CHAPTER xvii.

An Act to make provision for the better drainage of a certain area drained by the Rivers Don, Went, Torne, Aire, Ouse, and Trent; and for purposes connected therewith. A.D. 1929.

[10th May 1929.]

WHEREAS it is expedient to make provision for the better drainage of a certain area drained by the Rivers Don, Went, Torne, Aire, Ouse and Trent (being the area bounded by a red line on the deposited map), and for that purpose (among other things) to constitute the said area, subject to the provisions of this Act, a separate drainage district for the purposes of Part II of the Land Drainage Act, 1861, and to make provision for requiring persons working mines under the said area to execute and provide for the maintenance of such drainage works as are rendered necessary by subsidence due to the working of the mines: 24 & 25 Vict. c. 133.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSTITUTION OF DONCASTER DRAINAGE DISTRICT AND POWERS OF DONCASTER DISTRICT DRAINAGE BOARD.

Constitution of Doncaster Drainage District and

1.—(1) The district consisting of the area bounded by a red line on the deposited map, including such part of the foreshore of any tidal river as lies between

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the river and such of its banks as are within the said area, but excluding—

(*a*) all dock or river walls and jetties situate on the River Ouse and the dock estate belonging to the undertakers of the Aire and Calder Navigation at Goole, but not including Murram Lane drain outfall sluice; and

(*b*) the area known as Hatfield Moor, except such part or parts thereof, if any, as has or have ceased to be used for the purpose of the extraction of peat and will if drained be fit to be used for some other purpose; and

(*c*) any area for the time being occupied by or in the possession of the British Moss Litter Company Limited or their successors or assigns and used or intended to be used by them for the extraction of peat; and

(*d*) the reclaimed land between the training wall and the flood bank which forms the northern boundary of the Goole Fields Drainage District,

shall, by virtue of this Act, be constituted for the purposes of Part II of the Land Drainage Act, 1861, as amended by any subsequent enactments, a separate drainage district by the name of "the Doncaster Drainage District" (in this Act referred to as "the Doncaster district").

(2) The drainage board for the Doncaster district shall be known as "the Doncaster District Drainage Board" and shall be constituted in manner provided by Part I of the First Schedule to this Act.

(3) The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the members and the proceedings of the said Board.

(4) The said Board is in this Act referred to as "the Central Board."

Transfer to Central Board of functions of county councils with respect

2.—(1) All powers, duties and obligations with respect to the drainage of land which, by virtue of the Land Drainage Act, 1926, are vested in or required to be performed by the council of any county or county borough, any part of the area of which is comprised in the Doncaster district, but excluding any power to levy any rate other than a drainage rate and any power to

borrow money, shall, by virtue of this Act, so far as they relate to land within the Doncaster district, be transferred to and become powers, duties and obligations of the Central Board:

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to land drainage.
16 & 17 Geo. 5. c. 24.

Provided that any expense which the Central Board may incur, by reason of the exercise by the Board of any powers conferred by subsection (1) (*a*) of section one of the Land Drainage Act, 1926, with respect to any drainage work under the control and jurisdiction of any district drainage board, may at the option of the Central Board be recovered direct from the district board as a civil debt.

(2) As from the commencement of this Act the West Riding of Yorkshire County Council (Drainage) Act, 1923, shall, subject to the provisions of this section, cease to apply to such part of the administrative county of the West Riding of Yorkshire as is comprised within the Doncaster district.

13 & 14 Geo. 5. c. xcviii.

(3) Nothing in this section shall affect any orders made under section eleven of the West Riding of Yorkshire County Council (Drainage) Act, 1923, before the commencement of this Act, or transfer to the Central Board any powers, duties or obligations conferred or imposed by any such order on the West Riding of Yorkshire County Council.

(4) Nothing in this Act shall affect the liability of any land within the Doncaster district to be rated in respect of expenses which are incurred by the council of any county in connection with land drainage and are to be defrayed as payments for general county purposes.

General powers of Central Board.

3.—(1) The Central Board shall, for the purpose of the enactments relating to land drainage, have exclusive powers and jurisdiction with respect to such parts of the River Don, the River Torne and the Dutch River as lie within the Doncaster district, including the banks thereof, and also with respect to any main carrier drain, including the banks thereof, within the Doncaster district which is not situated entirely within the area of a district board, and shall have power to construct new works of arterial drainage within the Doncaster district.

(2) The Central Board shall have power to execute all such works and do all such things as are necessary for maintaining in repair the banks of any tidal river which are within the Doncaster district.

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(3) If any question arises under this section whether any existing drain is, or whether any proposed drain will if constructed be, a main carrier drain, or whether any proposed work will if constructed be a work of arterial drainage, the question shall be referred to the Minister and his decision shall be final.

(4) If any channels or banks in respect of which exclusive powers and jurisdiction are, by this Act, conferred on the Central Board, are at the commencement of this Act, vested in a district board, they shall, by virtue of this Act, vest in the Central Board.

Supervision by Central Board of district boards.

4.—(1) The Central Board shall exercise a general supervision with respect to the drainage of the Doncaster district, and, for the purpose of securing the efficient working and maintenance of existing drainage works within the Doncaster district and the construction of such new drainage works as may be necessary, may make such general or special orders as they consider right for the guidance, direction and control of the district boards, or any of them, in the exercise of their powers and duties as such, and all such orders shall be binding on the district boards.

(2) Without prejudice to the provisions of subsection (1) of this section—

(*a*) it shall not be lawful for any district board to construct within the Doncaster district new drainage works or to improve any existing drainage works without the consent (not to be unreasonably withheld) of the Central Board; and

(*b*) no district board shall, otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their area into any channel under the control of the Central Board except on such terms as may be agreed between the Central Board and the district board, or, as shall, in default of agreement, be determined by the Minister, whose determination shall be final.

(3) A district board which is aggrieved by any order made by the Central Board under this section may appeal to the Minister, and the Minister may on any such appeal give, either to the district board or to the Central Board,

such directions in the matter as he thinks proper, and it shall be the duty of the district board or the Central Board, as the case may be, to comply with any directions so given to it.

(4) If a district board makes default in complying with any directions given by the Minister, or order made by the Central Board, under this section, the Central Board shall have power themselves to execute any works and do any things which are, in their opinion, necessary in order to prevent or remedy any damage which may result or has resulted from that default, and shall be entitled to recover from the district board the amount of any expenses reasonably incurred by them in the exercise of the said power.

(5) If any question arises under this section whether the consent of the Central Board is unreasonably withheld or whether any expenses have been reasonably incurred by the Central Board in pursuance of this section, that question shall be referred to the Minister, whose decision shall be final.

Commutation of liabilities to maintain certain channels and banks. 8 & 9 Geo. 5. c. 17.

5.—(1) The Central Board shall take such steps as are necessary under sections thirty-four to thirty-six of the Land Drainage Act, 1861, as amended by section fourteen of the Land Drainage Act, 1918, for commuting as soon as is reasonably practicable the liabilities of all persons whatsoever with respect to the repair or maintenance of such parts of any of the channels (including the banks thereof) or banks specified in the Second Schedule to this Act as are within the Doncaster district, and the said sections as so amended shall have effect for the purposes of this section as if all the said liabilities were liabilities arising by reason of tenure, custom, prescription or otherwise within the meaning of the said section thirty-four.

(2) As from the date of commutation of the liabilities aforesaid, all powers and duties of the said persons with respect to the said channels (including the banks thereof) or banks shall cease, but subject to the provisions of subsection (1) of this section nothing in this Act shall diminish or affect any such liabilities.

Provision for transfer to Central Board of

6.—(1) With the approval of the Minister and of the Minister of Transport and subject as hereinafter provided, the Central Board may, with a view to improving the

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powers and duties of navigation authorities.

drainage of the Doncaster district, enter into arrangements with a navigation authority for any of the following purposes:—

(*a*) the transfer to the Board of the whole or any part of the undertaking of, or of any of the powers or duties of, or any property vested in, the navigation authority as such:

(*b*) the alteration or improvement by the Board of any of the works of the authority:

(*c*) the making of payments by the Board to the authority or by the authority to the Board in respect of any matters for which provision is made by the arrangement.

(2) Any arrangements made under this section shall, while in force, have effect for all purposes as if enacted in this Act, but without prejudice to the power to provide by any such arrangements for the variation or revocation thereof.

(3) Subject to the provisions of this section nothing in this Act shall operate to transfer to the Central Board any property vested in any navigation authority for navigation purposes, or any powers, duties or obligations conferred or imposed upon any navigation authority as such.

(4) Notice of the intention to enter into an arrangement shall be given to the Postmaster-General.

Power to vary awards.

7.—(1) Where any award made under any public or local Act contains any provision which in any manner affects or relates to land drainage in the Doncaster district (including any provision affecting the powers or duties of any district board or other person with respect to land drainage) the Central Board may, subject to the provisions of this section, by order revoke, vary or amend that provision.

(2) As soon as an order has been made under this section, the Central Board shall publish in one or more newspapers circulating in the Doncaster district a notice stating that the order has been made and that a copy thereof is open to inspection at a specified place, and shall send a like notice to the council of the county within which the land to which the order relates is situate.

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(3) An order made under this section shall not be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the order which may be made to him by any persons appearing to him to be interested, may approve the order with or without modifications.

(4) An order made under this section with respect to any award may—

(*a*) provide for commuting in the manner in which the liabilities to which section five of this Act applies are to be commuted, the liability of any person under the award to repair or maintain any drainage works;

(*b*) contain such incidental, consequential or supplemental provisions as appear to the Minister to be necessary or proper for the purpose of the order;

(*c*) be revoked or varied by a subsequent order made in accordance with the provisions of this section.

Scheme with respect to separate drainage boards and drainage districts in Doncaster district.

8.—(1) The Central Board shall, as soon as may be after the commencement of this Act, prepare and submit to the Minister for his approval schemes for constituting out of those portions of the Doncaster district which are not within the area of, and cannot conveniently be added to the district of, any district board which is in existence and discharging its functions at the commencement of this Act such number of drainage districts for the purposes of Part II of the Land Drainage Act, 1861, as the Central Board think proper.

(2) Provision may be made by any such scheme for—

(*a*) altering any boundaries of any drainage district in the Doncaster district;

(*b*) amalgamating the whole or any part of any existing drainage district in the Doncaster district with any other drainage district in the Doncaster district;

(*c*) constituting drainage boards for all or any of the separate drainage districts constituted by the scheme;

(*d*) any matter supplemental to, or consequential on, the matters aforesaid.

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(3) As soon as any such scheme has been submitted to the Minister the Central Board shall send copies thereof to any district boards affected thereby, and shall publish in one or more newspapers circulating in the Doncaster district a notice stating that the scheme has been submitted to the Minister and that a copy thereof is open to inspection at a specified place and that representations with respect thereto may be made to the Minister at any time within six weeks after the publication of the notice, and shall send a like notice to the councils of the counties within which the land affected by the scheme is situate.

(4) The Minister may, after considering any representations made to him under the last foregoing subsection, by order approve the scheme, with or without modifications.

(5) Any such scheme may from time to time be amended by a subsequent scheme prepared, submitted and approved in manner aforesaid, but subject as aforesaid, a scheme made under this section shall have effect as if enacted in this Act.

(6) If and so long as no provision is made for constituting a drainage board for any separate drainage district constituted under this section, the Central Board shall, in relation to that separate drainage district, exercise all such powers and perform all such duties as may be exercised or are to be performed by a drainage board.

PART II.

OBLIGATIONS OF MINEOWNERS IN RELATION TO WORKS NECESSITATED BY SUBSIDENCE.

Obligation of mineowners to execute works necessitated by subsidence.

9.—(1) Subject to the provisions of this Part of this Act, it shall be the duty of every mineowner working or proposing to work minerals under any lands situate within the Doncaster district, or so near thereto that the surface of any lands in the said district will or may be affected by the working of the minerals, to construct and maintain in proper condition such works and do such things as may, by reason of any subsidence which results or may result from the working of the minerals be requisite, in order to obviate or remedy, so far as having regard to all the

circumstances of the case is reasonably necessary, any loss of efficiency which has arisen or may arise in the drainage system and drainage works of the Doncaster district.

(2) It shall be the duty of every such mineowner to comply with such reasonable directions as may from time to time be given to him by the Central Board with respect to the construction or maintenance of any drainage works which he is required under this Part of this Act to construct or maintain, or with respect to the making of the necessary financial provision for securing the due construction of any such works, and the Central Board may at any time by notice require any such mineowner to prepare and to submit to the Board within such reasonable time as may be specified in the notice a scheme with respect to any works of construction or maintenance required to be executed by him in pursuance of his obligations under this Part of this Act.

(3) If at any time any mineowner makes default in fulfilling his obligations under this Part of this Act with respect to the construction or maintenance of any drainage works and it appears to the Central Board that serious damage has arisen by reason of the default or may arise unless the default is remedied forthwith, the Board may serve on the mineowner a notice requiring him to execute such works as appear to the Board to be necessary and are specified in the notice within such reasonable time as is so specified, and if a mineowner fails to comply with any such notice the Board may themselves execute the works specified in the notice and the mineowner shall be liable to pay to the Board all reasonable cost incurred by the Board in executing the said works.

A copy of any such notice shall be sent by the Central Board to any district board within whose area any of the works specified in the notice are to be executed.

(4) Every mineowner to whom this section applies shall, on being so required by the Central Board, give to the Board all such information as the Board may reasonably require with respect to the working or projected working of any such minerals as are mentioned in subsection (1) of this section and shall produce for the inspection of the Board all plans, sections and levels relating to the working of any such minerals.

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(5) Where it appears to the Central Board that any works required to be constructed, whether in whole or in part, by reason of subsidence, or apprehended subsidence, arising out of the working of minerals are of such a special character that it is inconvenient or inexpedient that they should be carried out by the mineowner, then, notwithstanding anything in this section the Board may, subject as hereinafter provided, themselves construct the works:

Provided that, except where, in order to prevent the occurrence of serious damage, it is necessary that the works should be constructed forthwith, the Board shall, before exercising their power under this subsection, give notice in writing to the mineowner of the general nature of the works which they propose to construct and of the estimated cost thereof, and if within one month after receipt of the notice the mineowner gives to the Board notice in writing that he objects to the works being constructed by the Board, the Board shall not exercise the said power except under and in accordance with an order of the Railway and Canal Commission.

(6) Where any works are constructed by the Board under subsection (5) of this section, the mineowner shall be liable to repay to the Board all reasonable costs incurred by the Board in carrying out the said works, or such proportion of those costs as is referable to that part of the works which was referable to the subsidence or apprehended subsidence.

(7) A mineowner shall, for the purpose of constructing or maintaining any works which under this Part of this Act he is required to construct or maintain, have all such powers of surveying and entering on any lands and of doing anything thereon as are by the enactments relating to land drainage vested in a drainage authority.

(8) Any two or more mineowners may act jointly for the purpose of the performance of their obligations under this Part of this Act.

(9) Any drainage authority may agree with any mineowner to execute, on his behalf, on such terms, as to payment or otherwise, as may be agreed between them, any works which are required under this Part of this Act to be executed by the mineowner for the purpose of or in connection with the drainage of the district of that authority.

(10) In the event of any change taking place in the ownership of a mine all rights and obligations under this Part of this Act which attached to the person who was the owner of the mine immediately before the change in the ownership shall, by virtue of this Act, be transferred to and become the rights and obligations of the new owner of the mine.

Establishment of funds by mineowners for maintenance of works.

10.—(1) Every mineowner who, under the provisions of the last foregoing section, is liable to construct any drainage works shall—

(*a*) establish and maintain such a fund as will in the opinion of the Central Board be sufficient to produce in perpetuity an income of such an amount as will be required to provide such sums as may from time to time be necessary for the maintenance, so far as is reasonably necessary, of the said works after the mine has permanently ceased to be worked;

(*b*) keep and, on demand, produce to the Central Board proper accounts showing the cost of maintaining the said works;

(*c*) on demand, produce to the Central Board such particulars as they may require with respect to the investments or securities constituting the fund and the persons in whom the fund is vested, and otherwise with respect to the sufficiency of the fund.

(2) Every fund established in pursuance of the requirements of this section shall, subject to the provisions of this section, be deemed to be held in trust for the Central Board.

(3) Until the mine permanently ceases to be worked the mineowner may, from time to time, with the consent of the Central Board, change the investments or securities constituting the fund, and any income arising therefrom shall belong to the mineowner for his own use.

(4) On the mine permanently ceasing to be worked, the persons in whom the fund is then vested shall, in accordance with such directions as may be given by the Central Board, transfer the fund to the Board, and the works constructed as aforesaid by the mineowner, in-

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cluding any plant belonging thereto, shall by virtue of this Act vest in and become the property of the Board, and thereupon the obligation of the mineowner to maintain the said works shall cease.

(5) The Central Board may, if they think fit, and subject to such conditions, if any, as they may impose, exempt from the requirements of this section any mineowner who shows to their satisfaction that he has made adequate provision by way of insurance or otherwise for securing that, on the mine permanently ceasing to be worked, a sum equal to the amount of the fund which would otherwise have been required to be maintained under this section will be paid to the Central Board.

Provisions with respect to enforcement of mineowners' obligations and settlement of disputes.

11.—(1) If any mineowner fails to comply with the requirements of this Part of this Act with respect to the construction or maintenance of any drainage works, or with the provisions of the last foregoing section of this Act, the Central Board may make complaint with respect thereto to the Railway and Canal Commission, and the Commission may hear and determine the complaint, and may order the mineowner, within such time as may be limited by the order, to make good the default, and the order shall be enforceable in like manner as any other order of the Commission.

(2) If any dispute arises under this Part of this Act between any mineowner and the Central Board as to—

(*a*) the reasonableness of any directions given to the mineowner by the Central Board with respect to the construction or maintenance of any works or the making of financial arrangements for securing the construction thereof;

(*b*) the amount of any costs to be paid by the mineowner to the Central Board in respect of any works constructed by them;

(*c*) whether any works, not being works whereof the immediate construction is necessary for the prevention of serious damage, are of such a character that they ought to be constructed by the Central Board in pursuance of subsection (5) of section nine of this Act notwithstanding that an objection has been duly made by the mineowner under the proviso to the said subsection;

(*d*) the reasonableness of any requisition or demand made by the Central Board upon the mineowner as to the keeping or furnishing of any information, particulars, accounts, plans, sections, levels or other documents;

(*e*) whether any mine has permanently ceased to be worked;

the dispute shall, on the application either of the Board or of the mineowner, be referred to the Railway and Canal Commission.

(3) The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, shall apply to the determination of any complaints made or disputes referred to the Railway and Canal Commission under this Part of this Act as if they were herein re-enacted and in terms made applicable to the provisions of this Part of this Act: 51 & 52 Vict. c. 25.

Provided that—

(*a*) on any proceedings before the Commission under this section any royalty owner, surface owner or other person appearing to the Commission to be interested shall be entitled to appear and be heard; and

(*b*) the discretion of the Commission with respect to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894. 57 & 58 Vict. c. 54.

Contribution by royalty owners towards costs incurred under this Part of this Act by mineowners.

12.—(1) Where in compliance with the provisions of this Part of this Act any costs are incurred by a mineowner in constructing or maintaining any drainage works required by reason of subsidence or apprehended subsidence due to the working of minerals, (including any sums paid by him towards any maintenance fund established by him), or where in pursuance of the said provisions a mineowner is required to pay to the Central Board any sum in respect of costs incurred by the Board in the execution of any such works, the mineowner shall be entitled to deduct from the royalties which any person is entitled to receive in respect of the minerals, such proportion of the costs so incurred or of the sum so paid as may be determined to be proper.

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(2) In ascertaining what is the proper proportion to be deducted under the foregoing subsection from any royalties, regard shall be had (amongst any other relevant considerations) to the terms of any contract between the mineowner and the royalty owner, and to the benefit, if any, accruing to the royalty owner by reason of the expenditure incurred by the mineowner in pursuance of his duties and liabilities under this Part of this Act.

(3) In any case in which the mineowner is entitled under the provisions of this section to make a deduction from royalties the sum reserved by and payable under the lease shall be deemed to be the net amount arrived at after making such deduction.

(4) Where it was a term of the grant to any person of the right to get or work minerals that that person should not be liable to the owner of the land overlying the minerals for any damage caused by subsidence due to the working of the minerals, the owner of the surface shall, in the event of the execution in pursuance of this Part of this Act of any works necessitated by the working of the minerals, be liable to repay to the mineowner or to the Central Board, as the case may be, such sum as represents the benefit derived by him as such owner by reason of the execution of the works.

(5) In default of agreement between a mineowner and a royalty owner as to the proper proportion to be deducted from any royalties under this section, or in default of agreement between a surface owner and a mineowner or the Central Board, as the case may be, as to any sum to be paid by the surface owner under this section, the question shall be referred to an arbitrator to be appointed by the Minister and the decision of the arbitrator shall be final.

PART III.

MISCELLANEOUS AND GENERAL.

Delegation of functions by Central Board to district boards.

13.—(1) Subject as hereinafter provided, the Central Board may, if they think fit, delegate to a district board, as agents for the Central Board, any of the functions of the Central Board under this Act so

far as those functions relate to the construction of works, or to works constructed, within the district of the district board : A.D. 1929.

Provided that—

(*a*) the power of the Central Board under this section shall not be exercised except with the consent of the district board concerned ; and

(*b*) any delegation under this section may be subject to such conditions as may be agreed between the Central Board and the district board; and

(*c*) nothing in this section shall apply to—

(i) the functions of the Central Board in connection with the general supervision of the drainage of the Doncaster district; or

(ii) the functions of the Central Board under Part II of this Act, except so far as relates to the construction and maintenance of any works required to be constructed or maintained under the said Part II; or

(iii) the power of the Central Board to make byelaws.

(2) So long as any functions of the Central Board are delegated to a district board under this section the district board shall, for the purpose of the discharge of those functions, have all such powers as, under this Act, are vested in the Central Board.

(3) The Central Board may, at any time revoke any delegation made under this section subject to such conditions as may be agreed between the Central Board and the district board or, in case of dispute, be determined by the Minister, whose decision shall be final.

Provisions as to rates levied on basis of value and rates on small hereditaments.

14.—(1) For the purposes of any rate levied by the Central Board or by any drainage board constituted under this Act on the basis of the value of the property rated, the following provisions shall have effect:—

(i) In the case of a hereditament not being agricultural land, the rates shall be assessed in the proportion of one fourth part only of the value of the hereditament;

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(ii) The value of lands used in connection with the working of minerals shall be computed without taking into account any special value attributable solely to the fact that they are, or are capable of being, so used ;

(iii) Lands comprised in a hereditament which is used as a railway constructed under the powers of any Act of Parliament for public conveyance shall be deemed to be of the same value and character as the lands immediately adjoining that hereditament, and if the lands adjoining on the one side and on the other are not of the same value and character, the lands comprised in the hereditament shall be treated as if they were divided into two parts by a line drawn along the centre thereof and each part shall be deemed to be of the same value and character as the lands adjoining that part.

(2) The Central Board shall not be required to enforce payment of any rate made on the basis of acreage on any hereditament of less than a quarter of an acre.

Provisions with respect to administrative expenses of Central Board.

15.—(1) An agreement may at any time be made between the Central Board and any district board providing that after the agreement comes into operation property situate within the district of that district board shall not be rateable by the Central Board in respect of the administrative expenses of the Central Board, and in the event of any such agreement being made and so long as it continues in force the following provisions shall have effect :—

(*a*) The Central Board shall not make a rate on any of the said property in respect of the administrative expenses of the Central Board, but in lieu thereof may from time to time require the district board by notice in writing to pay to the Central Board in respect of the said expenses a sum ascertained in the manner hereinafter provided and specified in the notice :

(*b*) The said sum shall be such an amount as bears to the total amount required to be raised in respect of the said expenses the same proportion as the acreage of the district of the district board bears to the acreage of that part of the district

of the Central Board within which property would, if no agreement were in force under this section, be rateable by the Central Board in respect of the said expenses :

(*c*) No such notice shall be invalid by reason only that the sum specified therein has been incorrectly computed, and, if the said sum is less than the amount properly payable by the district board, the Central Board may serve on the district board a supplemental notice requiring payment of the deficiency, or, if the said sum is in excess of the amount properly payable, shall repay the excess to the district board :

(*d*) The sum mentioned in a notice served under this section shall be paid by the district board to the Central Board on such date as is specified therein, and, if the said sum is not so paid on that date, the district board shall be liable to pay interest thereon at six per cent. per annum to the Central Board :

(*e*) Any sums paid by the district board to the Central Board under this section shall be treated as part of the administrative expenses of the district board :

Provided that so much of any rate levied by the district board as represents any such sum shall not be taken into account for the purposes of any limitation on the amount of the rates leviable by that board.

(2) Either party to an agreement made under this section may at any time serve on the other party notice to determine the agreement, and on the expiration of six months from the date on which the notice is given the agreement shall cease to be in force, without prejudice to the validity of any notice previously given thereunder or the powers and duties of the Central Board and the district board with respect to the rectification of any error in the amount of any such notice.

Recovery of drainage rates levied by Central Board.

16.—(1) Arrears of any rates levied by the Central Board may, instead of being recovered in manner provided by section seven of the Sewers Act, 1849, be recovered summarily as a civil debt.

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12 & 13 Vict. c. 50.

(2) Section seven of the Sewers Act, 1849, shall, so far as relates to drainage rates levied by the Central Board, have effect as if there were inserted therein after the words "leaving the same with some person for him" the words "or sending the same by registered post addressed to him."

Acquisition of land.

17. The provisions contained in the Land Drainage Act, 1861, with respect to the compulsory acquisition of land shall not apply in relation to the acquisition by the Central Board of land compulsorily for the purposes of this Act, and in lieu thereof the Central Board may be authorised to purchase land compulsorily for that purpose by means of an order submitted to the Minister and confirmed by him in accordance with the provisions of the Third Schedule to this Act.

Power of Central Board to enter and survey lands and inspect documents.

18.—(1) Any person authorised in that behalf by the Central Board may, for the purposes of this Act, at all reasonable times—

(*a*) enter and survey any lands within the Doncaster district and take levels thereof and inspect and examine into the condition of any drainage work thereon; and

(*b*) inspect and take copies of any Acts of Parliament, awards or other documents relating to land drainage in the possession of any drainage board or navigation authority which confer any powers or impose any duties on that authority.

(2) If any person obstructs or impedes any person so authorised in the execution of his duties, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

Saving for powers of district drainage boards.

19. It is hereby declared that, except as herein expressly provided, nothing in this Act shall be taken to affect the powers of a district board whose district, or any part of whose district, is situate within the Doncaster district.

Provisions in cases where Central Board ex-

20. If a complaint is made to the Minister by the council of any county, drainage board, navigation authority, mineowner, association of mineowners or any other persons appearing to the Minister to be interested in the

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matter of the complaint that the Central Board propose to act or have acted in excess of, or have failed properly to exercise, any of their powers, or have failed to perform any of their duties under this Act, the Minister may inquire into the complaint and (after consultation, in any case where any question as to mining or subsidence due thereto arises, with the Board of Trade), may give such directions in the matter as in the circumstances of the case appear to him to be proper, and it shall be the duty of the Central Board to comply with any directions so given.

Ceeds or fails to exercise powers.

21. The amount of the charges and expenses incurred by the Minister in or in connection with the application for, the obtaining and the passing of this Act shall on demand be repaid to him by the Central Board.

Cost of Act.

22.—(1) The Central Board may, subject to the provisions of this Act, make such byelaws as the Board consider necessary for securing the efficient working of such part of the drainage system in the Doncaster district as is under the control of the Board, and in particular may make byelaws for any of the following purposes (that is to say):—

Power of Central Board to make byelaws.

(*a*) Regulating the use and preventing the improper use of any channels or works vested in or under the control of the Board or for preserving any such channels or works from damage or destruction;

(*b*) Regulating the opening of sluices and floodgates in connection with any of the works aforesaid;

(*c*) Preventing the obstruction of any channel vested in or under the control of the Board by the discharge thereinto of any liquid or solid matter or by reason of any such matter being suffered to flow or fall thereinto;

(*d*) Preventing and remedying the fouling or contamination of water in watercourses vested in or under the control of the Board and for compelling the owners or occupiers to cut and remove the vegetable growths in any such watercourses;

(*e*) Prescribing anything to be prescribed for the purposes of this Act.

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(2) A byelaw made in pursuance of this section shall not be valid until it has been confirmed by the Minister, and shall not be confirmed until the expiration of at least one month after notice of intention to apply for the confirmation has been given by the Central Board to the councils of the counties in which any land affected by the byelaw is situate and publicly by advertisement in some newspaper circulating in their district, or otherwise in such manner as the Minister considers sufficient.

(3) During the month next preceding the application for confirmation of a byelaw the Central Board shall cause a printed copy of the byelaw to be kept at their office in such manner as to be open during office hours to inspection free of charge by the owners or occupiers of any hereditament within the Doncaster district, or by any other persons appearing to the Central Board to be interested, and shall also on demand supply printed copies thereof free of charge to any such owners, occupiers or other persons.

(4) On any application for confirmation of a byelaw the Minister may direct an inquiry to be held with reference thereto at such time and place, before such person, and after giving such notices, as he thinks fit.

(5) Subject to the provisions of this section, the Minister may, with or without such inquiry, disallow the byelaw or allow the byelaw either without modification or (subject to the consent of the Central Board) with such modification as he thinks fit, and the Board shall, if so directed by the Minister, cause notice of any proposed modification to be advertised in accordance with such directions.

(6) The Minister, if he considers that the revocation of any byelaw is necessary or desirable, may, after giving notice to the Central Board and considering any objections raised by them, and, if so required by them, holding a public local inquiry, revoke that byelaw.

(7) The amount of any expenses incurred by the Minister in relation to the confirmation or revocation of a byelaw, shall, on demand by him, be repaid to him by the Central Board.

(8) Prima facie evidence of any byelaw made by the Central Board and confirmed by the Minister may be given in any court of justice and in all legal proceedings

whatsoever by the production of a copy thereof purporting to be certified to be a true copy by the clerk of the Central Board. A.D. 1929.

(9) If any person acts in contravention of, or fails to comply with, any byelaw made under this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, or, in the case of a continuing offence, not exceeding five pounds for every day on which the offence is committed or continued.

(10) The provisions of this section shall be in substitution for the provisions of section seven of the Act of the twenty-third year of His Majesty King Henry the Eighth, chapter five, entitled "A generall Acte "concernynge Commissions of Sewers to be directed in "all parts within the Realme."

Representations by county councils.

23. In any case in which pursuant to this Act the Central Board send any notice to the council of a county such council shall be entitled to make representations to the Central Board with regard to the matter in respect of which such notice is sent and the Central Board before deciding upon that matter shall consider any representations so made.

Powers of Central Board as to bills in Parliament and Provisional Orders.

24. The Central Board may promote or oppose bills in Parliament and apply for or oppose applications for Provisional Orders or other statutory orders.

Application of Arbitration Act, 1889. 52 & 53 Vict. c. 49.

25. The Arbitration Act, 1889 shall not apply to the determination of any matter by this Act referred to the Minister and the following provisions of the said Act, that is to say, so much of section seven as enables an award to be stated in the form of a special case, and section nineteen (which provides for the stating in the form of a special case for the opinion of the Court of any question of law arising in the course of the reference), shall not apply in relation to the determination of any matter by this Act referred to a person other than the Minister, whose decision thereon is declared by this Act to be final.

Modification of certain provisions of Land

26. Sections twenty-nine to thirty-two of the Land Drainage Act, 1861 (which make provision for the giving of notices and for certain matters in con-

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Drainage Act, 1861.

nection with the improvement of existing works and the construction of new works) and sections fifty-four and fifty-seven of the said Act (which contain certain provisions for the protection of navigation authorities and wharfingers) shall not apply in relation to this Act.

Power to exclude certain areas from Doncaster district.

27. Subject as hereinafter provided, the Central Board may, and, if the Minister upon representations made to him by any person interested and after hearing the Board so directs, shall, by order exclude from the Doncaster district any area which, in the opinion of the Board or of the Minister, as the case may be, ought, either by reason of its height above sea level or for any other sufficient reason, to be excluded therefrom, and any such order may at any time be varied or revoked by a subsequent order made in like manner :

Provided that no order made under this section shall have effect unless confirmed by the Minister, and as soon as any such order has been submitted to the Minister, the Central Board shall publish in one or more newspapers circulating in the Doncaster district a notice stating that the order has been submitted to the Minister and that a copy thereof is open to inspection at a specified place, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.

Application of Act to Crown.

28.—(1) Subject as hereinafter provided, the provisions of this Act shall apply to land belonging to the Crown :

Provided that nothing in this Act shall—

(*a*) be taken to operate as a grant by or on behalf of the Crown as owner of any tidal lands of any estate or interest in or right over any of those lands or any part thereof; or

(*b*) be taken to authorise the execution of any works on, over or under any tidal lands, or the using thereof for any purposes (including the deposit thereon of shingle, sand, clay or other matter) except with the previous consent in writing of the Board of Trade and of the Commissioners of Crown Lands or otherwise than in accordance with the approved

plans and sections and subject to the prescribed restrictions and conditions; or

(*c*) confer any power of levying drainage rates in respect of the said tidal lands.

(2) In this section the expression "tidal lands" means lands below the high-water mark of ordinary spring tides, and the expressions "approved" and "prescribed" mean respectively approved or prescribed by the Board of Trade, or by the Commissioners of Crown Lands, as the case may be, before the commencement of the works in question.

(3) Any consent or approval to be given or thing to be prescribed under this section by the Board of Trade shall be given or prescribed in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade.

Protection for navigation authorities.

29.—(1) The Central Board shall, not less than two months before the execution of any work of clearing, deepening or widening any channel, or any work on the bank of any channel, which is within the jurisdiction of the following navigation authorities, that is to say, the Humber Conservancy Board or the Trent Navigation Company, send notice of their intention to execute the work, together with sufficient plans, sections and specifications to show the nature thereof, to the authority concerned, and if within two months after receiving the notice the authority give notice to the Central Board that they object to the proposed work or any of the particulars thereof, the Central Board shall not proceed with the work or with any part thereof to which objection is taken, as the case may be, except under the authority of an award made by an arbitrator appointed under this section and subject to any terms and conditions specified in the award.

(2) Any difference arising under this section between the Central Board and a navigation authority shall be referred to an arbitrator to be appointed, in default of agreement between the Board and the authority, by the President of the Institution of Civil Engineers on the application of either party after notice thereof to the other.

(3) The arbitrator shall, if he is satisfied that the proposed work is, either in whole or in part, reasonably

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required for the purpose of the drainage system in the Doncaster district and can, either in whole or in part, be executed without causing unreasonable prejudice to the navigation authority, but not otherwise, make an award authorising the proposed work in whole or in part, as the case may be, and subject to such conditions as he may consider necessary for the protection of the navigation authority.

Provisions for protection of certain railway, canal and other companies.

30.—(1) In this section—

"Company" means the London and North Eastern Railway Company, the London Midland and Scottish Railway Company, or any railway committee which owns or operates a railway and on which either of the aforesaid companies are represented, or the Undertakers of the Aire and Calder Navigation or the Sheffield and South Yorkshire Navigation Company:

"Railway" and "canal" mean any railway or canal (including any works or property used in connection therewith) belonging to or worked by any company.

(2) Nothing in this Act shall affect any statutory powers or authorities from time to time vested in or exerciseable by a company:

Provided that nothing in this subsection shall prevent the commutation of any liability of a company with respect to the repair or maintenance of any part within the Doncaster district of any of the channels or banks specified in the Second Schedule to this Act.

(3) The Central Board shall not acquire any lands of any company held for the purposes of a railway or canal or any interest in any such lands except with the consent of the company.

(4) Nothing in this Act shall authorise the Central Board without the written consent of the company to interfere with any railway or canal so as to affect injuriously the traffic thereon or the use or maintenance thereof, or to interfere with the supply or safe user of water used for the purposes thereof or provided by the company or to cause any leakage or loss of water from any canal or to interfere with any towing-path so as to interrupt the traffic thereon.

(5) Whenever the Central Board propose to construct or execute any works under, over or upon, or which may affect or interfere with, any railway or canal they shall give to the company notice in writing of their intention to commence those works accompanied by sufficient plans, sections, specifications and other information to show the nature thereof, and the works shall be constructed or executed and thereafter maintained according to the plans, sections, and specifications as approved by the engineer of the company or settled by an arbitrator as hereinafter mentioned and under the superintendence, if given, and to the reasonable satisfaction of the said engineer:

Provided that if the said engineer does not within twenty-eight days after the receipt by the company of the said plans, sections and specifications signify his disapproval thereof he shall be deemed to have approved them.

(6) The Central Board shall make good to any company any loss which they may sustain in connection with any such works through any act or omission of the Central Board or any contractors employed by them.

(7) The Central Board shall pay to any company the reasonable expense of any temporary works which may, in the opinion of the company, be necessary for the protection of the railway or canal in connection with the execution, construction or maintenance by the Central Board of any works, and of the employment by the company of a sufficient number of inspectors, watchmen and flagmen for watching the railway or the canal with reference to and during the execution, construction or maintenance of those works.

(8) The Central Board shall pay to any company such part of any expense which they incur in widening, altering, maintaining or increasing their railway or canal accommodation as is due to the existence of works of the Central Board under or over the railway or canal or in, under or over any property of the company, unless at the time when those works were constructed the company had no power so to widen, alter or increase their said accommodation.

(9) The Central Board shall not abandon any work of drainage by means of which water is conveyed to or from the property of the company or any defence

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against water which protects any such property from flooding until they shall have provided equally efficient works in substitution therefor to the reasonable satisfaction of the company, and shall not without the consent of the company, not to be unreasonably withheld, do any act which may injuriously affect any rights which the company enjoy in connection with any stream or watercourse.

(10) The Central Board shall not enter upon any railway or canal of the company except after reasonable notice to the company and at such times and in such manner as shall not interfere with the traffic on the railway or canal.

(11) Any difference which may arise between the Central Board and the company or their engineer with respect to any of the provisions of this section shall, unless otherwise agreed, be referred to an engineer to be appointed, in default of agreement between the Board and the company, by the President of the Institution of Civil Engineers, on the application of either party after notice thereof to the other.

Provisions for protection of Aire and Calder Navigation.

31.—(1) Except for any such purpose as is mentioned in subsection (3) of this section the Central Board shall not without the consent in writing of the Undertakers of the Aire and Calder Navigation remove, alter or otherwise interfere with any existing dam, weir, lock, culvert or other work constructed and maintained by the Undertakers or do any act which will injuriously affect any part of the Aire and Calder Navigation, or deepen, widen, straighten or otherwise alter or interfere or make any connection with such portions of the channel of the River Aire as are subject to the jurisdiction of the Undertakers.

(2) The Central Board shall not execute any work or carry out any operation in any part of the River Ouse above the upper boundary of the limits of improvement as defined in section three of the Ouse (Lower) Improvement Act, 1884, or in any tributary of that river above that boundary, so far in each case as the tide flows, which would interfere with or obstruct the flow of the tide in any part of the said river or tributary so as to affect prejudicially the navigation or scour of the said river or any works or property of the Undertakers.

47 & 48 Vict. c. clxi.

(3) If the Central Board desire to execute any work or carry out any operation for the sole purpose of repairing or maintaining any part of the banks of the River Aire which is subject to the jurisdiction of the Undertakers or of constructing, improving, maintaining, or renewing any outlet or inlet for land drainage or land improvement affecting such portions of the said river they shall give to the Undertakers twenty-eight days' notice in writing of their desire to execute any such work or carry out any such operation accompanied by a sufficient plan, section and specification of the proposed work or operation and shall not commence to execute or carry out such work or operation until the plan, section and specification have been approved by the engineer of the Undertakers or by an arbitrator to be appointed as hereinafter provided:

Provided that the approval of the said engineer shall not be unreasonably withheld and shall be deemed to have been given unless the said engineer signifies his disapproval within the said twenty-eight days.

(4) The Central Board shall not have power to do any work below high-water mark of ordinary spring tides on any part of the River Ouse of which the Undertakers are conservators, but if by reason of the neglect of the Undertakers of any land below the said high-water mark the banks of the river are endangered, the Board may complain to the Minister, and the Undertakers shall comply with any directions which the Minister may give.

(5) Nothing in this section shall prevent the Central Board from exercising any powers in relation to land drainage conferred before the commencement of this Act by any local Act or any award made thereunder and thereafter vested in the Board.

(6) Any difference between the Central Board and the Undertakers with respect to any of the provisions of this section shall, unless otherwise agreed, be referred to an engineer to be appointed, in default of agreement between the Central Board and the Undertakers, by the President of the Institution of Civil Engineers, on the application of either party after notice thereof to the other.

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Provision for protection of Sheffield and South Yorkshire Navigation Company.

32.—(1) The Central Board shall not without the consent in writing, such consent not to be unreasonably withheld, of the Sheffield and South Yorkshire Navigation Company remove, alter or otherwise interfere with any existing dam, weir, lock, culvert or other work constructed and maintained by the company.

(2) Any difference between the Central Board and the Undertakers with respect to the provisions of this section shall, unless otherwise agreed, be referred to an engineer to be appointed, in default of agreement between the Board and the company, by the President of the Institution of Civil Engineers, on the application of either party after notice thereof to the other.

Interpretation.

33. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively (that is to say) :—

"Banks" means banks, walls, or embankments adjoining or confining, or constructed for the purposes of or in connection with, any channel, and includes all land between the bank and low-water mark :

"Channel" includes any structure or appliance for controlling or regulating the flow of water in, into or out of the channel, and situate therein or in any part of the banks thereof :

"The deposited map" means the map to which the official seal of the Minister was affixed on the sixteenth day of November, nineteen hundred and twenty-eight and which has been deposited at the offices of the Ministry of Agriculture and Fisheries and of which a copy has been deposited at the office of the Town Clerk of the county borough of Doncaster :

"District Board" means a drainage authority whose district or any part of whose district is situate within the Doncaster district :

"Minerals" means all minerals and substances in or under land, obtainable, whether by underground or by surface working :

"Mineowner" means the owner, lessee, or other persons entitled to work and get minerals :

"Navigation authority" means any person or body of persons having powers under any Act

of Parliament to work or maintain a canal or inland navigation which, or any part of which, is situate in the Doncaster district:

"Royalty" includes every sum payable by a mineowner (whether by way of rent or other reservation and whether by the acre or the ton or otherwise) in respect of the right to work and get minerals, and "royalty owner" means a person entitled to receive a royalty:

"The Minister" means the Minister of Agriculture and Fisheries.

Short title and commencement.

34.—(1) This Act may be cited as the Doncaster Area Drainage Act, 1929.

(2) This Act, save as otherwise expressly provided, shall come into operation on the appointed day, and the appointed day shall be such day, not less than three months after the date of passing of this Act, as the Minister may appoint, and different days may be appointed for different purposes and for different provisions of this Act and for different areas or parts of areas.

SCHEDULES.

FIRST SCHEDULE.

PART I.

CONSTITUTION OF THE CENTRAL BOARD.

The Central Board shall be composed of the following persons (namely) :—

Six persons to be appointed by the Minister, of whom five shall be appointed after consultation with, and to represent the district boards in the Doncaster district:

Six persons to be appointed by the county council of the West Riding of Yorkshire :

Five persons to be appointed by the county council of the Parts of Lindsey in the county of Lincoln :

One person to be appointed by the county council of Nottinghamshire :

One person to be appointed by the council of the county borough of Doncaster :

Three persons to be appointed by the South Yorkshire Coal Trade Association or its successors :

Three persons to be appointed by the Mineral Owners' Association of Great Britain or its successors :

One person to be appointed by the Undertakers of the Aire and Calder Navigation.

PART II.

TENURE OF OFFICE OF MEMBERS OF THE CENTRAL BOARD AND PROCEEDINGS OF THE BOARD.

1. The first members of the Central Board shall come into office on the appointed day.

2. The members of the Central Board shall hold office for a term of three years :

Provided that—

(*a*) any member may resign his office by notice in writing under his hand given to the Chairman of the Central Board; and

(*b*) if any member becomes bankrupt he shall vacate his office; and

(*c*) the body or person by whom any member was appointed may at any time revoke the appointment; and

(*d*) if, where a member vacates his office by lapse of time, no person has before the date on which he so vacates his office been appointed in his place, he shall, subject to the provisions of this Schedule, continue to hold office until a person is duly appointed in his place.

3. If for any reason whatsoever the place of a member of the Central Board becomes vacant before the end of his term of office, the vacancy shall be filled by the body or person by whom the vacating member was appointed:

Provided that where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy shall not be filled.

4. A person appointed to fill a casual vacancy shall hold office so long as the vacating member would have held office.

5. A person who is an undischarged bankrupt shall be ineligible for appointment as a member of the Central Board.

6. A vacating member shall, subject to the provisions of this Schedule, be eligible for re-appointment.

7. The powers of the Central Board may be exercised notwithstanding any vacancy in their number.

8. The Central Board may make rules—

(*a*) for regulating the proceedings, including quorum, of the Central Board; and

(*b*) with respect to the appointment of a chairman and deputy chairman; and

(*c*) for enabling the Central Board to constitute committees; and

(*d*) for authorising the delegation to committees of any of the powers of the Central Board and for regulating the proceedings, including quorum, of committees.

9. The first meeting of the Central Board shall be held on the appointed day and at such time and place as may be fixed by the Minister, and the Minister shall cause notice of the meeting to be sent by post to each member of the Central Board not less than fourteen days before the appointed day.

10. The Minister may, if he thinks fit, by order authorise the Central Board to repay to the members thereof the whole or any part of the travelling expenses incurred in attending meetings of the Central Board.

SECOND SCHEDULE.

CHANNELS AND BANKS LIABILITIES IN RESPECT OF WHICH ARE TO BE COMMUTED.

I.

CHANNELS.

Dutch River.
River Don.
Gravel or Highland Water Drain, Ancient Deeps Drain and Snow Sewer (including Warping Drain).
River Torne.
Hatfield Waste Drain.
South Level Engine Pumping Discharge Drain.
North Level Engine Pumping Discharge Drain.
South Soak Drain.
North Soak Drain.

II.

BANKS.

The banks of the following rivers :—
River Trent.
River Ouse.
River Aire.
River Idle.

THIRD SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY THE CENTRAL BOARD.

(1) Where the Central Board propose to purchase land compulsorily, the Board may submit to the Minister an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this Schedule shall be of no force unless and until it is confirmed by the Minister, and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final.

The confirmation of an order by the Minister shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) The order shall be in the form prescribed by the Minister, and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect, and of protecting the Central Board and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except sections one hundred and twenty-three and one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919.

(4) The order shall be published by the Central Board in the manner prescribed by the Minister, and such notice of the order having been made as may be prescribed by the Minister shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land.

(5) If within such period as may be prescribed by the Minister no objection to the order has been presented to the Minister by a person interested in the land, or if every such objection has been withdrawn, the Minister shall, without further inquiry, confirm the order unless he is of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the Central Board and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Minister shall, before confirming the order, duly consider the report of the person by whom the public inquiry was held.

(6) In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act, together with the order, shall be deemed to be the special Act, and the Central Board shall be deemed to be the promoters of the undertaking.

(7) In the case of glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums

A.D. 1929. agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

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