall have effect as if the references to the amount per pound of annual value included references to the amount per pound of the value specified in paragraph (a) of subsection (4) of this section; and any order under the said subsection (6) determining the relative amount per pound of one only of those values shall have effect as if it made also corresponding provision with respect to the other.

(7) References in this section to the rateable value of any land shall be construed, where that value differs from the net annual value, as referring to the net annual value.

(8) The reference in section twenty-eight of the Act of 1930 (which relates to amendments in a rate) to the provisions of Part IV of that Act shall be construed as including a reference to the provisions of this section.

23.—(1) The amount per pound mentioned in paragraph (b) of subsection (4) of section twenty-two of this Act shall be determined, as nearly as may be, by applying the fraction arrived at in accordance with the following provisions of this section (in this section referred to as the relative fraction) to the amount per pound (of annual value) at which the drainage rate is assessed under subsection (4) of section twenty-four of the Act of 1930.

Drainage  
rates—  
determination  
of relative  
poundage.

**PART II**

(2) The relative fraction shall be stated in the notice of the rate given under section twenty-seven of the Act of 1930, and the notice shall be conclusive evidence that the fraction stated in it has been calculated in accordance with this section.

(3) The relative fraction shall be arrived at by dividing—

- (a) the aggregate of the annual values of the relevant hereditaments in the internal drainage district ; by
- (b) the aggregate of the rateable values of those hereditaments.

(4) For the purposes of this section—

- (a) the rateable value of any hereditament shall be taken to be the value which, at the date on which the drainage rate is made, is shown as its rateable value in the valuation list in force for the period for which the drainage rate is made ;
- (b) the annual value of any hereditament shall be taken to be its annual value as last stated before the said date in any assessment under Schedule A signed and allowed under section thirty-five of the Income Tax Act, 1952, or under that section as applied by the Fifth Schedule to that Act (apportioned where the hereditament forms part only of any land assessed under Schedule A).

(5) An internal drainage board may from time to time require the surveyors of taxes for their district to furnish to them, on payment at such rate as the Treasury may determine, such particulars of assessments as may be required to enable the board to calculate the relative fraction.

(6) In this section “ relevant hereditament ”, in relation to any drainage rate, means land for which a rateable value is shown in the valuation list in force for the period for which the rate is made and which is or forms part of land assessed to income tax under Schedule A ; and references in this section to the rateable value of any hereditament shall be construed, where that value differs from the net annual value, as referring to the net annual value.

Drainage  
rates—  
fractions  
of a pound.

**24.** Where the value on which a drainage rate is assessed would, apart from this section, include a fraction of a pound, the fraction shall, if greater than ten shillings, be treated as one pound and shall in any other case be disregarded.

Payments  
by rating  
authorities  
in lieu of  
drainage rates.

**25.—**(1) The following provisions of this section shall have effect in substitution for section twenty-five of the Act of 1930.

(2) The rating authority for any area wholly or partly included in an internal drainage district and the drainage board of that district may agree that, so long as the agreement is in force,—



## PART II

- (a) no drainage rate made by the drainage board shall be levied on occupiers or owners of rateable hereditaments within the area of the rating authority ; but
- (b) the rating authority shall pay to the drainage board, in respect of every drainage rate which by virtue of the agreement cannot be levied on those owners or occupiers, a sum equal to the estimated aggregate of the amounts which, but for the agreement, could be so levied, less such amount, if any, as may be specified in the agreement.

(3) Where part only of the area of the rating authority is included in the internal drainage district the authority may, if they think fit, treat the amount of any payment made by them under the agreement as chargeable separately on that part and levy that amount as an additional item of the general rate accordingly ; and in any case where part but not the whole of a parish is so included, the whole of the parish may for the purposes of this subsection be treated either as so included or as not so included.

(4) Any agreement under this section may, unless the drainage board is a river board, provide for amending the constitution of the board (notwithstanding anything in any scheme or order) so as to enable the rating authority to appoint members of the board ; but

- (a) any member appointed by virtue of the agreement shall cease to be a member when the agreement ceases to be in force ; and
- (b) the number of members appointed by virtue of such agreements shall not exceed two-fifths of the number of all the members of the board.

(5) The drainage board and the rating authority making an agreement under this section shall, within one month of making it, publish in one or more newspapers circulating in the area affected a notice stating its effect and shall make copies of the agreement available for inspection at their offices ; and the drainage board shall send a copy of the agreement to the Minister.

(6) In this section "rateable hereditament" means a hereditament included in the valuation list for the time being in force.

26.—(1) In subsection (6) of section twenty-four of the Act of 1930 (which enables the drainage board of an internal drainage district by order to divide their district into sub-districts for the purpose of levying differential rates and to determine the relative amounts of rates in the respective sub-districts) for the words "and determine" there shall be substituted the words "and any such order may determine". Differential drainage rates.

(2) Where an order made by a drainage board under the said subsection (6) is in force and the order does not determine the

**PART II** relative amounts of rates in the respective sub-districts, subsection (2) of the said section twenty-four shall have effect, in relation to a drainage rate made by the board for any of the sub-districts, as if it defined—

- (a) an owner's drainage rate as a rate raised for the purpose of defraying expenses incurred in connection with new works in the sub-district or the improvement of existing works in the sub-district and a proportionate part of the charges in respect of contributions by the board under section twenty-one of the Act of 1930 or, as the case may be, of amounts specified under section twenty-one of this Act as corresponding to such contributions ; and
- (b) an occupier's drainage rate as a rate raised for the purpose of defraying the expenses of maintaining any works in the sub-district and a proportionate part of any expenses or charges incurred by the board which are not directly attributable to the maintenance of particular works and are not such expenses or charges as are mentioned in paragraph (a) of this subsection.

(3) Where a petition for the making, variation or revocation of an order under the said subsection (6) is made to a drainage board by a sufficient number of qualified persons or by a qualified authority, the drainage board shall, subject to subsection (6) of this section, consider the petition and, if so directed under subsection (4) of this section, shall make, vary or revoke the order either in accordance with the petition or in accordance with the petition as modified by the direction.

(4) A direction under this section may be given by the Minister, if the drainage board is a river board, and, in any other case, by the river board in whose area the drainage district is comprised ; but where a drainage board object to a direction given by the river board the direction shall have no effect unless confirmed (with or without modifications) by the Minister.

(5) Subject to subsection (6) of this section, where such a petition as is mentioned in subsection (3) of this section is received by a drainage board the drainage board shall inform the river board (or if the drainage board is a river board, the Minister) and shall publish in one or more newspapers circulating in the internal drainage district a notice that the petition has been received, that the making, variation or revocation of an order under subsection (6) of the said section twenty-four will be considered, and that representations may be made to the board within a time (which shall not be less than thirty days) stated in the notice.

(6) This section does not require a drainage board to consider any petition or publish any notice of a petition—

## PART II

- (a) if it has received a petition under this section within the period of ten years immediately preceding the making of the first-mentioned petition ; or
- (b) if it has, within that period, by an order made under the said section twenty-four, divided its district into sub-districts or varied or abolished any sub-district ; or
- (c) if the petition is frivolous in the opinion of the river board or, where the drainage board is the river board, in the opinion of the Minister.

(7) After considering such a petition as is mentioned in subsection (3) of this section, and not later than six months after it was received, the drainage board shall inform the river board or, as the case may be, the Minister whether they propose to make, vary or revoke such an order as aforesaid and, if they propose to make or vary such an order, of the terms of the order or variation they propose to make.

**27.**—(1) Where the owner or occupier of any hereditament in an internal drainage district requests the drainage board of the district to make or amend an order under subsection (7) of section twenty-four of the Act of 1930 so as to exempt from drainage rates the portion of the district in which the hereditament is situated the drainage board shall consider the request and, if so directed under this section, shall comply with it. Exemption from drainage rates.

(2) Where such a request is refused by the drainage board the person making it may appeal to the river board (or, if the drainage board is a river board, to the Minister) and the river board or, as the case may be, the Minister may direct the drainage board to make or amend the order as requested.

(3) Where such a request is neither refused nor complied with within three months after it is made, it shall be deemed to have been refused.

**28.**—(1) The provisions of subsections (2) to (6) of this section shall have effect in substitution for subsections (1) to (9) of section thirty-five of the Act of 1930 ; and references in that Act to that section shall be construed accordingly. Removal of obstruction from watercourses.

(2) Where any watercourse in the area or district of a drainage board is in such a condition that the proper flow of water is impeded, then, unless the condition is attributable to subsidence due to mining operations (including brine pumping), the drainage board concerned may by notice require the person on whom the notice is served to remedy that condition.

(3) For the purposes of subsection (2) of this section the drainage board concerned shall be—

- (a) in relation to a watercourse in an internal drainage district, other than a watercourse forming part of the main river, the internal drainage board ;
- (b) in relation to any other watercourse, the river board.

**PART II**

(4) A notice under this section may be served on—

- (a) any person having control of the part of the watercourse where the impediment occurs ; or
- (b) any person owning or occupying land adjoining that part ; or
- (c) any person to whose act or default the said condition is due ;

but no such notice requiring any person to carry out any work on land not owned or occupied by him shall be served without the consent of the owner and the occupier of the land, except in a case where it is not practicable, after reasonable inquiry, to ascertain the name and address of the owner or occupier.

(5) Subsections (2) to (7) of section two hundred and ninety of the Public Health Act, 1936 (which provide for appeals against, and the enforcement of, certain notices under that Act) shall apply to any notice served under this section as they apply to such notices as are mentioned in subsection (1) of that section, but subject to the following modifications, that is to say,—

(a) for references to the local authority there shall be substituted references to the drainage board ;

(b) for paragraphs (e) and (f) of subsection (3) there shall be substituted the following paragraphs :—

“(e) that the notice might lawfully have been served on another person and that it would have been equitable for it to have been so served ;

(f) that some other person ought to contribute towards the expenses of executing any works required by the notice ” ;

(c) in subsection (6) the words from “ and to a further fine ” to the end of the subsection shall be omitted.

(6) Sections three hundred to three hundred and two of the Public Health Act, 1936 (which contain supplementary provisions relating to appeals under the said section two hundred and ninety) shall, with the necessary modifications, apply to appeals brought by virtue of subsection (5) of this section.

(7) In subsection (12) of section thirty-five of the Act of 1930 (which restricts the application of that section in the case of watercourses under the jurisdiction of certain authorities) after the words “ conservancy authority ” there shall be inserted the words “ harbour authority ”.

**Spoil.**

29. For subsection (1) of section thirty-eight of the Act of 1930 there shall be substituted the following :—

“(1) A drainage board may, without making payment therefor, appropriate and dispose of any matter removed in the course of the execution of any work for widening, deepening or dredging any watercourse.

## PART II

(1A) A drainage board may deposit any matter so removed on the banks of the watercourse, or on such width of land adjoining the watercourse as is specified in the next following subsection, unless the matter so deposited would constitute a statutory nuisance within the meaning of Part III of the Public Health Act, 1936.

(1B) The said width is such as is sufficient to enable the said matter to be removed and deposited by mechanical means in one operation.

(1C) Where injury is sustained by any person by reason of the exercise by a drainage board of their powers under subsection (1A) of this section, the drainage board may, if they think fit, pay to him such compensation as they may determine; and if the injury could have been avoided if those powers had been exercised with reasonable care, subsection (3) of section thirty-four of this Act shall apply as if the injury had been sustained by reason of the exercise by the board of their powers under that section."

30.—(1) The following provisions of this section shall have effect in substitution for section fifty-two of the Act of 1930. Schemes for drainage of small areas.

(2) Where an authority to which this section applies are of opinion that any land in their area is capable of improvement by drainage works, but that the constitution for that purpose of an internal drainage district would not be practicable, the authority may, in accordance with the provisions of a scheme made under this section, enter on the land and execute such drainage works as appear to them desirable.

(3) The authorities to whom this section applies are the councils of counties or county boroughs and river boards.

(4) A scheme under this section must state—

- (a) the works proposed to be executed;
- (b) the area to be improved by the works;
- (c) the estimated expenses (including administrative expenses) of the execution of the works, which shall not, subject to subsection (11) of this section, exceed an amount equal to twenty pounds for each acre in the area to be improved;
- (d) the maximum amount to be recoverable by the authority making the scheme in respect of those expenses; and
- (e) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area.

(5) Before making a scheme under this section an authority other than a river board shall consult the river board.

(6) Before making a scheme under this section an authority shall give to the owners and occupiers of land within the area

**PART II**

to which the scheme relates, and to any other persons appearing to them affected by the scheme, notice in such manner as the Minister may by regulations made by statutory instrument prescribe of their intention of making the scheme and of the place where a draft thereof can be inspected and of the time (which shall not be less than thirty days) within which objections to the scheme may be made to the authority.

(7) Where any objections to a scheme are duly made and are not withdrawn the authority intending to make the scheme shall send a copy of the draft scheme, together with copies of the objections, to the Minister, and the scheme shall not be made unless the draft is confirmed by the Minister, with or without modifications; and before confirming the draft the Minister shall either cause a public inquiry to be held or give the authority and the persons by whom the objections are made an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(8) An authority making a scheme under this section shall send copies thereof to the owners and occupiers of land in the area to which it relates and, if that authority is a river board, they shall also notify the council of any county or county borough in which any of that land is situated; and any such scheme made by or notified to any such council shall be registered in the register of local land charges by the proper officer of the council in such manner as may be prescribed by rules made under section fifteen of the Land Charges Act, 1925.

(9) The council of a county or county borough shall, in relation to any works executed in pursuance of a scheme under this section, have all the powers of a drainage board under the Act of 1930, exercisable subject to the same restrictions as are imposed by that Act on the exercise of those powers by such boards.

(10) Any expenses incurred by an authority under this section in the execution of drainage works, to an amount not exceeding the amount stated in the scheme in pursuance of paragraph (d) of subsection (4) of this section, and any expenses incurred by an authority in maintaining works executed under this section, shall be recoverable by the authority from the several owners of the lands to which the scheme relates according to the apportionment provided for by the scheme.

(11) The Minister may exempt a scheme from the limit imposed by paragraph (c) of subsection (4) of this section if it appears to him that the works proposed to be executed are urgently required in the public interest, and he may by order made by statutory instrument from time to time vary that limit, but no such order shall have effect unless it is approved by a resolution of each House of Parliament.

**31.**—(1) The following provisions of this section shall have effect in substitution for section sixty-four of the Act of 1930.

**PART II**

**Restriction on erection of structures in, over or under watercourses.**

(2) No person shall erect any structure in, over or under a watercourse which is part of the main river except with the consent of and in accordance with plans and sections approved by the river board; and no person shall, without the consent of the river board, carry out any work of alteration or repair on any structure in, over or under such a watercourse if the work is likely to affect the flow of water in the watercourse or to impede any drainage work.

(3) No person shall erect or alter any structure designed to contain or divert the floodwaters of any part of the main river except with the consent of and in accordance with plans and sections approved by the river board.

(4) A consent or approval required under this section shall not be unreasonably withheld; and—

(a) any such consent may be given subject to any reasonable condition as to the time at which and the manner in which any work is to be carried out; and

(b) any such consent or approval shall, if neither given nor refused within two months after application therefor is made, be deemed to have been given.

(5) If any person executes any work in contravention of this section the river board may remove, alter, or pull down the work and recover from that person the expenses incurred in doing so.

(6) If any question arises under this section whether any consent or approval is unreasonably withheld or whether any condition imposed is reasonable the question shall—

(a) if the parties agree to arbitration, be referred to a single arbitrator agreed between the parties or, in default of agreement, appointed by the President of the Institution of Civil Engineers;

(b) if the parties do not agree to arbitration, be referred to and determined by the Minister and the Minister of Transport acting jointly.

(7) Subsection (2) of this section shall not apply—

(a) to any work executed under section fifteen or one hundred and nineteen of the Public Health Act, 1936, or section nineteen or twenty of the Third Schedule to the Water Act, 1945 (which relate to the provision of sewers and water mains); or

(b) to any work executed in an emergency;

but a person executing any work excepted by paragraph (b) of this subsection shall as soon as practicable inform the river board

**PART II** in writing of the execution and of the circumstances in which it was executed.

(8) Nothing in this section shall be taken to affect any enactment requiring the consent of any government department for the erection of a bridge or any powers exercisable by any government department in relation to a bridge.

(9) Nothing in subsection (1) of this section or in subsection (4) of section sixty-one of the Act of 1930 (which contains certain savings) shall be taken to exclude the application of this section to any work executed by persons carrying on an undertaking to which that section applies.

**Minor amendments of Act of 1930.** **32.** The Act of 1930 shall have effect subject to the amendments specified in Part I of the First Schedule to this Act.

#### *Amendments of River Boards Act, 1948*

**Minor amendments of River Boards Act, 1948.** **33.** The River Boards Act, 1948, shall have effect subject to the amendments specified in Part II of the First Schedule to this Act.

#### *New provisions*

**Power of local authorities to undertake drainage works against flooding.**

**34.—(1)** So far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding the council of a county borough or county district shall, subject to the provisions of this section, have all the powers conferred on drainage boards by sections thirty-four, thirty-eight, forty-three and forty-seven of the Act of 1930; and in connection with the exercise of those powers the council shall be subject to the same restrictions and liabilities as a drainage board, and section forty of this Act shall apply in relation to the council as it applies in relation to a drainage board.

(2) The exercise of those powers shall be among the purposes for which the council of a borough or urban or rural district may be authorised by the Minister of Housing and Local Government to purchase land compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to any authorisation under this subsection as it applies in relation to such an authorisation as is mentioned in section one thereof.

(3) Where the powers conferred by this section on the council of a county district are not exercised by that council they may be exercised by the county council—

- (a) at the request of the council of the county district; or
- (b) after not less than six weeks' notice given in writing by the county council to the council of the county district;

but where the council of the county district, before the expiry of a notice given under paragraph (b) of this subsection, appeal



against the notice to the Minister of Housing and Local Government and inform the county council of the appeal, the powers shall not be exercised by the county council in pursuance of the notice unless it is confirmed by that Minister.

## PART II

(4) Any expenses incurred by a county council under subsection (3) of this section shall be expenses for special county purposes.

(5) This section does not authorise the execution of any drainage works in connection with the main river.

(6) A council shall not execute any drainage works authorised by this section in connection with any watercourse except with the consent of, and in accordance with any reasonable conditions imposed by, the river board or, if the place where the works are to be executed is not part of a river board area, the Minister.

(7) Before giving any consent or imposing any condition under this section with respect to any drainage works in connection with a watercourse under the control of an internal drainage board the river board shall consult with the internal drainage board.

(8) A consent required under subsection (6) of this section shall not be unreasonably withheld and shall, if neither given nor refused within two months after application therefor is made, be deemed to have been given.

(9) Any question arising under this section whether the consent of a river board is unreasonably withheld or whether any condition imposed by a river board is reasonable shall be referred to and determined by the Minister and the Minister of Housing and Local Government acting jointly.

(10) Subsection (6) of this section shall not apply to any work executed in an emergency, but a council executing any work excepted by this subsection shall as soon as practicable inform the river board or, as the case may be, the Minister, in writing of the execution and of the circumstances in which it was executed.

35. A drainage board may by agreement with any person execute at his expense, whether within or outside the board's district or area, any drainage works which that person is entitled to execute.

Power of drainage board to carry out drainage works on behalf of other persons.

36.—(1) Where the boundaries of an internal drainage district in any river board area have for a period exceeding ten years been neither altered nor in pursuance of this section reviewed and a petition for their alteration is made to the river board by a sufficient number of qualified persons, or by a qualified authority, the river board shall, subject to subsection (5) of this section, review those boundaries.

Review of boundaries of internal drainage district.

## PART II

(2) Where, in the circumstances mentioned in subsection (1) of this section, any such petition is received by the river board, the river board shall inform the Minister and, subject to subsection (5) of this section, shall publish in one or more newspapers circulating in the internal drainage district a notice stating that the petition has been received, that a review of the boundaries is being undertaken, and that representations may be made to the river board within a time (which shall not be less than thirty days) stated in the notice.

(3) In carrying out any review required by this section the river board shall consult the drainage board of the internal drainage district (except where the river board are that drainage board) and shall consider any representations duly made to them; and within six months after the petition was made or such longer time as the Minister may allow the river board shall inform the Minister whether, as a result of the review, they propose to submit to him a scheme under section four of the Act of 1930, and, if so, what provision they propose to make by the scheme.

(4) Where the river board do not propose, as a result of the review, to submit to the Minister a scheme under the said section four but it appears to them that an order under subsection (6) of section twenty-four of the Act of 1930 (which provides for differential rating), or an order varying or revoking such an order, should be made by the drainage board of the internal drainage district, they may direct the drainage board to make such an order in such terms as may be specified in the direction; but if the drainage board object to the direction it shall have no effect unless it is confirmed (with or without modifications) by the Minister.

(5) This section does not require a river board to carry out a review or publish any notice on a petition which in the opinion of the Minister is frivolous.

Drainage  
works on  
boundary of  
river board  
area.

**37.**—(1) Subject to subsection (2) of this section, drainage works in connection with the main river may be carried out by a river board on or near the boundary of the river board area notwithstanding that they are or include works in the area of another river board.

(2) Where such works are works in connection with the main river of both river board areas the power to carry out the works shall be exercisable only by one of the river boards and the question by which of them it is to be exercisable shall be determined by agreement between them, or, in default of agreement, by the Minister.

(3) The river board carrying out any works by virtue of the preceding provisions of this section shall be entitled to such contribution from the other river board towards the cost of those works as may be agreed between them or as may, in default of agreement, be determined by the Minister.

**38.—**(1) Where a drainage authority are about to incur in respect of any work expenditure towards which, if the work is properly carried out, a grant will be payable under section fifty-five of the Act of 1930 or under section fifteen of the Agriculture Act, 1937, the Minister may, with the approval of the Treasury, make out of moneys provided by Parliament advances to the authority on account of the expenditure. **PART II**  
Grants in respect of proposed drainage works.

(2) The Minister may, with the approval of the Treasury, make out of moneys provided by Parliament grants to drainage authorities in respect of expenditure properly incurred by them with a view to the carrying out of drainage works, being expenditure towards which, if the works had been properly carried out, a grant would have been payable under the said section fifty-five or the said section fifteen.

(3) For the purposes of the said section fifteen, any drainage scheme carried out by the council of a county or county borough at the request of the owners or occupiers of any lands shall be deemed to be carried out by the council in the exercise of their functions.

(4) In section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which authorises the Minister to make grants towards expenditure incurred in carrying out certain approved schemes submitted by the owner or occupier of agricultural land) the words "by the owner or occupier of the land" shall be omitted.

**39.—**(1) An internal drainage board may by resolution determine that in the case of— Collection of drainage rates by owners.

(a) all hereditaments which are dwelling-houses of a class defined in the resolution, or

(b) all such hereditaments within a part of the internal drainage district defined in the resolution,

any drainage rate made by the board for a period during which the resolution is in force shall be assessed and levied on the owners instead of on the occupiers; and any such rate shall be assessed and levied accordingly.

(2) Where, by virtue of subsection (1) of this section, an occupier's drainage rate is assessed on the owner, and he pays the amount due before the expiration of one-half of the period for which the rate is made or such later date as may be specified in the resolution, the internal drainage board shall make to him an allowance equal to ten per cent. of the full amount of the rate.

(3) The owner may recover from the occupier any amount paid by or allowed to him under this section which, as between the owner and the occupier, the occupier is liable to pay.

**PART II**  
**Powers of entry.**

**40.**—(1) Without prejudice to any other enactment conferring powers of entry, a person authorised by a drainage board may, after producing, if so required, some duly authenticated document showing his authority, enter any land at all reasonable times for the purpose of exercising any function of the board under the Act of 1930.

(2) A person entitled under this section to enter any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it.

(3) Except in an emergency, admission to any land shall not be demanded as of right under this section, unless notice in writing of the intended entry has been given to the occupier, and, if the land is used for residential purposes or the demand is for admission with heavy equipment, has been given not less than seven days before the demand is made.

(4) Subsection (3) of section thirty-four of the Act of 1930 (which provides for compensation in the case of injury) shall extend to any injury sustained by any person by reason of the exercise of the power of entry conferred by this section.

(5) If any person obstructs or impedes any person exercising a right conferred by this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

**Insurance by drainage boards against accidents to members.**

**41.**—(1) A drainage board may enter into a contract with any person whereby, in consideration of payments by the board by way of premium or otherwise, that person undertakes to pay to the board such sums as may be provided in the contract in the event of any member of the board or of any committee thereof meeting with a personal accident, whether fatal or not, while he is engaged on the business of the board.

(2) Any sum received by the board under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the person in respect of whose accident the sum is received.

(3) The provisions of the Life Assurance Act, 1774, shall not apply to any such contract.

**Payment by river board of expenses of official visits, etc.**

**42.**—(1) A river board may defray any travelling or other expenses properly incurred by or on behalf of any members or officers of the board in making official or courtesy visits whether inside or outside the United Kingdom on behalf of the board:

Provided that, in the case of a visit within the United Kingdom, the amount defrayed under this section by a river board in respect of the expenses of any member of the board shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under

section one hundred and thirteen of the Local Government Act, 1948, if the making of the visit had been an approved duty of that person within the meaning of that section.

PART II

(2) A river board may defray any expenses incurred in the reception and entertainment by way of official courtesy of persons representative of or connected with other river boards or similar services whether inside or outside the United Kingdom, and in the supply of information to such persons.

43. A drainage board may provide housing accommodation for persons employed by them; and the provision of such accommodation shall accordingly be included among the purposes for which such a board may acquire land by agreement or may be authorised to purchase land compulsorily under section forty-five of the Act of 1930 or section thirteen of the River Boards Act, 1948.

Provision by drainage board of housing accommodation for employees.

### PART III

#### RESTORATION AND IMPROVEMENT OF DITCHES

44. Sections fifty-seven and fifty-eight of the Act of 1930 (which enable persons interested in any land to require owners and occupiers of adjoining land to carry out or permit the carrying out of certain drainage works) shall cease to have effect and the following provisions of this Part of this Act shall have effect in lieu thereof.

Introductory.

45.—(1) Where a ditch is in such condition as to cause injury to any land or to prevent the improvement of the drainage of any land, the Agricultural Land Tribunal may, on the application of the owner or occupier of the land, make, if it thinks fit, an order requiring the person or persons named in the order to carry out such work for cleansing the ditch, removing from it any matter which impedes the flow of water, or otherwise putting it in proper order and for protecting it as may be specified in the order.

Power of Agricultural Land Tribunal to order cleansing of ditches, etc.

(2) An order under this section may name any person who is an owner or occupier of land through which the ditch passes or which abuts on the ditch, and any person who, though not such an owner or occupier, has a right to carry out the work specified in the order or any part of it; and the order shall be sufficient authority for any person named therein to do the work specified therein in relation to him and, so far as may be necessary for that purpose, to enter any land so specified.

(3) Where an order under this section names more than one person it may either require each of those persons to carry out a specified part of the work specified in the order or require all those persons jointly to carry out the whole of that work; and where the Tribunal make an order requiring persons jointly to carry out any work they may, if they think fit, specify in the

**PART III**

order the proportions in which those persons are to contribute to the cost of doing so, without prejudice however to their joint liability.

**Power of  
Agricultural  
Land Tribunal  
to authorise  
drainage work  
on adjoining  
land.**

**46.** Where the drainage of any land requires the carrying out of any work in connection with a ditch passing through other land, or the replacement or construction of such a ditch, or the alteration or removal of any drainage work in connection with such a ditch, the Agricultural Land Tribunal may on the application of the owner or occupier of the first-mentioned land make, if it thinks fit, an order authorising him to carry out for that purpose such work as may be specified in the order and, so far as may be necessary for that purpose, to enter any land so specified.

**Composition  
and powers of  
Agricultural  
Land Tribunal  
for hearing of  
application  
under Part III.**

**47.—(1)** The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to be experienced in matters relating to land drainage; and for each hearing by an Agricultural Land Tribunal of an application under this Part of this Act one of the members of the Tribunal shall, instead of being a person nominated in accordance with paragraph (b) of sub-paragraph (1) of paragraph 16 of the Ninth Schedule to the Agriculture Act, 1947, be a person nominated by the chairman from the panel drawn up under this section.

(2) Paragraph 16A of the said Ninth Schedule (which provides for the exercise of the power of making nominations if the chairman is prevented from doing so) shall apply to nominations under this section.

(3) For the purpose of deciding any application under this Part of this Act the Agricultural Land Tribunal may authorise any of its members or any other person to enter and inspect any land.

**Power of  
Minister to  
carry out  
work  
authorised  
under Part III.**

**48.—(1)** Where at the expiration of three months or such longer time as may be specified in an order under section forty-five of this Act any work specified in the order has not been carried out, the Minister or any drainage authority authorised by him either generally or in a particular case may carry out the work and enter any land which it is necessary to enter for that purpose.

(2) The Minister or drainage authority may recover from any person named in the order the expenses reasonably incurred in doing under subsection (1) of this section any work which ought to have been done by that person, including any compensation payable in connection with that work under section forty-nine of this Act.

(3) The services for which provision may be made by a scheme under section one hundred and three of the Agriculture Act,

1947, shall include such services to the owner or occupier of any land as may enable him to carry out any work which he is authorised to carry out by an order under this Part of this Act. PART III

49.—(1) A person entitled under the provisions of this Part of this Act to enter any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it. Supplementary provisions as to powers of entry and compensation.

(2) Before entering any land under the powers conferred by this Part of this Act the person entering it shall give not less than seven days' notice in writing to the occupier of the land.

(3) Where any person sustains any injury by reason of the exercise of any power conferred by this Part of this Act then, unless the power was exercised in or for the purpose of the execution of any work which he was required to do by an order under this Part of this Act, the person exercising the power shall be liable to make full compensation to him, and in the case of dispute the amount of the compensation shall be determined by the Lands Tribunal.

#### PART IV

##### SUPPLEMENTARY PROVISIONS

50.—(1) The provisions of this Act (including the provisions inserted by this Act in the Act of 1930) shall apply to the Conservators of the River Thames and to the Lee Conservancy Catchment Board as if they were river boards and their catchment areas were river board areas, subject to the modification that for the references to the provisions of the River Boards Act, 1948, specified in the first column of the following Table there shall be substituted respectively references to the provisions of the Act of 1930 specified in the second column of that Table: Provisions as to catchment boards.

*Table*

Provisions of River Boards Act, 1948:	Corresponding provisions of Land Drainage Act, 1930:
Section 6	Section 5
Section 10	Section 22
Section 13	Section 45

and for the references to subsection (2) of section two of, and paragraph 3 of the Second Schedule to, the said Act of 1948 there shall be substituted references to Part II of the Thames Conservancy Act, 1950, and Part II of the Thames Conservancy Act, 1959, or Part II of the Lee Conservancy Catchment Board Act, 1950, as the case may require.

(2) In paragraph (4) of section nine of the Lee Conservancy Catchment Board Act, 1950 (which disqualifies a person, for

**PART IV** continuing as a member of the Board if, without good reason, he is absent from meetings of the Board for more than six months), after the word "Board", where it first occurs, there shall be inserted the words "and of any committee of the Board of which he is a member".

(3) The approval of the Minister shall not be required for the making of rules by the Board under section four of the Lee Conservancy Catchment Board Act, 1936 (which enables the Board to regulate its proceedings).

**Application  
to Crown.**

**51.** In section seventy-seven of the Act of 1930 (which provides for the application, subject to certain modifications, of that Act to land belonging to Her Majesty or a government department) references to that Act shall be construed as including references to this Act and references to drainage rates as including references to drainage charges raised under Part I of this Act.

**Interpretation.**

**52.**—(1) In this Act—

"the Act of 1930" means the Land Drainage Act, 1930;

"ditch" includes a culverted and a piped ditch but does not include a watercourse vested in or under the control of a drainage authority;

"qualified authority", in relation to an internal drainage district, means an authority in whose case an agreement made with the drainage board of the district under section twenty-five of this Act is in force.

(2) The persons who are qualified under any provision of this Act to make a petition or appeal in relation to an internal drainage district are the owners and occupiers of any land in the district in respect of which a drainage rate is levied; and the number of qualified persons making such a petition or appeal shall be sufficient if, and not unless,—

(a) they are not less than forty; or

(b) they are not less than one-fifth of the number of persons who are qualified to make the petition or appeal; or

(c) the annual value for the purposes of the last drainage rate levied in the district of all the land in respect of which they are qualified persons is not less than one-fifth of the annual value of all the land in respect of which that rate was levied;

but in relation to a district divided into sub-districts the persons qualified to make a petition under section twenty-six of this Act as being the owners or occupiers of land in one of the sub-districts shall also be sufficient in any case where the condition of paragraph (b) or paragraph (c) of this subsection would be satisfied if the sub-district were an internal drainage district.



## PART IV

In relation to land assessed in accordance with subsection (4) of section twenty-two of this Act the references in paragraph (c) of this subsection to annual value shall be construed as referring to rateable value or net annual value, as the case may require.

(3) References in this Act to the execution or carrying out of drainage works include, except where the context otherwise requires, references to the improvement and maintenance of drainage works; and references in this Act to expenses of drainage works are references to expenses incurred in the construction, improvement or maintenance of drainage works.

(4) Subject to the foregoing provisions of this section, any expressions used in this Act and in the Act of 1930 have the same meanings in this Act as in that Act.

(5) References in this Act to any enactment are references thereto as amended or modified by or under any other enactment, including, except where the context otherwise requires, this Act.

**53.** There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act. **Expenses.**

**54.—**(1) This Act may be cited as the Land Drainage Act, 1961. **Short title, repeals and extent.**

(2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act does not extend to Scotland or to Northern Ireland.

## SCHEDULES

## FIRST SCHEDULE

## MINOR AMENDMENTS

## PART I

*The Land Drainage Act, 1930*

Sections 32 &  
33.

1. In sub-paragraph (ix) of paragraph (b) of subsection (1) of section four (which enables a scheme under that section to provide, among other matters, for the transfer of rights and liabilities to new drainage boards) the word "new" shall be omitted.

2. In subsection (4) of section six (which enables a river board to enter into agreements with certain authorities for the carrying out by those authorities of work in connection with the main river which the river board are authorised to do) for the words "borough or urban district" there shall be substituted the words "county, county borough or county district", and at the end of the subsection there shall be added the words "and may enter into a like agreement with any internal drainage board, and any such agreement with an internal drainage board may extend to work outside the internal drainage district but not within any other internal drainage district."

3. Any consent required under paragraph (a) of subsection (2) of section seven (which relates to the carrying out by an internal drainage board of works affecting the interests of another internal drainage board) may be given subject to reasonable conditions; and subsection (4) of the section (which provides for certain questions arising under that section to be referred to the Minister for decision) shall have effect as if the questions mentioned therein included the question whether any condition subject to which any such consent was given was reasonable.

4.—(1) In paragraph (b) of subsection (1) of section twenty (which provides for the apportionment of expenses of a catchment board among the councils of the several counties and county boroughs wholly or partly included in the catchment area on the basis of the total of the rateable values of hereditaments in that area) for the words from "on the basis" to the end of the paragraph there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the catchment area".

(2) In subsection (4) of that section (which requires councils of counties and county boroughs to supply statements of the totals of rateable values of hereditaments in a catchment area) for the words "the totals of the rateable values of all such hereditaments in the respective areas of those councils as are" there shall be substituted the words "the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is".

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5. At the end of paragraph (c) of subsection (4) of section twenty-six (under which an occupier who has paid an owner's drainage rate may recover the amount paid by him from the owner) there shall be added the words "and may deduct that amount from any rent payable by him to the owner".

6. After subsection (4) of section twenty-six there shall be inserted the following subsection:—

"(4A) A drainage board may require the owner of any hereditament in the district in respect of which a drainage rate is levied to state in writing the name and address of any person known to him as being an occupier of that hereditament; and if the owner fails to comply with the requirement or knowingly makes a false statement in respect of the information required, he shall be liable on summary conviction to a fine not exceeding five pounds".

7. At the end of section twenty-eight (which provides for the amendment of drainage rates) there shall be added the following subsection:—

"(3) Where in pursuance of this section a drainage rate has been amended, any amount overpaid shall be repaid or allowed and any amount underpaid may be recovered as if it were arrears of the rate."

8. At the end of subsection (2) of section twenty-nine (which requires drainage boards to determine the annual value of land not assessed to income tax under Schedule A) there shall be added the words "having regard to the annual values, for the purposes of income tax under Schedule A, of comparable land in their district, other than those which have been ascertained by reference to rents fixed by agreements commencing after the end of March, nineteen hundred and forty-six".

9. In subsection (3) of section twenty-nine the words "whose decision shall be final" shall be omitted.

10. In subsection (4) of section twenty-nine (which enables drainage boards to obtain from surveyors of taxes particulars required for the purposes of drainage rates) for the words "on payment at a rate not exceeding five shillings for every hundred entries numbered separately" there shall be substituted the words "on payment at such rate as the Treasury may determine".

11. For subsection (2) of section thirty-one (which enables a drainage board to authorise their clerk to institute, carry on or defend proceedings in relation to drainage rates) there shall be substituted the following subsection:—

"(2) A drainage board may by resolution authorise any member or officer of the board, either generally or in respect of particular proceedings, to institute or defend on their behalf proceedings in relation to a drainage rate or to appear on their behalf, notwithstanding that he is not qualified to act as a solicitor, in any proceedings before a court of summary jurisdiction for the issue of a warrant of distress for failure to pay a drainage rate."

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12. For subsection (1) of section thirty-two (which enables a local authority to contribute, in certain circumstances, to the expenses of drainage works) there shall be substituted the following subsection:—

“(1) A local authority may contribute, or undertake to contribute, to the expenses of the execution or maintenance of any drainage works by a drainage authority such an amount as, having regard to the public benefit to be derived therefrom, appears to the local authority to be proper.”

13. In subsection (1) of section thirty-four, in paragraph (b) (which empowers a drainage board to remove mill dams, weirs, or other obstructions to watercourses) after the word “remove” there shall be inserted the words “or alter”.

14. In subsection (3) of section thirty-four (which provides for compensation to persons injured in the exercise of powers under that section) for the words from “shall be determined” to the end of the subsection there shall be substituted the words “shall be determined by the Lands Tribunal”.

15. In section thirty-nine (which enables arrangements to be made between the drainage boards of adjoining drainage districts for the execution and maintenance of drainage works, but does not extend to river boards) the words “not being a catchment area” shall be omitted in both places where they occur.

16. In subsection (1) of section forty-three (which confers on persons authorised by drainage boards power to enter and survey land and to inspect documents) the words “within the drainage district” in paragraph (a) and the words “in the drainage district” in paragraph (b) shall be omitted.

17.—(1) Section forty-four (which prohibits the erection, without the consent of the drainage board, of any mill dam, weir or other like obstruction to the flow of any watercourse) shall be amended as follows.

(2) In the proviso to subsection (7) (which provides for compensation to persons injured in the exercise of powers under that subsection) for the words from “shall be determined” to the end of the subsection there shall be substituted the words “shall be determined by the Lands Tribunal”.

(3) At the end of the section there shall be added the following subsection:—

“(9) Nothing in this section shall apply in relation to any watercourse which is part of the main river.”

(4) Where the erection or alteration of a culvert would be likely to affect the flow of any watercourse, the said section forty-four shall apply in relation to the erection or alteration as it applies in relation to the erection or alteration of such an obstruction as is mentioned in subsection (1) of that section.

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18.—(1) The power of a drainage board under subsection (1) or subsection (2) of section forty-five to acquire land shall include power to secure the creation of an easement or other right over land in their favour.

(2) In subsection (4) of that section (which enables a drainage board to sell or exchange land not required for the purposes of their functions) the word "let" shall be inserted after the word "sell".

(3) For the purposes of section twenty-six of the Town and Country Planning Act, 1959 (which, subject to certain exceptions, dispenses with the need to obtain the Minister's consent to the exercise of certain powers) the power conferred by sub-paragraph (2) of this paragraph shall be deemed to have been conferred by an enactment passed before the commencement of that Act.

19. The power of a drainage board under subsection (1) of section forty-six to borrow money for the purpose of discharging loans previously contracted shall be exercisable without the sanction of the Minister, and references in that subsection to the execution of the Act of 1930 shall be construed as including references to the execution of this Act.

20.—(1) In paragraph (d) of subsection (1) of section forty-seven (which enables byelaws to compel persons to cut vegetable growths in a watercourse) for the words "in the watercourse" there shall be substituted the words "in or on the bank of the watercourse".

(2) In subsection (8) of that section (which imposes a fine not exceeding twenty pounds for a contravention and a further fine not exceeding five pounds for every day on which an offence is committed or continued) there shall be substituted, for the word "twenty" the word "fifty", and for the words "the offence is committed or continued" the words "the contravention or failure is continued after conviction".

(3) After the said subsection (8) there shall be inserted the following subsection—

"(8A) If any person acts in contravention of, or fails to comply with, any byelaw made under this section, the drainage board may, without prejudice to any proceedings under subsection (8) of this section, take such action as may be necessary to remedy the effect of the contravention or failure, and may recover the expenses reasonably incurred by them in doing so from the person in default."

(4) Subsection (2) of that section, except in so far as it requires byelaws to be confirmed by the Minister, and subsections (3) to (7) thereof shall not apply to byelaws made by virtue of section thirty-four of this Act; and subsection (8) of the said section forty-seven shall apply in relation to such byelaws in substitution for section two hundred and fifty-one of the Local Government Act, 1933.

21. In subsection (2) of section fifty (which enables the councils of counties and county boroughs to exercise the powers conferred on drainage boards by section twenty-eight of this Act) after the words

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"county borough", in each place where they occur, there shall be inserted the words "or county district"; and after that subsection there shall be inserted the following subsection:—

"(2A) Before exercising in relation to any watercourse or part of a watercourse in a river board area any power conferred on it by subsection (2) of this section a council shall notify the drainage board concerned, that is to say, if the watercourse or part is in an internal drainage district, the drainage board of that district, and, in any other case, the river board."

22.—(1) Section sixty-one (which relates to the protection of certain public undertakings) shall be amended as follows.

(2) In subsection (1) after the words "with the consent of the undertakers", and in subsection (2) after the words "with the consent of the railway company", there shall be inserted the words "(which may be given subject to reasonable conditions but shall not be unreasonably withheld)."

(3) At the end of subsection (1) there shall be added the following paragraph:—

"(e) the undertakings of Area Boards (within the meaning of the Gas Act, 1948) and the undertaking of the National Coal Board".

(4) In subsection (3) after the word "aforesaid" there shall be inserted the words "or whether any consent is being unreasonably withheld or whether any condition subject to which any consent was given was reasonable".

(5) The references in the said section sixty-one to the Act of 1930 shall be construed as including references to section forty-six of this Act.

23. In section sixty-two (which safeguards fishery interests) the references to the fishery interests shall be construed as including references to the interests of sea fisheries and the references to the Act of 1930 as including references to this Act.

24. Section seventy-one (under which drainage authorities other than river boards are liable to pay fees in respect of business transacted by the Minister) shall cease to have effect.

25. In section eighty-one, in the definition of "main river" (which extends that expression to certain appliances for controlling or regulating the flow of water in or out of the channel) after the word "water" there shall be inserted the word "into".

26. At the end of paragraph 2 of Part I of the Second Schedule (which requires the Minister, before making an order, to consider any objections duly made to the draft order) there shall be added the words "and in making the order the Minister may make such modifications in the terms of the draft as appear to him desirable".

27. In paragraph (ii) of the proviso to paragraph 1 of Part II of the Third Schedule (which excludes the qualification of a person

to be elected to a drainage board as being the owner, or a person nominated by the owner, of any land if at the date of the election an owner's drainage rate has remained unpaid for more than one month) for the words "has remained unpaid for more than one month" there shall be substituted the words "remains unpaid, unless either the date of the election falls less than six months after the beginning of the period for which the rate was made or the land was occupied, when the amount was demanded, by a person who, as between the owner and the occupier, was liable to pay the owner's drainage rate."

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28. In paragraph 2 of Part II of the Third Schedule (which relates to the term of office of the first members of a drainage board) for the words from "until" to the end of the paragraph there shall be substituted the words "until the expiration of one year from the first day of November next following the day on which they are appointed".

29. For paragraph 12 of Part II of the Third Schedule (which relates to the remuneration and expenses of the chairman and members of a drainage board) there shall be substituted the following paragraphs:—

"12. The Minister may, if he thinks fit, by order authorise the board to pay to the chairman of the board for the purpose of enabling him to meet the expenses of his office such allowance as may be specified in the order.

12A. A drainage board may pay any reasonable expenses incurred by its members and officers in attending meetings of the board or a committee or sub-committee thereof, in carrying out inspections necessary for the discharge of the functions of the board, or attending conferences or meetings convened by one or more drainage boards, or by any association of drainage boards, for the purpose of discussing matters connected with the discharge of the functions of drainage boards; and any reasonable expenses so incurred in purchasing reports of the proceedings of any such conference or meeting."

## PART II

### *The River Boards Act, 1948*

30.—(1) In subsection (1) of section ten (which provides for the apportionment of expenses of a river board among the councils of the several counties and county boroughs wholly or partly included in the river board area on the basis of the totals of the rateable values of hereditaments in that area) for the words from "on the basis" to "river board area" there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the river board area".

(2) For subsection (4) of that section there shall be substituted the following subsection:—

"(4) The councils of the several counties and county boroughs wholly or partly included in a river board area shall from time

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to time, if and when so required by the river board, furnish to the board a statement of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of a penny in the pound for so much of the respective areas of those councils as is situated within the river board area".

31. The power of a river board under paragraph (c) of subsection (2) of section eleven to borrow money for the purpose of the repayment of money previously borrowed shall be exercisable without the consent of the Ministers referred to in that subsection.

32. In subsection (6) of section sixteen (which enables a person entitled under that section to enter any land to take with him such other persons as may be necessary) after the words "such other persons" there shall be inserted the words "and such equipment"; and in subsection (4) of that section (which requires twenty-four hours' notice before admission is demanded to any land used for residential purposes) after the word "purposes" there shall be inserted the words "and admission with heavy equipment to any other land", after the words "shall not" there shall be inserted the words "except in an emergency", and for the words "twenty-four hours" there shall be substituted the words "seven days".

33. At the end of paragraph 2 of the First Schedule (which requires the Ministers, before making an order, to consider any objections duly made to the draft order) there shall be added the words "and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable".

34. At the end of paragraph 3 of the Second Schedule (which provides for the appointment of members of a river board for a term of three years beginning on the first day of November) there shall be added the words "but if for any reason a member is appointed on or after the day on which he ought to have come into office he shall come into office on the day on which he is appointed and shall hold office for the remainder of the said term".

35. In sub-paragraph (c) of paragraph 7 of the Second Schedule (which requires a member of a river board to vacate his office if without good reason he is absent from meetings of the board for more than six months) after the word "board", where it first occurs, there shall be inserted the words "and of any committee of the board of which he is a member".

36. In paragraph 14 of the Second Schedule (which enables a river board to regulate its proceedings) the words "with the approval of the Ministers" shall be omitted.



## SECOND SCHEDULE

Section 54.

## ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 17. 20 & 21 Geo. 5. c. 44.	The Local Government Act, 1929. The Land Drainage Act, 1930.	Section seventy-eight. In section four, in subsection (1), in sub-paragraph (ix) of paragraph (b), the word "new". In section twenty, subsection (2). Section twenty-five. In section twenty-nine, in subsection (3), the words "whose decision shall be final". In section thirty-five, subsections (1) to (9). In section thirty-nine, the words "not being a catchment area" in both places where they occur. In section forty-three, in subsection (1), the words "within the drainage district" and the words "in the drainage district". Section fifty-two. In section fifty-five, subsection (2). Section fifty-seven. Section fifty-eight. Section sixty-four. Section seventy-one. The Fifth Schedule.
3 & 4 Geo. 6. c. 14.	The Agriculture (Miscellaneous War Provisions) Act, 1940.	In section fifteen, in subsection (1), the words "by the owner or occupier of the land".
6 & 7 Geo. 6. c. 16.	The Agriculture (Miscellaneous Provisions) Act, 1943.	Section seven. Section eight.
11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In the Second Schedule, in paragraph 14, the words "with the approval of the Ministers".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Life Assurance Act, 1774 ... ..	14 Geo. 3. c. 48.
Quarter Sessions Act, 1849 ... ..	12 & 13 Vict. c. 45.
Land Charges Act, 1925 ... ..	15 & 16 Geo. 5. c. 22.
Rating and Valuation (Apportionment) Act, 1928 ... ..	18 & 19 Geo. 5. c. 44.
Land Drainage Act, 1930 ... ..	20 & 21 Geo. 5. c. 44.
Public Health Act, 1936... ..	26 Geo. 5 & 1 Edw. 8. c. 49.
Lee Conservancy Catchment Board Act, 1936	26 Geo. 5 & 1 Edw. 8. c. lxxviii.
Agriculture Act, 1937 ... ..	1 Edw. 8 & 1 Geo. 6. c. 70.
Agriculture (Miscellaneous War Provisions) Act, 1940 ... ..	3 & 4 Geo. 6. c. 14.
Water Act, 1945 ... ..	8 & 9 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) Act, 1946 ... ..	9 & 10 Geo. 6. c. 49.
Agriculture Act, 1947 ... ..	10 & 11 Geo. 6. c. 48.
Local Government Act, 1948 ... ..	11 & 12 Geo. 6. c. 26.
River Boards Act, 1948 ... ..	11 & 12 Geo. 6. c. 32.
Gas Act, 1948 ... ..	11 & 12 Geo. 6. c. 67.
Lee Conservancy Catchment Board Act, 1950	14 & 15 Geo. 6. c. xlix.
Thames Conservancy Act, 1950 ... ..	14 & 15 Geo. 6. c. 1.
Income Tax Act, 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Drainage Rates Act, 1958 ... ..	6 & 7 Eliz. 2. c. 37.
Thames Conservancy Act, 1959 ... ..	7 & 8 Eliz. 2. c. xxvi.
Town and Country Planning Act, 1959 ...	7 & 8 Eliz. 2. c. 53.
Distress for Rates Act, 1960 ... ..	8 & 9 Eliz. 2. c. 12.

## CHAPTER 49

### ARRANGEMENT OF SECTIONS

#### *The Covent Garden Market Authority*

#### Section

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## Section

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An Act to establish a Covent Garden Market Authority and vest in them lands in the parish of Saint Paul, Covent Garden, and chattels the property of Covent Garden Market Limited; to make provision for the conduct in, and adjacent to, Covent Garden, under the control of the Covent Garden Market Authority, of activities relating to the dealing in bulk in horticultural produce; and to make provision with respect to matters arising out of the matters aforesaid. [27th July, 1961]

**W**HEREAS by Letters Patent bearing date at Westminster the twelfth day of May, sixteen hundred and seventy (in this Act referred to as "the Letters Patent"), His late Majesty King Charles the Second gave and granted to William Earl of Bedford the right to have, hold and keep, in a place in the parish of Saint Paul, Covent Garden, commonly called, and in this Act referred to as, "the Piazza", a market for the buying and selling of all manner of fruit, flowers, roots, and herbs, whatsoever, together with all liberties and free customs, tolls,

stallage, piccage, and all other profits, advantages, and emoluments whatsoever, to such market any way belonging, appertaining, arising, or coming, or with the same used, held, or enjoyed:

And whereas such market was held accordingly in the Piazza and, together with the ground on which it was held, became known by the name of Covent Garden Market:

And whereas with the effluxion of time there arose so great an increase of the quantity of articles brought to the said market for sale and of the number of persons resorting thereto as to necessitate the passing, in the fifty-third year of the reign of His late Majesty King George the Third, of an Act entitled "An Act for regulating Covent Garden Market":

And whereas the said Act was, in the ninth year of the reign of His late Majesty King George the Fourth, repealed and replaced by another Act (in this Act referred to as "the Improvement Act") entitled "An Act for the improvement and regulation of Covent Garden Market":

And whereas, during a period of thirty years (more or less) beginning about the year eighteen hundred and sixty, Francis Duke of Bedford and his successors erected, upon land adjacent to the Piazza, buildings to which persons resorted to buy and sell fruit, flowers and other horticultural produce:

And whereas, as the result of divers transactions, the rights conferred by the Letters Patent and the Improvement Act together with the fee simple as well of the greater part of the land comprising the Piazza as of the land adjacent thereto the site of the said buildings, and of other land adjacent thereto, have become vested in a company named Covent Garden Market Limited (in this Act referred to as "the Company"):

And whereas it is expedient to make further provision for regulating the market business carried on on the lands aforesaid and in the neighbourhood thereof and, in connection therewith, for reducing the congestion of traffic and the risk of fire now occasioned by the ill-arranged state of those lands and the land in the neighbourhood thereof, and for that purpose to constitute a public authority and vest in them, for the interest therein of the Company, such of the lands aforesaid as are coloured pink on the plans (in this Act referred to as "the deposited plans") which, in connection with the Bill for this Act, have been deposited with the London County Council and the Council of the City of Westminster:

And whereas books of reference to the deposited plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands coloured pink on those plans, have been deposited with those plans:

Be it therefore 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:—

*The Covent Garden Market Authority*

The Covent  
Garden  
Market  
Authority.

1.—(1) On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument, there shall be constituted an Authority to be called the Covent Garden Market Authority (hereafter in this Act referred to as “the Authority”) which shall exercise and perform the functions assigned to them by this Act.

(2) The Authority shall consist of a chairman and a managing director appointed by the Minister, and such number of other members so appointed, not being less than three nor more than six, as the Minister may from time to time determine.

(3) The members of the Authority shall be appointed from amongst persons appearing to the Minister to have had wide experience of, and shown capacity in, industry, commerce, administration, transport, finance, the practice of the law or the organisation of workers, or to have, in some other respect, special knowledge or experience that would be of value to the Authority in the exercise and performance of their functions, and of the members one shall be a person nominated by the Minister of Transport.

(4) Before appointing a person to be a member of the Authority, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as member of the Authority, and the Minister shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest; and a person who is, or whom the Minister proposes to appoint to be, a member of the Authority shall, whenever required by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(5) The Authority—

(a) shall pay to each member of the Authority other than the managing director, in respect of the member's office as such, such remuneration (whether by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine, and to the chairman in respect of his office as such, such remuneration and allowances (in addition to any remuneration and allowances to which he may be entitled in respect of his office as a member), and to the managing director such salary and allowances, as the Minister may, with the like approval, determine; and

- (b) in the case of such members as the Minister may, with the approval of the Treasury determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of those members as he may, with the like approval, determine in the case of those members respectively.

(6) The Minister shall, as soon as possible after the constitution of the Authority, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to the members of the Authority under this section; and, if a subsequent determination by him under this section involves a departure from the terms of the said statement or if a determination by him under this section relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Authority, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(7) The incidental provisions contained in the First Schedule to this Act shall have effect with respect to the Authority.

*Vesting in the Covent Garden Market Authority of market  
Lands, and Provisions ancillary thereto*

2. On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument (hereafter in this Act referred to as "the vesting day") the lands in the City of Westminster coloured pink on the deposited plans (hereafter in this Act referred to as "the market lands") shall, by virtue of this section and without further assurance, vest in the Authority for a title comprising all the interests of the Company then subsisting therein, freed and discharged from all mortgages of and charges on those interests but in other respects subject to, and with the benefit of, the covenants (except covenants discharged by the following provisions of this Act), agreements, limitations and rights, to which they were subject and of which they had the benefit immediately before that day.

3. On the vesting day—

- (a) the Letters Patent and the Improvement Act shall cease to have effect; and
- (b) any right of the inhabitants to use the Piazza for the purposes of exercise and recreation shall be extinguished, and so shall any right of the public arising from a presumed dedication as a highway of the Piazza or any part thereof, in so far as that right subsists over the lands in the City of Westminster numbered 9 on the deposited plans.

Revocation  
of Letters  
Patent and  
Improvement  
Act, and other  
provisions  
consequential  
on vesting of  
market lands.

Discharge of certain covenants in, or arising out of, conveyances of land in Covent Garden Area for securing payment of tolls.

4.—(1) A covenant (however expressed) contained in a conveyance executed before the fourth day of November, nineteen hundred and sixty, of land in the Covent Garden Area whose effect is to prohibit the use of that land for the sale or warehousing, without the consent of the vendor or his assignee, of produce for the time being usually sold or dealt with in the Covent Garden Markets, being a covenant to which is annexed a provision (however expressed) whose effect is to preclude the withholding of such consent if the person bound by the covenant enters into a covenant to pay the same tolls in respect of produce sold or warehoused as if it had been dealt with in the Covent Garden Markets, shall be discharged on the vesting day.

(2) A covenant entered into as consideration for the grant of consent, requisite in consequence of the existence of such a covenant as is first mentioned in the foregoing subsection, to the use of land for the sale or warehousing of such produce as is therein mentioned, shall be discharged on the vesting day except as respects any dealing with produce before that day.

Discharge of certain covenants in, or arising out of, leases of land in Covent Garden Area for securing payment of tolls.

5.—(1) Where any land vested in the Authority by section two of this Act is, at the time of vesting, the subject of a lease containing—

- (a) a covenant by the lessee (however expressed) whose effect is to preclude him and persons deriving title through or under him from using the land except for a purpose approved by the lessor;
- (b) a provision (however expressed) which constitutes the grant of the lessor's approval to the carrying on on the land by the lessee of the business of dealers in produce usually sold or dealt with in Covent Garden Market;
- (c) a covenant by the lessee, as consideration for the grant of such approval as aforesaid, to pay to the lessor the same tolls in respect of such produce as aforesaid warehoused at, or sold from, the land by the lessee as would be payable in respect thereof if it had been sold in the Covent Garden Markets; and
- (d) a provision (however expressed) whose effect is to enable the grant of such approval as aforesaid to enure, with the lessor's consent, for the benefit of a person deriving title through or under the lessee and to preclude that consent from being unreasonably withheld where such a person enters into a covenant in the like terms as that of the covenant mentioned in the last foregoing paragraph;

the following provisions of this section shall have effect.

(2) On the vesting day the covenant mentioned in paragraph (a) of the foregoing subsection shall be discharged in so far as it precludes the lessee or a person deriving title through or



under him from carrying on such business as is mentioned in paragraph (b) of that subsection.

(3) The covenant mentioned in paragraph (c) of subsection (1) of this section shall be discharged on the vesting day except as respects any warehousing or sale of produce before that day, and any covenant entered into in pursuance of the provision mentioned in paragraph (d) of that subsection shall be discharged on that day to the like extent.

6. Any agreement (however expressed, and whether enforceable or not) subsisting immediately before the vesting day, being an agreement whereunder a person is liable, so long as he occupies a stand in, or premises on, the market lands, to pay tolls in respect of produce warehoused at, or sold from, premises occupied by him elsewhere than on the market lands, shall be revoked on that day except as respects any warehousing or sale before that day.

Revocation of agreements by occupiers of stands in, or premises on, market lands to pay tolls in respect of produce dealt with elsewhere.

7.—(1) On the vesting day the property to which this section applies, being property owned by the Company and used or appropriated for use on or in connection with the market lands (other than property fixed to and forming part of those lands), shall, by virtue of this section and without further assurance, vest in the Authority freed and discharged from any mortgage, or any charge or lien for securing money or money's worth, to which any of it is subject.

Vesting of the Company's market chattels.

(2) This section applies to furniture, fixtures, fittings and fixed and movable equipment, and to uniforms of staff of the Company.

8.—(1) In consideration of the vesting in the Authority, by virtue of section two of this Act, of the market lands, there shall be payable by the Authority the like compensation to the like persons as would have been payable by them if they had acquired those lands compulsorily in the circumstances mentioned in the next following subsection; and (subject to subsection (3) of this section) the enactments relating to compensation in respect of the compulsory acquisition of land shall apply accordingly with the necessary modifications.

Compensation for vesting of market lands.

(2) The circumstances referred to in the foregoing subsection are those that would have existed if—

- (a) the Authority were a metropolitan borough which, being capable of being authorised under the Acquisition of Land (Authorisation Procedure) Act, 1946, to purchase compulsorily the market lands, had been so authorised and had served the requisite notices to treat immediately before the vesting day;
- (b) the incorporation of the Lands Clauses Acts with the enactment under which the purchase was authorised

had been effected with such modification as would have been requisite to have permitted the Authority to purchase those lands without the benefit of such covenants as are discharged by the foregoing provisions of this Act; and

- (c) immediately after the service of the said notices the Authority had been in the position of having complied with all the requirements of the Lands Clauses Acts with which (in the circumstances specified in the foregoing paragraphs) they would have had to comply to enable them to do, in accordance with those Acts, all things requisite for vesting the said lands in themselves for such a title as is mentioned in section two of this Act, freed and discharged from the like mortgages and charges as those from which they are freed and discharged by that section but in other respects subject to, and with the benefit of, the covenants, agreements, limitations and rights subject to which, and with the benefit of which, they vest in the Authority by virtue of that section, and they had thereupon done those things.

(3) For the purposes of the foregoing provisions of this section it shall be assumed that the vesting of the market lands in the Authority had operated to vest in them the like rights as are conferred by the Letters Patent and the Improvement Act and that paragraph (b) of section three of this Act had not been enacted, and compensation shall be assessed accordingly.

(4) Any mortgages or charges over the market lands subsisting immediately before the vesting day and from which the Authority acquire them freed and discharged shall be affected in the same way and with the like consequences, and any persons entitled thereto shall have the like rights and obligations, as if the circumstances mentioned in subsection (2) of this section had actually existed.

(5) Compensation payable under this section in consideration of the vesting of the market lands shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which the compensation is paid, at the rate for the time being in force under subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947.

Compensation  
for discharge  
of covenants.

9.—(1) In the case of a covenant discharged by section four of this Act or by subsection (3) of section five thereof, the person entitled to the benefit thereof immediately before the discharge shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the discharge, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(2) For the purpose of assessing the amount of compensation payable under this section in respect of the discharge of a covenant, no regard shall be had to the provisions of section two of this Act.

(3) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of the last foregoing section.

10.—(1) In the case of an agreement revoked by section six of this Act, the person entitled to the benefit thereof immediately before the revocation shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the revocation, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal. Compensation for revocation of agreements.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

11. Where the interest of any person in the benefit of any covenant discharged by section four of this Act or by subsection (3) of section five thereof, or in the benefit of any agreement revoked by section six thereof, is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under section nine or, as the case may be, ten of this Act in respect of any loss sustained by that person by reason of the discharge or revocation of the covenant or agreement shall be deemed to be comprised in the mortgage, charge or lien. Provisions as to interests under covenants or agreements subject to charges.

12.—(1) In consideration of the vesting in the Authority by virtue of subsection (1) of section seven of this Act of property to which that section applies, there shall be payable to the Company by the Authority compensation of such amount as, in default of agreement, may be determined by the arbitration of a person nominated by the President of the Royal Institution of Chartered Surveyors. Compensation for vesting of chattels.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

(3) Where any of the property which vests in the Authority by virtue of the said subsection (1) is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under

this section in consideration of the vesting thereof in the Authority shall be deemed to be comprised in the mortgage, charge or lien.

Transfer to the Authority of rights and liabilities under contracts for rendering of personal services to the Company.

13.—(1) Subject to the provisions of this section, every contract, whether in writing or not, for the rendering of personal services to which the Company was a party immediately before the vesting day shall have effect, as from that day, in favour of and against the Authority as if—

- (a) the Authority had been a party to the contract instead of the Company ; and
- (b) for any reference (however worded and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) There shall be excepted from the operation of this section any right, liability or obligation under any contract for the rendering by any person of personal services to the Company as a director, or as secretary of the Company, or in any capacity in the registered office of the Company.

(3) Where by virtue of this section a liability or obligation in respect of a payment falling due on or after the vesting day becomes the liability or obligation of the Authority, and any part of that payment is attributable to services rendered before the vesting day, an amount equal to the value of the part so attributable may be recovered by the Authority from the Company as a simple contract debt in any court of competent jurisdiction.

Transfer to the Authority of liabilities under the Company's pensions schemes, and appointment of Public Trustee as trustee of certain of those schemes.

14.—(1) Subject to the provisions of this section, the provisions of the deeds, rules and policies specified in Part I of the Second Schedule to this Act, being deeds, rules and policies by virtue of which there subsist—

- (a) a pensions scheme known as the Covent Garden Market Staff Pension and Assurance Scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1957") ;
- (b) a pensions and assurance scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1937") established on the first day of July, nineteen hundred and thirty-seven, for the benefit of employees of Covent Garden Properties Company Limited (hereafter in this section and in the said Schedule referred to as "the former company") ;
- (c) a pension arrangement for the benefit of John Marsh entered into on the twenty-first day of June, nineteen hundred and fifty-six, by the former company,

shall have effect, as from the vesting day, in favour of and against the Authority as if—

- (i) the Authority had been a party, instead of the Company, to each of those deeds to which the Company was a party; and
- (iii) for any reference (however worded, and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) As from the vesting day the Public Trustee shall, by virtue of this section, be appointed trustee of the deeds specified in Part I of the said Second Schedule and comprised in the Scheme of 1957 or the Scheme of 1937 in place of the trustees thereof immediately before that day, and any provision of any of those deeds relating to the composition of the majority of the trustees thereof shall, so long as the Public Trustee is trustee thereof, be of no effect.

(3) Section forty of the Trustee Act, 1925 (which provides for the vesting of trust property in new trustees) shall have effect in relation to the appointment of the Public Trustee under the last foregoing subsection as if that appointment had been made by deed made on the vesting day.

(4) The fees chargeable by the Public Trustee in pursuance of section nine of the Public Trustee Act, 1906, and the expenses of the Public Trustee which might by virtue of that section be retained out of any property subject to the Scheme of 1957 or the Scheme of 1937 if the Public Trustee were a private trustee, shall, instead of being paid or retained as provided by that section, be paid by the Authority.

(5) Part II of the Second Schedule to this Act shall have effect for the purpose of making financial adjustments consequential on the foregoing provisions of this section.

15. Any sale or letting of, or of any part of, the market lands effected by the Company after the constitution of the Authority without the previous consent in writing of the Authority shall be void.

Restriction of  
dispositions by  
the Company  
of market  
lands.

#### *Duties and Powers of the Covent Garden Market Authority*

16.—(1) On and after the vesting day it shall be the duty of the Authority to provide within the Covent Garden Area facilities (hereafter in this Act referred to as “market facilities”) for the conduct of a market for the dealing in bulk in horticultural produce and any such other commodities as, immediately before that day, were commonly so dealt in on those parts of the market lands commonly known as the Charter Market, the Floral Hall, the Russell Street Market, the Flower Market and the Jubilee Market.

Duty of the  
Authority to  
provide market  
and storage  
facilities.

(2) In the first instance the duty imposed on the Authority by the foregoing subsection shall be discharged by the provision by them of facilities on the market lands, but they shall, so soon as practicable, take such steps as are practicable either to improve those facilities or to provide, in substitution therefor, better ones on other lands within the Covent Garden Area.

(3) It shall be the duty of the Authority to provide, so soon as practicable, adequate facilities (hereafter in this Act referred to as "storage facilities") for the storage of horticultural produce intended to be dealt in in bulk in the Covent Garden Area and of empty containers for produce so dealt in; and so far as practicable the Authority shall provide those facilities outside the Covent Garden Area.

(4) The Authority shall keep the market and storage facilities provided by them under constant review, and shall carry out such alterations or improvements to those facilities as appear to them requisite and practicable.

Duty of the Authority to have regard to public interest and objects to be attained by them.

17.—(1) In the discharge of their duties the Authority shall have regard to the public interest generally and to the desirability of preserving and improving the amenities of the Covent Garden Area, and they shall so exercise and perform their functions—

- (a) as to secure that the amount of land in the Covent Garden Area used for the dealing in bulk in horticultural produce, the storage of horticultural produce intended to be dealt in in bulk and the storage of containers for produce intended to be so dealt in is progressively reduced (and, in particular, that it is so reduced as not to exceed ten acres at the expiration of the period of seven years beginning with the vesting day) and that the land in that Area so used is concentrated within as small and regular an area as may be;
- (b) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to result in those facilities' being provided within as small and regular areas as may be;
- (c) as to provide, on the last-mentioned lands, adequate and suitable parking places and adequate and suitable places where vehicles may be loaded and unloaded, and as to secure that entrances to those lands from highways and exits from those lands to highways are appropriately sited with a view to minimising traffic congestion;
- (d) as to secure the avoidance of traffic congestion in, and in the vicinity of, the Covent Garden Area and on, and in the vicinity of, any lands outside that area where they are for the time being providing storage facilities;

- (e) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to minimise danger from fire and that, generally, danger from fire in the Covent Garden Area and on, and in the vicinity of, any lands outside that Area on which they are for the time being providing storage facilities is minimised ;
- (f) as to secure that, so soon as may be and so far as is practicable, empty containers for horticultural produce dealt in in bulk in the Covent Garden Area are not stored in that Area except in premises provided for the purpose by the Authority ;
- (g) as to reduce so far as is practicable, on the one hand, the amount of produce brought in in bulk to the Covent Garden Area for sale while increasing so far as is practicable, on the other hand, the amount of business done by means of the facilities provided by them.

(2) If at any time the Minister is satisfied that it is necessary, in all the circumstances, so to do, he may by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) give either or both of the following directions, namely,—

- (a) a direction that paragraph (a) of the foregoing subsection shall have effect as if, for the reference to ten acres (or if a reference to some other acreage has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such greater acreage as may be specified in the order ;
- (b) a direction that the said paragraph (a) shall have effect as if, for the reference to seven years (or if a reference to some other period has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such longer period as may be so specified.

(3) In discharging the duty imposed on them by subsection (1) of the last foregoing section, the Authority shall secure that the facilities provided for the transaction of business by persons who sell by wholesale horticultural produce grown by them are relatively no less adequate than the facilities provided for the transaction of business by other classes of persons.

18.—(1) The Authority shall have power—

- (a) to provide vehicles, plant and machinery for the transport of horticultural produce and containers therefor within the Covent Garden Area or any place outside that Area where the Authority are providing storage facilities or between the Covent Garden Area and any

Additional  
functions of  
the Authority.

such place or for the handling of such produce or containers within that Area or any such place ;

- (b) to provide plant and machinery for accelerating or retarding the ripening of horticultural produce or for securing the storage of such produce at controlled temperatures or otherwise in conditions designed to prevent its deterioration ;
- (c) to provide plant and machinery for washing or cleansing the place where the Authority are providing market facilities or that where they are providing storage facilities ;
- (d) to provide, or secure that there is provided, for persons employed in, or frequenting, the places where market and storage facilities are provided by the Authority, rest rooms, canteens, washing facilities and sanitary conveniences and such other (if any) accommodation or facilities the provision of which appears to the Authority expedient for the purpose of securing the welfare of such persons ;
- (e) to provide (consistently with the discharge of their duties) facilities for enabling persons to carry on, at the place where the Authority are providing market facilities, business consisting of, or comprising, the sale, otherwise than by wholesale, of horticultural produce and such other commodities as are mentioned in subsection (1) of section sixteen of this Act ;
- (f) to carry on all such other activities as it may appear to the Authority to be requisite, advantageous or convenient for them to carry on for or in connection with the discharge of their duties or with a view to making the best use of any of their assets ;

but the Authority shall not, by virtue of paragraph (f) of this subsection, carry on activities with a view to making the best use of any of their assets except with the consent of the Minister.

(2) The Authority shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, the borrowing or raising in accordance with the following provisions of this Act or the lending of money, the acquisition of any property or rights or the disposal of any property or rights not in their opinion required for the proper exercise or performance of their functions) which in their opinion is calculated to facilitate the proper discharge of their duties or to facilitate the exercise of any of their powers under the foregoing provisions of this section, or is incidental or conducive thereto.

(3) Where, in the exercise or performance of their powers or duties, the Authority render a service to any person, they may



make such charges in respect thereof as may be agreed between the Authority and that person.

**19.** The Town and Country Planning Act, 1947, shall have effect as if references to statutory undertakers in the following provisions thereof, namely,—

Power of the Authority to acquire land compulsorily under Town and Country Planning Act, 1947.

paragraph (b) of subsection (2) of section five (designation in a development plan, as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers, of any land allocated by the plan for the purposes of any of their functions),

section nine (land designated as aforesaid ceasing to be so designated in certain circumstances),

section thirty-seven (compulsory acquisition of land designated as aforesaid), and

paragraph (b) of subsection (7) of section forty-five (references to the execution of the works in the Lands Clauses Acts, as incorporated with Part IV of the 1947 Act, to be construed as including references to any erection, construction or carrying out of buildings or works by or on behalf of statutory undertakers, on land acquired by those undertakers, for the purposes for which the land was acquired),

included references to the Authority; and, in relation to the compulsory acquisition of land under the said section thirty-seven by virtue of this section, the appropriate Minister shall be the Minister.

**20.** The Authority may, with the consent of the Minister, promote Bills in Parliament, and may oppose any Bill in Parliament.

Power of the Authority to promote and oppose Bills.

### *Regulation of Marketing in the Covent Garden Area under the Administration of the Covent Garden Market Authority*

**21.**—(1) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the Covent Garden Area to be used—

Restriction of use of premises in Covent Garden Area for certain purposes, and prohibition of use for those purposes of premises within a certain distance from that area.

(a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale; or

(b) for the storage of horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such produce; or

(c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers;

unless there is in force a licence granted under this section by the Authority authorising the use of the land for that purpose.

(2) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the prohibited area to be used for any such purpose as is mentioned in paragraph (a), (b) or (c) of the foregoing subsection.

(3) If a person uses land in contravention of the foregoing provisions of this section, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(4) Subsections (1) and (2) of this section shall not apply to—

- (a) land on which the Authority are providing market or storage facilities or facilities for a purpose incidental to the marketing of horticultural produce,
- (b) land used for office purposes only,
- (c) land used jointly for office purposes and for a purpose other than one mentioned in paragraph (a), (b) or (c) of subsection (1) of this section, or
- (d) land used for any purpose of a business of a wholesale grocer,

and subsection (2) of this section shall not prohibit the use, after the expiration of the relevant period, of land for any purpose of a business of selling horticultural produce by wholesale if the land was used for such a purpose on the fourth day of November, nineteen hundred and sixty, and immediately before the expiration of that period and was not, in the meantime, used for any purpose other than such a purpose as aforesaid.

(5) In this section—

- (a) “land” (without prejudice to section three of the Interpretation Act, 1889) includes part of a building;
- (b) “the relevant period” means the period of four weeks beginning with the vesting day.

Grant,  
duration and  
revocation of  
licences under  
preceding  
section.

**22.**—(1) An application to the Authority for a licence under the last foregoing section in respect of any land shall be made in the prescribed form and identify the land in the prescribed manner, and an application for a licence under the last foregoing section, other than a licence which, if it is applied for, the Authority will, by virtue of the next following subsection, be bound to grant, shall not be made except after the vesting day.

(2) Where, immediately before the vesting day, any land in the Covent Garden Area is used for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of the last foregoing section, the Authority shall be bound to grant a licence under that section authorising the use of the land for

that purpose provided that the following conditions are satisfied, namely—

- (a) that, immediately before the fourth day of November, nineteen hundred and sixty, the land was used for such a purpose ;
- (b) that, between that day and the vesting day the land was not used for a purpose other than such a purpose as is so mentioned ; and
- (c) that, within the period of three months beginning with the day on which the Authority are constituted, there has been made to the Authority an application for the grant of a licence, being an application giving the prescribed particulars with respect to the use of the land immediately before and during the period beginning with the said fourth day of November and ending with the making of the application.

(3) Unless within three months after the receipt of an application under this section for the grant of a licence (other than a licence which, if it is applied for, the Authority will, by virtue of the last foregoing subsection, be bound to grant), or within such further time as may be agreed with the applicant, the Authority give notice to the applicant of their decision on the application, the provisions of this Act shall apply in relation to the application as if the Authority had notified the applicant, on the day with which the said period of three months expires, of their refusal to grant the licence.

(4) A licence under the last foregoing section may authorise the use of the land to which it relates either without restriction or for a particular purpose only, and shall, unless revoked under the following provisions of this section, continue in force without limit of time.

(5) A licence under the last foregoing section authorising the use of land for any purpose may, by agreement between the Authority and the person (or all the persons, if more than one) using the land for that purpose, be revoked, so far as it authorises the use of the land for that purpose, either as regards the whole of that land or as regards part of it.

(6) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that alternative accommodation or facilities (whether within or outside the Covent Garden Area) suitable for enabling that purpose to be effected is or are, on the revocation, offered by the Authority to the person or persons then using the land for that purpose, that the terms on which the accommodation or facilities is or are to be offered are reasonable, that six months'

previous notice in writing of the Authority's intention to revoke the licence (specifying the accommodation or facilities to be offered, stating the terms on which it or they is or are to be offered and giving all other relevant particulars with respect thereto) has been given to the person or persons using the land for that purpose at the time when the notice was given, and that the Authority have secured for the person or persons notified reasonable opportunity for inspecting or investigating the accommodation or facilities to be offered.

(7) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that the land or, in the case of a revocation as respects part of the land, that part, has not been used for that purpose at any time during the relevant period and that one month's previous notice in writing of the Authority's intention to revoke the licence (specifying that purpose) has been given to the person who was the occupier of the land at the time when the notice was given and to the person who was the owner of the land at that time.

In this subsection "owner" means the person for the time being receiving the rackrent of the land, or who would so receive the rackrent if the land were let at a rackrent, and "relevant period" means the period beginning with the day twelve months before the day on which the notice is given and ending with the day next before that on which the notice is given.

(8) Where alternative accommodation or facilities specified in a notice under subsection (6) of this section is or are offered on land that cannot lawfully be used for the purpose for which the accommodation or facilities is or are offered without a licence under the last foregoing section, the Authority, if the offer of the accommodation or facilities is accepted, shall grant the requisite licence.

(9) No fee shall be charged for the grant of a licence under the last foregoing section.

(10) In this section "land" has the same meaning as in the last foregoing section, and "prescribed" means prescribed by the Minister by regulations made by statutory instrument.

Power of court  
to restrain  
revocation  
of licences  
under section  
21.

23.—(1) A person to whom notice is given under subsection (6) of the last foregoing section may, not later than three months before the expiration of the notice, apply to the Westminster county court for a declaration that the accommodation or facilities specified in the notice is not or, as the case may be, are not suitable for effecting the purpose for which it or they will be offered or that the terms on which it is or they are to be offered are unreasonable; and, in determining whether either of those things is so or not, the court shall have regard to all

the circumstances of the case, including the needs of persons who use the land in question for the purpose in question, the objects which, by virtue of subsections (1) and (3) of section seventeen of this Act, are to be attained by the Authority, and the extent of the economies (if any) which, as a result of the Authority's giving effect to those subsections and to subsections (2), (3) and (4) of section sixteen of this Act have accrued or may reasonably be expected to accrue to such persons.

(2) Where an application is duly made to the Westminster county court under the foregoing subsection it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the application, until the application is withdrawn or determined.

(3) A declaration of the Westminster county court under subsection (1) of this section shall, unless and until set aside on appeal, operate to preclude the Authority from availing themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the declaration.

(4) Where a declaration under subsection (1) of this section is refused by the Westminster county court, it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6) (so far as the exercise thereof depends on the giving of the notice that led to the making of application for the declaration) until the time for appealing to the Court of Appeal against the decision of the court has expired nor, if an appeal is entered within that time, until it is withdrawn or determined; and where either—

(a) on an appeal from a decision of the Westminster county court granting such a declaration, the declaration is set aside; or

(b) an appeal from a decision of that court refusing such a declaration is dismissed;

it shall not be competent to the Authority to avail themselves of the powers aforesaid (so far as the exercise thereof depends as aforesaid) until the time for appealing to the House of Lords has expired nor, if an appeal to the House of Lords is duly entered and is withdrawn or dismissed, until (as the case may be) the withdrawal or the expiration of one month from the dismissal.

(5) A person to whom notice is given under subsection (7) of the last foregoing section may, at any time before the expiration of the notice, apply to the Westminster county court for a declaration that the land has been used for the purpose specified in the notice during the relevant period referred to in that subsection, and subsections (2) to (4) of this section shall have effect where

an application is duly made to that court under this subsection as they have effect where an application is duly made to that court under subsection (1) of this section, with the substitution, for references to the powers of the Authority under subsection (6) of the last foregoing section, of references to the powers of the Authority under subsection (7) of that section, and, for references to a declaration under subsection (1) of this section, of references to a declaration under this subsection.

Compensation  
for damage  
due to  
operation of  
sections 21  
and 22.

24.—(1) Where, by reason of the refusal of the Authority to grant under section twenty-one of this Act a licence authorising the use of land in the Covent Garden Area, a person suffers damage by reason of the depreciation of an interest of his in that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which he is notified of the refusal, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal, provided that the following conditions are fulfilled, that is to say,—

- (a) he was the owner of that interest on the expiration of the relevant period (within the meaning of the said section twenty-one);
- (b) that the conditions specified in paragraphs (a) and (b) of subsection (2) of section twenty-two of this Act are not satisfied in the case of that land; and
- (c) that no licence under that section relating to that land has been revoked.

(2) The foregoing subsection shall apply where, by reason of the grant by the Authority under the said section twenty-one of a licence authorising the use of land for a particular purpose only, a person suffers damage as mentioned in that subsection as it applies where a person so suffers by reason of the refusal of the Authority to grant a licence, subject to the modification that, for the reference to notification of the refusal, there shall be substituted a reference to notification of the grant of the licence.

(3) Any such person as the following, namely—

- (a) a person who, in consequence of the revocation of a licence under section twenty-one of this Act, suffers damage by reason of the depreciation of an interest of his in the land to which the licence related;
- (b) a person who, in consequence of the revocation (otherwise than by virtue of subsection (7) of section twenty-two of this Act) of such a licence, suffers damage by reason of his being disturbed in his enjoyment of the land to which the licence related;

shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which the revocation takes effect, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(4) Where a person who owns an interest in land in the prohibited area at the expiration of the relevant period (within the meaning of section twenty-one of this Act) suffers, in consequence of the operation of subsection (2) of that section, damage by reason of the depreciation of that interest, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following the expiration of that period, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(5) A deceased person's legal personal representatives shall have the like title to compensation under subsection (1) of this section as the deceased would have had had he survived.

(6) Paragraph 3 of the Fourth Schedule to the Town and Country Planning Act, 1947 (which makes special provision in the case of compensation payable under Part III of that Act in respect of the depreciation of an interest subject to a mortgage) shall, with the substitution, for the reference to the local planning authority, of a reference to the Authority, apply for the purposes of this section as it applies for the purposes of the said Part III.

(7) The Minister may in any particular case (either before, on or after the day with which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making a claim for compensation under subsection (1), (3) or (4) of this section.

**25.—**(1) The Authority may make regulations for all or any of the following purposes, namely,—

- (a) prohibiting or regulating the bringing into the Covent Garden Area, or the keeping on any land therein (whether or not land whose use for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of section twenty-one of this Act is unlawful without a licence under that section) of horticultural produce intended for sale by wholesale or of any specified description of horticultural produce intended for sale by wholesale;
- (b) prohibiting or regulating the bringing or sending into the Covent Garden Area of empty containers for horticultural produce or any specified description of

Power of the  
Authority to  
control  
transport and  
storage of  
horticultural  
produce and  
containers  
therefor.

empty containers for horticultural produce by persons of all or any of the following classes, namely,—

(i) persons carrying on in the Covent Garden Area the business of selling by wholesale (whether as principals or as agents) horticultural produce ;

(ii) persons who, in the course of a business carried on by them in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in the foregoing sub-paragraph ;

(iii) persons who, in the course of a business carried on by them in the United Kingdom, buy horticultural produce from, or through the agency of, such persons as are mentioned in sub-paragraph (i) of this paragraph ;

(iv) persons who carry on in the United Kingdom a business which consists of, or includes, an undertaking for the storage for reward of such empty containers as aforesaid ;

or requiring persons of all or any of those classes who in the Covent Garden Area have in their possession or under their control such empty containers as aforesaid or any specified description thereof to remove them from that Area or, in default of removal, to deliver them to such premises within that Area as may be designated by or under the regulations for the reception of containers or, as the case may be, containers of that description for storage there or for the collection (for subsequent removal for storage) of containers or, as the case may be, containers of that description ;

(c) in a case where storage facilities are provided by the Authority on premises outside the Covent Garden Area, for prohibiting the use, for the purpose of the storage of horticultural produce intended to be dealt in in bulk in that Area or of empty containers for produce so dealt in, of any land outside those premises but within the circumference of a circle whose centre is situate at such point within those premises as may be specified in the regulations and the length of whose radius is such as may be so specified, not being greater than a quarter of a mile.

(2) Regulations under this section may grant exemptions from any of the provisions thereof or provide for the grant of such exemptions by such persons as may be specified in the regulations.

(3) Regulations under this section shall not have effect until confirmed by an order made by the Minister by statutory instrument which shall set out the regulations in a schedule thereto and of which a draft shall be laid before Parliament.



(4) Where a prohibition is imposed on the use of any land by a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of this section and a person who owns an interest in that land at the coming into operation of that provision suffers, in consequence of the operation of that provision, damage by reason of the depreciation of that interest or of his being disturbed in the enjoyment of that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of a period of six months beginning with the day on which that provision comes into operation, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

Subsections (6) and (7) of the last foregoing section shall apply for the purposes of this subsection as they apply for the purposes of that section.

(5) A person who contravenes or fails to comply with a provision of regulations having effect by virtue of paragraph (a) or (b) of subsection (1) of this section or uses land in contravention of a provision of regulations having effect by virtue of paragraph (c) of that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(6) For the purposes of this section a description of horticultural produce may be framed by reference to any circumstances whatsoever.

(7) In this section "land" has the same meaning as in section twenty-one of this Act.

**26.**—(1) The Authority may make byelaws (subject to confirmation by the Minister) for all or any of the following purposes, namely,—

- (a) prohibiting the sale, except during such hours and on such days as may be specified in the byelaws, of horticultural produce brought into the market area and of such other commodities as are mentioned in subsection (1) of section sixteen of this Act that are so brought;
- (b) prohibiting the bringing of horticultural produce or such other commodities as aforesaid into the market or storage area except during such hours and on such days as may be so specified and prohibiting the removal of such produce or commodities from that area except as aforesaid;
- (c) prohibiting the use of parts of the market area specified in the byelaws except for the sale or exposure for sale, by sellers of such description as may be so specified, of horticultural produce of such kind as may be so specified or of such other commodities as aforesaid of such kind as may be so specified;

- (d) prohibiting the erection of stands in the market area elsewhere than at places specified in the byelaws and prohibiting persons, for the purpose of selling horticultural produce or such other commodities as aforesaid, from stationing themselves in that area elsewhere than as aforesaid ;
- (e) regulating the erection of stands in the market area and prohibiting the erection therein of stands of dimensions exceeding those specified in the byelaws or not made wholly of materials of a kind so specified ;
- (f) preventing the outbreak and spread of fire in or on the market area, the storage area, land in respect of which a licence is in force under section twenty-one of this Act or premises where accommodation or facilities are provided in pursuance of paragraph (d) of subsection (1) of section eighteen of this Act and, in particular, for that purpose—
  - (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment ;
  - (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of produce, containers or packing materials as appear to the Authority to be inflammable ;
  - (iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators or retarders as appear to the Authority to be inflammable or any such specified preservative, accelerator or retarder as so appears ;
  - (iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances ;
  - (v) imposing such prohibitions, restrictions or requirements as appear to the Authority requisite for securing that no articles of any description are stored in such manner as to obstruct the use of fire-fighting equipment ;
- (g) preventing obstruction in the market or storage area and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within the market or storage area and restricting or regulating therein the parking of vehicles and the loading or unloading thereof ;

- (h) securing the cleanliness of any such area, land or premises as is or are mentioned in paragraph (f) of this subsection (including, in the case of the market or storage area, shops, stands and other places where horticultural produce is sold or is exposed for sale or inspection) and preventing the accumulation on or in any such area, land or premises, and securing the removal therefrom, of refuse ;
- (i) regulating the conduct of persons resorting to the market or storage area and, in particular, preserving order therein and preventing damage to property therein.

(2) The following provisions of the Local Government Act, 1933, namely, subsections (2) to (7) of section two hundred and fifty, and sections two hundred and fifty-one and two hundred and fifty-two (which relate to the procedure for making, fines for offences against, and evidence of, byelaws) shall apply to byelaws made by the Authority under this section as if the Authority were a local authority and the secretary to the Authority were the clerk to the local authority.

(3) The Minister, before confirming byelaws under this section, may, if he thinks fit, cause a local inquiry to be held.

(4) Before submitting any byelaws under this section to the Minister for confirmation, the Authority shall seek consultation on the byelaws with every local authority having jurisdiction in the area within which the byelaws are to operate.

(5) The Authority shall secure that there shall be kept prominently displayed in the market and storage areas, in such places and in such positions as will enable them to be easily seen and read by persons resorting to those areas respectively, copies of, or summaries of the effect of, such parts of byelaws in force under this section as appear to the Authority to be necessary to be brought to the attention of those persons.

(6) In this section—

- (a) “ accelerators ” means substances used for accelerating the ripening of horticultural produce ;
- (b) “ local authority ” means the council of a county, a borough (including a metropolitan borough) or an urban or rural district, and includes the Common Council of the City of London ;
- (c) “ the market area ” means the land on which the Authority are for the time being providing market facilities ;
- (d) “ preservatives ” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of horticultural produce ;

- (e) "retarders" means substances used for retarding the ripening of horticultural produce ;
- (f) "the storage area" means the land on which the Authority are for the time being providing storage facilities.

Power of the  
Authority to  
seize and  
dispose of  
articles in  
certain cases.

27.—(1) If—

- (a) any thing is stored or deposited in contravention of a provision of byelaws having effect by virtue of paragraph (f) of subsection (1) of the last foregoing section ; or
- (b) any horticultural produce or an empty container therefor causes an obstruction in contravention of a provision of byelaws having effect by virtue of paragraph (g) of that subsection,

the Authority may remove it and, subject to the following provisions of this section, may sell or otherwise dispose of it.

(2) It shall be the duty of the Authority, where they remove any produce, container or other thing under this section, to notify, as soon as may be after the removal, the person entitled at the time of removal to the custody or control of the produce, container or other thing, of the fact of its having been removed and of the place to which it has been removed.

(3) The Authority shall not dispose (otherwise than by way of sale) of any produce, container or other thing removed under this section unless, in their opinion, it is unsaleable.

(4) The power of disposal conferred on the Authority by this section shall not, in the case of produce, be exercised before the expiration of the period of seven days beginning with the day next following that on which it is removed unless, in the opinion of the Authority, its condition is such as to render expedient the disposal thereof before the expiration of that time, and the said power shall not, in the case of any other thing, be exercised before the expiration of that period.

(5) Any produce, container or other thing removed under this section shall be delivered to a person entitled to the custody or control thereof if, before it is disposed of under this section, he pays to the Authority the costs reasonably incurred by them in connection with its removal and storage up to the time of payment.

(6) If the net proceeds of the sale under this section of any produce, container or other thing exceed the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of sale, the excess shall be paid to the person who at the time of removal was the owner thereof upon his claiming it ; and if the net proceeds of the sale fall short of such costs, the deficiency may be recovered from that person by the Authority as a simple contract debt in any court of competent jurisdiction.

(7) Where any produce, container or other thing is disposed of under this section otherwise than by way of sale, the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of disposal together with the costs (if any) reasonably incurred by them in connection with the disposal may be recovered from the person who at the time of its removal was the owner thereof by the Authority as a simple contract debt in any court of competent jurisdiction.

28.—(1) The Minister may, on the application of the Authority, approve for the purposes of the Covent Garden Area a table of tolls, and (subject to the provisions of this section) the Authority may demand, in respect of horticultural produce brought into that Area on or after the vesting day for the purpose of its being sold by a person who carries on (whether in that Area or not, and whether as principal or as agent) a business of selling such produce by wholesale, either the tolls approved by the Minister or such less tolls as the Authority may from time to time determine.

Power of the  
Authority to  
levy tolls.

(2) Immediately after the Authority submit to the Minister a table of tolls for approval under the foregoing subsection they shall publish, in such manner as the Minister directs (being the manner appearing to him best calculated for bringing the table to the notice of persons likely to be affected thereby), a notice stating that they have submitted the table to him and specifying the place where copies of the table may be inspected and obtained and the time (not being less than twenty-eight days beginning with the day on which the notice is published, or first published) within which objections to the table may be made to him; and if any objections are duly made the Minister shall, before taking any further proceedings in the matter of the table, cause a local inquiry to be held with respect to the objections; and, if he approves the table, may do so either with or without modifications.

(3) The Authority shall keep exhibited in conspicuous places on the land whereon they are for the time being providing market facilities printed tables stating in large and legibly printed characters the several tolls payable under this section.

(4) The person liable to pay tolls under this section in respect of any produce shall be he who carries on the business in the course of which the produce is intended to be sold at the time when it is brought into the Covent Garden Area.

(5) Tolls payable under this section shall be paid from time to time on demand to an officer of the Authority specially authorised by them to collect tolls.

(6) If a person liable to pay a toll under this section does not pay it when lawfully demanded, the Authority may recover it as a simple contract debt in any court of competent jurisdiction.

(7) The Authority may, by notice in writing served on any such person as is mentioned in subsection (1) of this section require him to make to them such returns and furnish to them such other information and to produce for examination by them such books or other documents (being books or documents of a description specified in the notice which are in the custody or under the control of that person), as may be necessary for ascertaining the amount of any tolls payable under this section by him to them.

(8) No tolls shall be demanded under this section in respect of produce brought into the Covent Garden Area for the purpose of its being sold by a person carrying on a business of a wholesale grocer.

Power of the Authority to levy on Covent Garden wholesalers charges other than tolls.

29.—(1) In addition to levying tolls under the last foregoing section, the Authority shall have power, by virtue of a scheme in that behalf made by them, to impose, on persons carrying on in the Covent Garden Area the business of selling (whether as principals or as agents) horticultural produce by wholesale, charges of such amounts as may be specified in the scheme in respect of sales of such produce made by them in the course of so carrying on that business.

(2) A scheme under this section—

(a) shall specify circumstances (which may include, with or without modification, all or any of those set out in the Third Schedule to this Act) in which, for the purposes of the scheme, sales are to be assumed to have been made and shall provide—

(i) for the amounts of the charges in respect of sales shown to the satisfaction of the Authority to have been made in the specified circumstances to be computed by reference to the prices paid by the buyers under the sales ;

(ii) for the amounts of the charges in respect of sales not so shown to be computed by reference to the prices which, in the opinion of the Authority, would have been paid by the buyers under the sales had the sales been made in the specified circumstances ;

and may provide for the levying of different amounts in different cases ;

(b) may provide for exempting sales of such classes as may be specified in the scheme ;

(c) may provide for exempting, or for empowering the Authority to exempt, from liability under the scheme persons whose gross takings from sales of horticultural produce amount on the average to a sum not exceeding, per annum, such sum as may be specified in the scheme ;

- (d) may specify the manner in which charges under the scheme are to be recovered by the Authority from the persons liable to pay them ;
- (e) may contain provision for securing, to a person liable under the scheme to charges imposed thereunder, rights against other persons (being persons from whom or on whose behalf he buys, or to whom or on whose behalf he sells, produce), of contribution towards satisfaction of all, or any specified proportion, of those charges ;
- (f) may, so far as appears to the Authority necessary for the proper operation of the scheme, require the persons liable to charges thereunder to be registered in a register to be kept by the Authority, to make records and to preserve them for such time (not exceeding, in the case of any record, three years from the making thereof) as may be specified in the scheme and to make or furnish to the Authority returns or other information and to produce to the Authority books and other documents in the custody or under the control of those persons ;
- (g) may make provision for any incidental or supplementary matters for which it appears to the Authority requisite or expedient to make provision for the purposes of the scheme.

(3) The scheme first made under this section shall be so framed as to secure that the charges thereby imposed come into operation on a date to be publicly notified by the Authority in such manner as they think best adapted for informing persons who will become liable to the charges, not being earlier than the vesting day or four weeks after the publication (or first publication) of the notification, and a charge under the scheme shall be payable in respect of a sale notwithstanding that it was made before the date notified if the price is payable thereon or thereafter.

(4) A scheme under this section shall not have effect until confirmed by order of the Minister made by statutory instrument.

(5) The power conferred by subsection (1) of this section to make a scheme shall be construed as including power to vary or revoke it by a subsequent scheme thereunder.

(6) For the purposes of paragraph 5 of the Third Schedule to this Act two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

**Power to enter premises.** 30.—(1) If a justice of the peace on sworn information in writing,—

(a) is satisfied that there is reasonable ground for entry into any such premises as are mentioned in subsection (2) of this section for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, a contravention of, or failure to comply with, this Act or regulations or byelaws made thereunder or of removing any article which the Authority have power to remove under section twenty-seven of this Act; and

(b) is also satisfied either—

(i) that admission to the premises has been refused ;  
or

(ii) that refusal of admission to the premises is apprehended and that notice of intention to apply for a warrant has been given to the occupier ; or

(iii) that an application for admission or the giving of such a notice would defeat the object of the entry ; or

(iv) that the case is one of urgency ; or

(v) that the premises are unoccupied or the occupier is temporarily absent ;

the justice may by warrant under his hand authorise the Authority by any authorised officer of theirs to enter the premises, if need be by force.

(2) The premises referred to in the foregoing subsection are any premises within the Covent Garden Area, the prohibited area or any area wherein the use of land is for the time being restricted by virtue of a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, being premises used, or reasonably suspected by the Authority to be used,—

(a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale ;

(b) for the storage of horticultural produce in the course of a business which consists of or includes an undertaking for the storage for reward of such produce ; or

(c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers.

(3) An authorised officer entering any premises by virtue of a warrant issued under this section may take with him such other persons as may be necessary, and on leaving any premises



which he has so entered, being unoccupied premises or premises from which the occupier is temporarily absent, shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant issued under this section shall continue in force for a period of one month.

(5) A person wilfully obstructing a person acting in the execution of a warrant issued under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds.

**31.—**(1) A person who fails to comply with a requirement imposed under subsection (7) of section twenty-eight of this Act or a requirement imposed under a scheme under section twenty-nine of this Act as to registration, the making or preservation of records, the making or furnishing of returns or other information or the production of books or other documents, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

*Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.*

(2) A person who,—

(a) in compliance with a requirement imposed under the said subsection (7) or such a scheme as aforesaid to make a return or to produce any books or other documents, makes a return or produces a book or other document which he knows to contain an entry which is false in a material particular, or recklessly makes a return or produces a book or other document which contains an entry which is false in a material particular, or

(b) in purported compliance with a requirement imposed as aforesaid, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(c) wilfully makes a false entry in a record which is required to be made in pursuance of such a scheme as aforesaid,

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment, or, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

**32.—**(1) If a person discloses any information furnished to or obtained by him in pursuance of a requirement imposed under subsection (7) of section twenty-eight of this Act or under a scheme under section twenty-nine of this Act or while acting in exercise of a warrant issued under section thirty thereof, he

*Restriction of disclosure of information.*

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment to a term not exceeding two years or to both a fine and such imprisonment, or, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Nothing in this section—

- (a) shall, in the case of information furnished to, or obtained by, a person in pursuance of such a requirement as aforesaid, prevent its disclosure with the consent of the person by whom it was furnished or from whom it was obtained, or in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom;
- (b) shall, in the case of information however obtained, prevent its disclosure to a member or officer of the Authority, or for the purposes of any proceedings pursuant to this Act (including arbitrations) or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.

*Constitution of Committees with executive and advisory Functions for facilitating the Work of the Covent Garden Market Authority.*

The Covent  
Garden  
Market  
Management  
Committee.

33.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Management Committee (hereafter in this section referred to as “the Management Committee”).

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the constitution of the Management Committee.

(3) The Authority shall seek consultation with the Management Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to affect substantially, or to be likely so to affect, the interests of persons of any of the classes mentioned in sub-paragraphs (i) to (iii) of paragraph (b) of subsection (1) of section twenty-five of this Act and not to be of an urgent nature, and may seek consultation with the Management Committee on any other matter, and the Management Committee may of their own motion make to the Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or

performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of any of those whose interests a member of the Committee is appointed as being capable of representing; and it shall be the duty of the Authority to take into consideration any representations made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

(4) Before making any regulations under section twenty-five of this Act or byelaws under section twenty-six thereof, the Authority shall refer a draft thereof to the Management Committee and shall not submit them to the Minister for confirmation until the expiration of the period of twenty-one days beginning with the day next following that on which they are so referred; and if before the expiration of that period the Authority receive from the Management Committee objections to the regulations or byelaws and do not, before submitting them to the Minister, amend them so as to meet all the objections, the Authority shall, when submitting the regulations or byelaws to the Minister, submit therewith a statement setting out each objection not met by an amendment and, in relation thereto, any proposal that may have been made by the Management Committee for meeting it.

(5) The Authority may, to such extent as they think fit, delegate to the Management Committee their powers and duties so far as exercisable or performable for the purposes of the day to day supervision and control of the use of the market and storage facilities provided by the Authority.

**34.**—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Traffic Committee (hereafter in this section referred to as "the Traffic Committee"), consisting of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than nine nor more than twelve, as may be so determined.

The Covent  
Garden Traffic  
Committee.

(2) Of the appointed members of the Traffic Committee who are not officers of the Authority two shall be persons nominated by the Minister of Transport and seven shall be persons nominated respectively by the Minister, the Secretary of State, the London County Council, the Council of the City of Westminster, the Council of the Metropolitan Borough of Holborn, the British Transport Commission and the Trades Union Congress.

(3) No person shall be nominated by a Minister of the Crown for appointment as a member of the Traffic Committee unless that Minister is satisfied that that person has had wide experience of, and shown capacity in, the road haulage industry or traffic matters, and no person who is neither a nominee of a Minister of the Crown nor an officer of the Authority shall be appointed to be such a member unless the Authority are similarly satisfied.

(4) The Authority shall seek consultation with the Traffic Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to be connected with problems of transport or traffic attributable to the situation of the lands whereon they are for the time being providing market or storage facilities or of the entrances to those lands from highways or of the exits from those lands to highways or to the provision by the Authority of any other facilities.

**The Covent  
Garden  
Market  
Workers  
Committee.**

**35.**—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Workers Committee (hereafter in this section referred to as “the Workers Committee”), which shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than five nor more than ten, as may be so determined.

(2) The members of the Workers Committee, other than the chairman and those who are officers of the Authority, shall be persons appointed as capable of representing the interests of workers employed in the production, marketing, transport or distribution of horticultural produce; and before appointing a person to be a member of the Workers Committee as capable of representing the interests of workers so employed the Authority shall consult with such bodies as appear to them to represent the interests of those whose interests the person to be appointed is to represent.

(3) The Authority shall seek consultation with the Workers Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties being a matter appearing to the Authority to affect or to be likely to affect workers engaged in work connected with the market and storage facilities provided by the Authority or with the transport of horticultural produce to or from the lands on which such facilities are for the time being so provided, and the Workers Committee may of their own motion make to the

Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of such workers as aforesaid; and it shall be the duty of the Authority to take into consideration any representation made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

36. The provisions of the Fifth Schedule to this Act shall have effect with respect to each of the three Committees aforesaid.

Incidental provisions with respect to the three Committees.

### *Financial Provisions*

37. It shall be the duty of the Authority so to exercise and perform their powers and duties under this Act as to secure that their revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another; and with a view to ensuring that that duty is discharged in ample manner the Minister may give to the Authority such directions as he thinks fit for increasing their revenues by availing themselves of the powers conferred by sections twenty-eight and twenty-nine of this Act, and the Authority shall comply with the directions.

General duty of the Authority as to finance.

38.—(1) Subject to the provisions of the next following section, the Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require—

Borrowing powers.

(a) for the purpose of defraying expenses (including the payment of interest on sums previously borrowed by them under this or the next following subsection or raised by them under subsection (3) of this section) pending the receipt of revenues receivable by them in respect of the accounting period in which those expenses are chargeable; and

(b) for the purpose of defraying, pending an exercise of their powers under the next following subsection, expenses intended to be defrayed by means of the exercise thereof.

(2) Subject to the provisions of the next following section, the Authority may borrow by the issue of stock or debentures for any of the following purposes, namely,—

(a) the payment of compensation under any of the foregoing provisions of this Act;

(b) the payment of the purchase money payable in respect of the acquisition by agreement by the Authority of

any interest in land or of compensation payable in respect of a compulsory acquisition of land by virtue of section nineteen of this Act ;

- (c) the provision of money for meeting any expenses incurred by the Authority in connection with the execution of works the cost of whose execution is properly chargeable to capital account ;
- (d) the payment of the purchase price of vehicles, plant or machinery provided by the Authority in exercise of the powers conferred by paragraphs (a) to (c) of subsection (1) of section eighteen of this Act ;
- (e) the provision of any working capital required by them ; and
- (f) any other purpose for which capital moneys are properly applicable.

(3) The Authority may raise money for all or any of the following purposes, namely,—

- (a) any of the purposes for which money may be borrowed under subsection (1) or (2) of this section (other than the repayment of money previously borrowed under the said subsection (2) or raised under this subsection or the replacement of money temporarily applied in repaying money previously borrowed under the said subsection (2)) ; and
- (b) the payment of interest on any sums previously raised under this subsection ;

by the taking of advances from the Minister.

(4) For the purposes of paragraph (f) of subsection (2) of this section, there shall be treated as purposes for which capital moneys are properly applicable—

- (a) the payment of any interest, falling due within five years immediately following the date of the borrowing, on any amount borrowed by the Authority under that subsection for the purpose of fulfilling the duty imposed on them by section sixteen of this Act to improve market facilities on the market lands or to provide better ones elsewhere (including any necessary acquisition of land) ;
- (b) the expenses of the creation or issue by the Authority of any stock or debentures ;
- (c) the repayment of moneys previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection ;
- (d) the replacement of moneys which, during the preceding twelve months, have been temporarily applied from other moneys of the Authority in repaying moneys

previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection and at the time of repayment it was intended to replace by borrowed moneys;

but the Authority shall not, by virtue of the foregoing paragraphs, have power to borrow—

- (i) for the purpose of making any payment to a sinking fund or any payment of an instalment or any annual payment which has or may become due in respect of moneys borrowed or raised under this section; or
- (ii) for the purpose of replacing any moneys previously borrowed or raised under this section which have been repaid by instalments or annual payments or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable for the purpose of the repayment, other than moneys borrowed for that purpose.

**39.**—(1) The aggregate of the amounts outstanding by way of principal in respect of—

- (a) borrowings under subsection (1) of the last foregoing section;
- (b) borrowings under subsection (2) of that section (excluding borrowings for making such repayment as is mentioned in paragraph (c) of subsection (4) thereof); and
- (c) advances taken under subsection (3) of that section by the Authority from the Minister;

Restrictions on, and provisions supplementary to, borrowing powers.

shall not at any time exceed twenty million pounds.

(2) Any amount borrowed under subsection (2) of the last foregoing section shall be finally paid off at the expiration of such period (not exceeding sixty years) beginning with the day on which it was borrowed as the Authority may, with the approval of the Minister, fix in the case of that amount.

(3) For the purposes of the last foregoing subsection an amount borrowed under subsection (2) of the last foregoing section shall, to the extent (if any) to which it is borrowed for the purpose of defraying expenses that were initially defrayed by means of money borrowed under paragraph (b) of subsection (1) of that section, be deemed to have been borrowed when the borrowing under that paragraph took place.

(4) For the purposes of subsection (2) of this section any amount borrowed by virtue of paragraph (c) or (d) of subsection (4) of the last foregoing section shall, to the extent (if any) to which it was borrowed for the purpose of repaying money

borrowed previously under subsection (2) of that section or of replacing money temporarily applied in repaying money so borrowed, be treated as forming part of the money originally borrowed; but the Minister may, upon application made to him for the purpose, extend the period for the final paying off of an amount borrowed by virtue of the said paragraph (c) or (d), to the extent to which it was borrowed as aforesaid, so as to expire on such date as he thinks fit, not being later than the expiration of the period of sixty years beginning with the date of the borrowing of the money originally borrowed.

(5) During any period during which any advance taken from the Minister under subsection (3) of the last foregoing section is outstanding, the powers of borrowing conferred by subsections (1) and (2) of that section shall not be exercised except with the consent of the Minister and with the approval of the Treasury.

(6) A person lending money to the Authority shall not be bound to inquire whether the borrowing of money is within the power of the Authority.

(7) So long as the borrowing or raising of money in Great Britain without the consent of the Treasury is regulated by the provisions of an order made under the Borrowing (Control and Guarantees) Act, 1946, nothing in this or the last foregoing section shall be taken as authorising the borrowing of money by the Authority without the consent of the Treasury given under those provisions.

(8) The Authority shall not borrow any money except in accordance with the provisions of this and the last foregoing section.

**Advances by  
the Minister.**

**40.**—(1) Subject to the provisions of this section, the Minister may make to the Authority advances for any of the purposes for which they may raise money by the taking of advances from him, and the Treasury may issue to the Minister out of the Consolidated Fund of the United Kingdom such sums as are necessary to enable him to make the advances.

(2) The aggregate amount outstanding by way of principal in respect of any advances made under this section shall not at any time exceed eight million pounds.

(3) No advance shall be made under this section after the expiration of the period of ten years beginning with the vesting day.

(4) Any advance which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times as he may, with the approval of the Treasury, direct.



(5) For the purpose of providing sums to be issued under this section out of the Consolidated Fund to the Minister, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by the Minister under subsection (4) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ; and
- (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(7) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under subsection (1) of this section and of sums received by him under subsection (4) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

**41.—**(1) The Authority may create and issue any stock or debentures required for the purpose of exercising their powers under subsection (2) of section thirty-eight of this Act, and stock and debentures created and issued for that purpose shall be known respectively as Covent Garden Market stock and Covent Garden Market debentures.

Covent Garden  
Market stock  
and  
debentures.

(2) Stock and debentures created and issued as aforesaid shall be charged indifferently on all the revenues and property of the Authority and shall rank equally without any priority.

(3) Such stock and debentures shall be issued, transferred, dealt with and (subject to the provisions of subsections (2) to (4) of section thirty-nine of this Act) redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister with the approval of the Treasury ; and any such regulations may, in relation to any such stock or debentures, apply (with or without modifications) any

provisions of the Local Loans Act, 1875, or of any enactments relating to stock or debentures issued by a local authority, so far as it is consistent with the last foregoing subsection so to do.

(4) The power to make regulations under this section shall be exercisable by statutory instrument; and an instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Reserve fund.** 42.—(1) The Authority shall establish and maintain a reserve fund.

(2) The management of the said fund and the sums to be carried to the credit thereof shall, subject to the next following subsection, be such as the Authority may determine.

(3) At any time when the aggregate amount of the moneys standing to the credit of the reserve fund is not less than one tenth of the aggregate of the amounts outstanding by way of principal in respect of any borrowing or raising of money under section thirty-eight of this Act (excluding amounts borrowed for making such repayment as is mentioned in paragraph (c) of subsection (4) of that section), the Minister may, with the approval of the Treasury, give to the Authority such directions as he thinks fit as to any matter relating to the management of that fund or as to the carrying of sums to the credit thereof.

(4) A direction given under the last foregoing subsection shall be complied with by the Authority, but any such direction shall cease to have effect upon the aggregate amount of the moneys standing to the credit of the reserve fund ceasing to be such as is mentioned in that subsection.

(5) Subject to any direction under subsection (3) of this section, the Authority shall have power to apply moneys comprised in the reserve fund as hereinafter described, but not otherwise, that is to say,—

- (a) to the purpose of meeting any charges to be defrayed out of the revenues of the Authority (other than the carrying of moneys to the said fund) to the extent to which those revenues are insufficient to meet those charges, and
- (b) with the consent of the Minister, to any other purpose of the Authority.

**Duty of the Authority to make proper charges to revenue account.**

43. The Authority shall charge to revenue account in every accounting period all charges which are proper to be made to revenue account, including, in particular, proper allocations to the reserve fund, proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, and any reference in this Act to sums properly chargeable to revenue account shall be construed accordingly.

44. Any excess of the revenues of the Authority for any Application accounting period over the total sums properly chargeable by of revenues. the Authority to revenue account for that period shall, if, and to the extent to which, the Minister (with the approval of the Treasury and after consultation with the Authority) so directs, be paid into the Exchequer, and so far as not so paid shall be applicable for such purposes of the Authority as they may determine.

45. The Authority may invest any sums in their hands which Powers of are not for the time being required by them for the purposes of investment. their business in any securities in which trustees are by law authorised to invest trust moneys.

### *Reports, Accounts and Returns*

46.—(1) The Authority shall, as soon as possible after the end Reports, of each of their accounting periods, make a full report to the accounts and returns. Minister on the exercise and performance by them of their powers and duties during that period.

(2) The Authority shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting period a statement of accounts in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.

(3) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Minister, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(4) The report required by subsection (1) of this section for any accounting period shall set out any direction given to the Authority under section thirty-seven or forty-two of this Act during that period and shall include such information relating to the plans, and past and present activities, of the Authority and the financial position of the Authority, as the Minister may from time to time direct.

(5) There shall be attached to the said report for each accounting period a copy of the statement of the accounts in respect of that period and a copy of any report made on the statement by the auditors.

(6) The Authority shall furnish to the Minister such returns or other information relating to the property or activities or proposed activities of the Authority as the Minister may from time to time require, and shall afford him facilities for the verification of information furnished by them in such manner and at such times as he may require.

(7) The Minister shall lay a copy of each report made to him under subsection (1) of this section and of the statement attached thereto before each House of Parliament, and copies of each such report and statement shall be made available to the public at a reasonable price.

Disqualifica-  
tion of  
members of the  
Authority for  
membership of  
the House of  
Commons.

#### *Supplemental Provisions*

47. Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, with the insertion after the entry relating to the Council on Tribunals of the words:—

“The Covent Garden Market Authority”.

Registration  
of restrictions  
under sections  
21 and 25.

48.—(1) It shall be the duty of the proper officer of the council of the local authority within whose area any of the land affected by a restriction imposed by section twenty-one of this Act, or by regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, is situated to register the restriction in the register of local land charges in like manner as if it were a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section.

(2) It shall be the duty of the Authority as soon as may be after the making of any regulations imposing a restriction affecting land and having effect by virtue of paragraph (c) of subsection (1) of the said section twenty-five to notify the proper officer of the local authority within whose area the land is situated of the restriction, and to furnish him with all necessary information relating thereto.

(3) A registration of any such restriction as is referred to in the last foregoing subsection may be cancelled on the cesser thereof in like manner as a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section, and section seventeen (except subsection (3) thereof) of that Act (which section relates

to official certificates of search) and any regulations for the time being in force made under that Act, so far as they relate to the form of an official certificate of search under the said section seventeen, shall have effect as if any entry made in the register of local land charges by virtue of this section were made therein by virtue of the said Act of 1925.

(4) In this section—

“local authority”, in relation to land in a county borough, county district or metropolitan borough, means the council of the borough or district, and, in relation to land in the City of London, means the Common Council of the City;

“proper officer” in relation to the council of a county borough, county district or metropolitan borough, means the clerk, or the person for the time being authorised to act as clerk, of the council, and in relation to the Common Council of the City of London, means the town clerk, or the person for the time being authorised to act as town clerk, of the City.

**49.** Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which provides for the holding of inquiries for the purposes of that Act) shall apply to an inquiry held under subsection (3) of section twenty-six of this Act or subsection (2) of section twenty-eight thereof as they apply to an inquiry held under the said section two hundred and ninety, subject to the following modifications, namely,—

- (a) for references to a department, there shall be substituted references to the Minister;
- (b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted.

**50.**—(1) Any document required or authorised by, or by virtue of, this Act to be given to or served on a person may be given or served either by delivering it to him, or by leaving it at his proper address, or by post. Provisions as to service of documents.

(2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if it is given to or served on the secretary or clerk of the company or body.

(3) For the purposes of this section, and of the application thereof of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the

registered or principal office of the company or body, and in any other case be the last known address of the person to or on whom the document is to be given or served:

Provided that where the person to or on whom a document is to be given or served has furnished an address for service, being an address in the United Kingdom, his proper address for those purposes shall be the address so furnished.

(4) If it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of land to or on whom any such document is to be given or served, the document shall be deemed to have been duly given to or served on him by addressing it to him by the description of "owner" or "occupier" of the land (describing it) to which it relates and by delivering it to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Limitation of  
exercise, out-  
side Covent  
Garden Area,  
of Authority's  
powers.

**51.** Nothing in this Act shall authorise the Authority to provide outside the Covent Garden Area facilities for the making of contracts for the sale or exchange of horticultural produce or any other market facilities, and the Authority shall not permit the use of any storage facilities which may be provided by them outside that Area, or of any premises in which storage facilities are so provided by them, for the purpose of the making of such contracts or of other dealing in horticultural produce.

Saving for  
planning  
control.

**52.** For the purposes of subsection (1) of section one hundred and eighteen of the Town and Country Planning Act, 1947 (which relates to the application of that Act to land regulated by special enactments) this Act shall be deemed to be an enactment in force at the passing of the said Act of 1947.

Interest  
provisions  
of this Act to  
prevail as  
regards  
compensation  
under sections  
8 to 10, and 12.

**53.** Neither any rule under the Lands Tribunal Act, 1949, enabling a direction to be given that a sum awarded shall carry interest, nor section twenty of the Arbitration Act, 1950, shall apply to a sum payable by way of compensation under section eight, nine, ten or twelve of this Act.

Meaning of "the  
Covent Garden  
Area" and "the  
prohibited area",  
and proof of  
extent of first-  
mentioned area.

**54.—(1)** In this Act—

(a) "the Covent Garden Area" means the area enclosed by the continuous red line on the map marked with the designation "the Covent Garden Area" and signed in triplicate by Alfred Roy Wise, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was committed, of which one copy has been deposited in the Private Bill Office of

the House of Commons, another copy has been deposited in the Office of the Clerk of the Parliaments and the third copy has been retained by the Minister ;

- (b) " the prohibited area " means so much of the area enclosed by the circumference of a circle, whose centre is at the point marked " A " on the map aforesaid (whereof the Ordnance Survey national grid co-ordinates are 530,407 East and 181,188 North) and the length of whose radius is three quarters of a mile, as lies outside the Covent Garden Area.

(2) The map mentioned in the foregoing subsection shall be for the purposes of this Act conclusive evidence of the extent of the Covent Garden Area ; and a copy of that map purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

**55.—(1) In this Act—**

" accounting period " means the period beginning with the constitution of the Authority and ending with such day falling not more than fifteen months later as the Authority may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Authority may determine ;

General  
interpretation  
provisions.

" the Authority " means the Covent Garden Market Authority ;

" the Company " means Covent Garden Market Limited ;

" container " means a portable container, whether rigid or not, and includes a tray ;

" the deposited plans " has the meaning assigned to it by the seventh recital of the preamble to this Act ;

" functions " includes powers and duties ;

" horticultural produce " means—

(a) fresh fruit, dried fruit, frozen fruit and fruit preserved in airtight containers ;

(b) fresh vegetables, dried vegetables, frozen vegetables and vegetables preserved in airtight containers ;

(c) fresh herbs and dried herbs ;

(d) fresh edible fungi, dried edible fungi and edible fungi preserved in airtight containers ;

(e) nuts ;

(f) cut flowers ;

(g) dried flowers ;

- (h) decorative foliage ;
  - (i) Christmas trees ;
  - (j) pot plants, bedding plants and herbaceous plants ;
  - (k) flowering trees and shrubs (whether flowering or not) ; and
  - (l) seeds, bulbs, corms, tubers and seed potatoes ;
- “ the Improvement Act ” has the meaning assigned to it by the fourth recital of the preamble to this Act ;
- “ the Letters Patent ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ market facilities ” has the meaning assigned to it by sub-section (1) of section sixteen of this Act ;
- “ the market lands ” has the meaning assigned to it by section two of this Act ;
- “ the Minister ” means the Minister of Agriculture, Fisheries and Food ;
- “ the Piazza ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ stand ” includes a stall and any other fitting for the exposure of horticultural produce for sale or by way of sample ;
- “ storage facilities ” has the meaning assigned to it by sub-section (3) of section sixteen of this Act ;
- “ the vesting day ” has the meaning assigned to it by section two of this Act ;

and references in this Act to selling by wholesale shall be construed generally and not as limited to selling to a person who buys in order to sell again.

(2) For the purposes of this Act a building intersected by the circumference of the circle referred to in paragraph (b) of sub-section (1) of the last foregoing section shall be treated as being outside the prohibited area.

Short title.

**56.** This Act may be cited as the Covent Garden Market Act, 1961.



## SCHEDULES

## FIRST SCHEDULE

## Section 1.

INCIDENTAL PROVISIONS WITH RESPECT TO THE COVENT GARDEN  
MARKET AUTHORITY

1. The Authority shall be a body corporate with perpetual succession and a common seal.

2.—(1) Each member of the Authority shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) A person who has held office as a member of the Authority shall be eligible for reappointment.

3. The Authority may act notwithstanding a vacancy among the members of the Authority, and no act of the Authority shall be deemed to be invalid by reason only of a defect in the appointment of any of the members.

4. In the case of an equality of votes at a meeting of the Authority, the chairman of the meeting shall have a second or casting vote.

5.—(1) A member of the Authority shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a licence from the Authority under this Act or an application for such a licence, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge:

Provided that nothing in this sub-paragraph applies to an interest in stock or debentures issued by the Authority.

(2) A disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Authority, and that member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, licence or application, and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

6. The Authority may appoint such advisory committees as they think fit to consider such matters with which the Authority may be concerned as they may specify and to report thereon to the Authority, and any such committee may comprise persons who are not members of the Authority.

7. Subject to the foregoing provisions of this Schedule, the Authority may determine their own quorum and procedure and the quorum and procedure of committees appointed by them under the last foregoing paragraph.

## 1ST SCH.

8.—(1) The Authority shall appoint a secretary and may appoint such other officers and such servants as the Authority may determine.

(2) The Authority shall—

- (a) pay to their officers and servants such remuneration as they may determine, and
- (b) as regards any officers or servants in whose case it may be determined by the Authority with the approval of the Minister so to do, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

9. The application of the seal of the Authority shall be authenticated by the signatures of the chairman of the Authority or some other member thereof authorised by the Authority to authenticate the application of the seal thereof and of the secretary or some person authorised by the Authority to act in his stead in that behalf.

## Section 14.

## SECOND SCHEDULE

## PENSIONS SCHEMES

## PART I

## DEEDS, RULES AND POLICIES

*The Scheme of 1957*

Trust deed dated 1st July, 1957, whereto the parties were the former company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Supplemental deed dated 3rd April, 1958, whereto the parties were the former company, the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Definitive deed dated 17th December, 1958, whereto the parties were the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Rules of the Market Staff Pension and Assurance Scheme contained in the Schedule to the said deed of 17th December, 1958.

Group Life Policy No. 2576200 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 an assurance on the lives therein described.

Group Pension Annuity Policy No. 231915 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 the pension annuities therein described.

*The Scheme of 1937*

Deed dated 1st November, 1937, whereto the parties were the former company, and Louis Nicholas, William George Irving and Stanley Ebenezer Burrows.

Rules of the Pension and Assurance Scheme of Covent Garden Properties Company Limited contained in the Schedule to the said deed of the 1st November, 1937.

2ND SCH.

Deed supplemental to the said deed of 1st November, 1937, and dated 24th August, 1951, whereto the parties were the former company and Henry Roderick Moore, Stanley Ebenezer Burrows and Charles Percy Heselden.

Deed supplemental to the said deed of 1st November, 1937, and dated the 6th October, 1958, whereto the parties were the former company, the Company and Henry Roderick Moore, John Max Keyworth and John Marsh.

Group Pension Policy No. 141892 dated 8th December, 1937, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1937 the pensions therein described.

*Pension Arrangement for Benefit of John Marsh*

Agreement, dated 21st June, 1956, whereto the parties were the former company and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Life Policy No. 218536 dated 12th February, 1958, whereby the Eagle Star Insurance Company Limited granted an assurance on the life of John Marsh to the former company.

Agreement supplemental to the said agreement of 21st June, 1956, and dated 6th October, 1958, whereto the parties were the former company, the Company, and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Assignment of the last-mentioned life policy, dated 6th October, 1958, whereto the parties were the former company, John Marsh, and the Company.

**PART II**

**FINANCIAL ADJUSTMENTS**

**1.—(1) The Government Actuary shall ascertain—**

- (a) the value of any payments due before the vesting day under the Scheme of 1957 from the Company to the trustees of the said Scheme which remain outstanding on that day, being payments in respect of contributions from members of the Scheme or additional sums to secure pension benefits under the Scheme ;
- (b) the value of so much of any payments due before the vesting day by way of premium on any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh as is attributable to any period before that day, being payments which remain outstanding on that day and which the Company is liable to make under either of those Schemes or the said pension arrangement ;

## 2ND SCH.

(c) the value of any of the costs, charges and expenses incurred before the vesting day by the trustees of the Scheme of 1957 and the trustees of the Scheme of 1937 in or about the execution of the trusts of those Schemes, which have not been paid by the Company in pursuance of the obligation imposed on them so to do by those Schemes, and

(d) the value, on the vesting day, of the aggregate of the amount of the premiums described as "special annual premiums" (being premiums for the provision of pension annuities corresponding to pensions in respect of service with the Company before the date of commencement of the Scheme of 1957) payable on or after the vesting day under the said Group Pension Annuity Policy No. 231915.

(2) If it appears to the Government Actuary that any payments have been made before the vesting day by the Company—

(a) to the trustees of the Scheme of 1957 or the Scheme of 1937, or on their account ; or

(b) by way of premium in respect of any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh (other than premiums referred to in head (d) of the foregoing sub-paragraph),

being payments in respect of a period any part of which falls after that day, the Government Actuary shall ascertain the value of so much of those payments as is attributable to that part of that period.

(3) The Government Actuary shall certify to the Company and the Authority the values ascertained by him under the foregoing sub-paragraphs, and there shall be paid to the Authority by the Company a sum equal to the aggregate of the values ascertained under heads (a) to (d) of sub-paragraph (1) of this paragraph after deduction therefrom of a sum equal to any value ascertained under sub-paragraph (2) of this paragraph, or, if the last-mentioned sum exceeds the first-mentioned sum, the amount of that excess shall be paid by the Authority to the Company.

2.—(1) If an actuary is appointed by the Company for the purposes of this Part of this Schedule before the Government Actuary has given his certificate under the foregoing paragraph, the Government Actuary shall, before giving any such certificate, consult with the actuary so appointed.

(2) Any sum falling to be paid by virtue of sub-paragraph (3) of the foregoing paragraph may be recovered as a simple contract debt in any court of competent jurisdiction.

3. Notwithstanding the provisions of subsection (1) of section fourteen of this Act, any payments described in head (a) or (b) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, and any costs, charges and expenses described in head (c) of the said sub-paragraph (1), being payments or, as the case may be, costs, charges and expenses the value of which, or in the case of a payment described in the said head (b), a part of which, is certified

by the Government Actuary in accordance with the said paragraph 1, shall be made or discharged by the Authority and the Company shall be freed from any liability in respect thereof. 2ND SCH.

### THIRD SCHEDULE

Section 29.

CIRCUMSTANCES THAT MAY BE SPECIFIED IN A SCHEME UNDER SECTION 29 AS BEING THOSE IN WHICH A SALE IS TO BE ASSUMED TO HAVE BEEN MADE

1. That the price is the sole consideration for the sale.
2. That any commission or other costs, charges or expenses incidental to the making of the contract of sale are to be paid by the seller.
3. That, if the produce is imported, any duties of customs chargeable on the importation have been paid.
4. That the price includes the cost of delivery to the buyer at his place of business and of insurance and other costs, charges and expenses incidental to such delivery.
5. That neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the produce.
6. That there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale.

### FOURTH SCHEDULE

Section 33.

#### CONSTITUTION OF THE COVENT GARDEN MARKET MANAGEMENT COMMITTEE

1. The Covent Garden Market Management Committee (hereafter in this Schedule referred to as "the Management Committee") shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and fourteen other persons so appointed.

2.—(1) Of the members of the Committee other than the chairman and those who are officers of the Authority—

- (a) seven shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in the Covent Garden Area the business of selling, whether as principals or as agents, horticultural produce by wholesale;
- (b) seven shall be persons appearing to the Authority to be capable of representing the interests of persons who, in the course of business carried on in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in head (a) of this subparagraph and persons who, in the course of business so carried on, buy horticultural produce from, or through the agency of, such persons as are so mentioned.

## 4TH SCH.

(2) Of the seven persons mentioned in head (a) of the foregoing sub-paragraph one shall be a person appearing to the Authority to be capable of representing the interests of those who grow what they sell and two shall be persons who appear to the Authority to have an adequate knowledge of the business of growing flowers for sale and of the business of selling flowers grown for sale.

(3) Of the seven persons mentioned in head (b) of sub-paragraph (1) of this paragraph two shall be persons carrying on in the United Kingdom business which consists of, or includes, the sale of horticultural produce otherwise than by wholesale.

(4) The appointment under this Schedule of a person as capable of representing the interests of any persons shall not be made except after consultation with such bodies as appear to the Authority to represent the interests of those persons.

## Section 36.

## FIFTH SCHEDULE

INCIDENTAL PROVISIONS WITH RESPECT TO THE COMMITTEES  
CONSTITUTED BY SECTIONS 33 TO 35

1.—(1) An appointed member of the Committee shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) Such a member shall be eligible for reappointment.

2. The Committee may act notwithstanding a vacancy among the members thereof, and no act of the Committee shall be deemed to be invalid by reason of a defect in the appointment of any of the members.

3. In the case of an equality of votes at a meeting of the Committee, the chairman of the meeting shall have a second or casting vote.

4. Subject to the last foregoing paragraph the Committee may determine their own quorum and procedure.

5. The Authority shall provide the Committee with the services of such of the officers and servants of the Authority and with such office accommodation as the Committee may reasonably require.

6. The Authority shall defray any expenses reasonably incurred by the Committee.

7. The Authority may pay to the appointed members of the Committee such travelling and subsistence allowances as the Authority may determine.

8. A dispute arising under paragraph 5 of this Schedule as to the reasonableness of any requirement or under paragraph 6 of this Schedule whether expenses were reasonably incurred shall be determined by the Minister.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
"An Act for regulating Covent Garden Market " (1813) ... ..	53 Geo. 3. c. lxxi.
" The Improvement Act " (1828)... ..	9 Geo. 4. c. cxiii.
Local Loans Act, 1875 ... ..	38 & 39 Vict. c. 83.
Interpretation Act, 1889 ... ..	52 & 53 Vict. c. 63.
Public Trustee Act, 1906 ... ..	6 Edw. 7. c. 55.
Acquisition of Land (Assessment of Compensation) Act, 1919 ... ..	9 & 10 Geo. 5. c. 57.
Trustee Act, 1925 ... ..	15 & 16 Geo. 5. c. 19.
Land Charges Act, 1925 ... ..	15 & 16 Geo. 5. c. 22.
Local Government Act, 1933 ... ..	23 & 24 Geo. 5. c. 51.
National Loans Act, 1939 ... ..	2 & 3 Geo. 6. c. 117.
Borrowing (Control and Guarantees) Act, 1946... ..	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act, 1947 ... ..	10 & 11 Geo. 6. c. 51.
Companies Act, 1948 ... ..	11 & 12 Geo. 6. c. 38.
Lands Tribunal Act, 1949 ... ..	12, 13 & 14 Geo. 6. c. 42.
Arbitration Act, 1950 ... ..	14 Geo. 6. c. 27.
House of Commons Disqualification Act, 1957 ... ..	5 & 6 Eliz. 2. c. 20.

## CHAPTER 50

### ARRANGEMENT OF SECTIONS

#### *Control of pre-1951 discharges*

##### Section

1. River board's consent for pre-1951 discharges.
2. Protection while applications are being dealt with.
3. Furnishing of information.

#### *Exemption for discharges which comply with conditions*

4. Protection for persons complying with conditions.

#### *General provisions as to conditions and consents governing discharges and new outlets*

5. Review and variation of conditions governing discharges and new outlets.
6. Appeals to Minister.
7. Other provisions relating to discharges and new outlets.

#### *Miscellaneous and supplemental*

8. Proceedings under section 2 of principal Act.
9. Estuaries and tidal waters.
10. Samples of effluent.
11. Restriction on proceedings.
12. Restriction of disclosure of information.
13. Interpretation and construction.
14. Financial provisions.
15. Short title, citation, extent, repeals and commencement.

#### SCHEDULES:

First Schedule—Statement to be included in consents and notices.

Second Schedule—Repeals.