STATUTORY INSTRUMENTS

1976 No. 532

LAND DRAINAGE

The Anglian Water Authority (Padnal and Waterden Internal Drainage District) Order 1976

Made - - - -	*9th February* 1976
Coming into Operation	*26th March* 1976

Whereas the Anglian Water Authority prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation a Scheme (hereinafter called "the Scheme") under section 4(1)(*b*) of the Land Drainage Act 1930(a), as amended and applied by the Water Act 1973(b), in relation to the Padnal and Waterden Internal Drainage District:

And whereas the Minister has decided to confirm the Scheme, a copy of which is annexed hereto:

Now, therefore, the Minister, in exercise of the powers conferred upon him by sections 4(3) and 14 of the Land Drainage Act 1930, as applied by the Water Act 1973, and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Anglian Water Authority (Padnal and Waterden Internal Drainage District) Order 1976, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Scheme is hereby confirmed.

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Anglian Water Authority and shall be part of the administrative expenses of that Authority.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th February 1976.

(L.S.)

(Sgd.) *A. F. Longworth*,
Assistant Secretary.

(a) 1930 c. 44. (b) 1973 c. 37. (c) 1889 c. 63.

LAND DRAINAGE ACT 1930

WATER ACT 1973

ANGLIAN WATER AUTHORITY

PADNAL AND WATERDEN INTERNAL DRAINAGE DISTRICT

The Anglian Water Authority (hereinafter called "the Water Authority") in pursuance of section 4(1)(*b*) of the Land Drainage Act 1930 (hereinafter called "the Act of 1930"), as amended and applied by the Water Act 1973, have prepared the following Scheme making provision for certain matters mentioned in the said section, vi.:—

(i) the alteration of the boundaries of the internal drainage districts now respectively commonly known as "the Padnal and Waterden Fens Drainage District (Upper Division)" and "the Padnal and Waterden Fens Drainage District (Lower Division)" (together hereinafter called "the existing Districts");

(ii) the abolition of the Padnal and Waterden Commissioners;

(iii) the amalgamation of the existing Districts as altered;

(iv) the constitution of a new internal drainage board for the internal drainage district formed by such amalgamation;

(v) matters supplemental thereto or consequential thereon;

And the Water Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the Act of 1930.

SCHEME

1. This Scheme shall come into operation on a day to be appointed by the Minister and such day is hereinafter called "the appointed day".

2. On the appointed day the boundaries of the existing Districts being the drainage districts constituted by or under the Act 7-8 Geo. IV Sessions 1826-27 (An Act for the Improvement of the Drainage and Navigation of the South Level of the Fens) (hereinafter referred to as "the Act of 1827") shall be altered as follows, that is to say,—

(1) the boundaries of the Padnal and Waterden Fens Drainage District (Upper Division) shall be altered so as (*a*) to include within that internal drainage district all those lands now situate in the parish of Ely in the County of Cambridgeshire which are shown coloured pink hatched red on the map (hereinafter referred to as "the sealed map") sealed by the Water Authority in relation to this Scheme and (*b*) to exclude from that internal drainage district all those lands now situate in the said parish of Ely which are shown coloured pink hatched purple on the sealed map; and

(2) the boundaries of the Padnal and Waterden Fens Drainage District (Lower Division) shall be altered so as to include within that internal drainage district all those lands now situate in the parish of Littleport in the said County of Cambridgeshire which are shown coloured green hatched red on the sealed map to the effect that consequent upon such alterations as aforesaid the Padnal and Waterden Fens Drainage District (Upper Division) shall comprise the lands situate in the said parish of Ely which are shown coloured in part pink and in part pink hatched red on the sealed map and the Padnal and Waterden Fens Drainage District (Lower Division) shall comprise the lands situate in the said parishes of Ely and Littleport which are shown in part green and in part green hatched red on the sealed map.

3. The Padnal and Waterden Commissioners (hereinafter called "the Commissioners") constituted by the Act of 1827 as amended by section 19 of the South Level and Eau Brink Act 1893(a) (hereinafter called "the Act of 1893") shall be abolished.

(a) 1893. c.12

4. The existing Districts as altered as aforesaid shall be amalgamated and shall constitute one internal drainage district which shall be known as "the Padnal and Waterden Internal Drainage District" (hereinafter called "the Internal Drainage District").

5. There shall be constituted a drainage board for the Internal Drainage District under the name of "the Padnal and Waterden Internal Drainage Board" (hereinafter called "the Internal Drainage Board") consisting of fifteen members who, with the exception of the first members, shall be elected in accordance with the provisions of section 33 of, and the Third Schedule to, the Act of 1930, as amended by the Land Drainage Act 1961(a). The first members of the Internal Drainage Board shall be appointed by the Minister and shall hold office until the expiration of one year from the first day of November next following the day on which they are appointed.

6. On the appointed day there shall be transferred to and be vested in or be discharged by the Internal Drainage Board all such property, rights, powers, duties and liabilities as were immediately before the appointed day vested in or to be discharged by the Commissioners in relation to the existing Districts except all rights, powers, duties and liabilities of the Commissioners under the enactments and Order specified in the Schedule hereto.

7. On the appointed day the rights and powers of the Commissioners under the section of the Act of 1827 which provides that it should be lawful for (inter alia) the Commissioners to destroy or cause to be destroyed all such moles or other vermin as shall be found on or about the lands therein mentioned shall be transferred to and be vested in and be exercisable by the Internal Drainage Board in respect of the whole of the Internal Drainage District and for the purpose of this Scheme such section shall have effect as if the references in that section to the Padnal and Waterden Commissioners were references to the Internal Drainage Board and as if for the words from "the said lands and grounds severally intended" to "lying near thereto" there were substituted the words "the Padnal and Waterden Internal Drainage District" and for the words "the said lands and grounds and the lands and banks adjoining thereto, or any of them" there were substituted the words "any land situate within the said Internal Drainage District".

8. All arrears of rates made before the appointed day in respect of any land within the Internal Drainage District by the Commissioners in respect of any period or periods ending before the appointed day, together with any penalties incurred in respect thereof may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.

9. All property and liabilities transferred to the Internal Drainage Board under paragraph 6 of this Scheme in respect of which immediately before such transfer some part only of the Internal Drainage District was entitled to receive the benefit or was liable shall, as to both capital money and income or interest, be applied to the benefit of, or be payable out of the rates levied only upon, that part of the Internal Drainage District, as the case may be:

Provided that the Internal Drainage Board may, subject to the approval of the Water Authority, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.

10. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment or deed of transfer.

11. The accounts of the Commissioners shall be made up to the appointed day and copies thereof forthwith sent to the Internal Drainage Board.

12. Copies of the minutes of each meeting of the Internal Drainage Board shall be delivered to the Water Authority within 28 days after such meeting.

(a) 1961 c. 48.

SCHEDULE

(1) Such of the provisions of the Act of 1827 as relate to the Commissioners and such of those provisions as relate to the Commissioners and other drainage or navigation commissioners, except the section specified in paragraph 6 of the Scheme, but in so far only as they relate to or affect the Commissioners;

(2) The Act of 1893, Part III—section 19;

(3) The Padnal and Waterden Fens Drainage Order 1921 sealed by the Minister on 12th January 1921 and confirmed by the said Minister on 2nd March 1921.

Dated 13th October 1975.

THE COMMON SEAL of the ANGLIAN WATER AUTHORITY was hereunto affixed in the presence of:— (L.S.)

(Sgd.) *G. L. Sturgess*,
Director of Administration.

Whereas the foregoing Order has been published by the Minister of Agriculture, Fisheries and Food in accordance with the procedure prescribed by the Land Drainage Act 1930:

And whereas no memorial against the Order has been presented to the Minister:

Now, therefore, the Minister, in pursuance of the powers in the said Order recited, hereby confirms the said Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th March 1976.

(L.S.)

(Sgd). *A. F. Longworth*,
Assistant Secretary.

Whereas the Scheme confirmed by the Anglian Water Authority (Padnal and Waterden Internal Drainage District) Order 1976 provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture, Fisheries and Food:

Now, therefore, the Minister of Agriculture, Fisheries and Food hereby appoints the 1st April 1976 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th March 1976.

(L.S.)

(Sgd.) *A. F. Longworth*,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made by the Minister of Agriculture, Fisheries and Food, confirms a Scheme submitted to him by the Anglian Water Authority for the alteration of the boundaries of, and the amalgamation of, the internal drainage districts respectively commonly known as the Padnal and Waterden Fens Drainage District (Upper Division) and the Padnal and Waterden Fens Drainage District (Lower Division). The internal drainage district resulting from the amalgamation is to be known as the Padnal and Waterden Internal Drainage District.

The Scheme also provides for the constitution of a new internal drainage board to be known as the Padnal and Waterden Internal Drainage Board and for the abolition of the Padnal and Waterden Commissioners, and contains consequential provisions.

The map mentioned in the Scheme is available for inspection during office hours at the offices of the Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, and a certified copy thereof may be inspected during office hours at the offices of the Anglian Water Authority, Great Ouse House, Clarendon Road, Cambridge CB2 2BL, and at the offices of the Padnal and Waterden Internal Drainage Board.