STATUTORY INSTRUMENTS

1973 No. 438

LAND DRAINAGE

The Great Ouse River Authority (Warboys, Somersham and Pidley Internal Drainage District) Order 1973

Made - - -	*23rd January* 1973
Coming into Operation	*9th March* 1973

Whereas the Great Ouse River 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) in relation to the Warboys, Somersham and Pidley Internal Drainage District:

And whereas the Minister has decided to confirm the Scheme subject to the modifications set out in Article 3 of this Order:

And whereas a copy of the Scheme with the said modifications incorporated therein 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 Resources Act 1963(b), and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Great Ouse River Authority (Warboys, Somersham and Pidley Internal Drainage District) Order 1973, 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 subject to the following modifications:—

In paragraph 7 of the Scheme—

(*a*) for the full stop there shall be substituted a colon; and

(*b*) the words "Provided that the Internal Drainage Board may subject to the approval of the River 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." shall be inserted after the words "as the case may be:".

(a) 1930 c. 44. (b) 1963 c. 38. (c) 1889 c. 63.

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Great Ouse River 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 23rd January 1973.

(L.S.)

(Sgd.) *H. Pease,*
Assistant Secretary.

LAND DRAINAGE ACT 1930

GREAT OUSE RIVER AUTHORITY

WARBOYS, SOMERSHAM AND PIDLEY INTERNAL DRAINAGE DISTRICT

The Great Ouse River Authority (hereinafter called "the River Authority") in pursuance of section 4(1)(*b*) of the Land Drainage Act 1930 (hereinafter called "the 1930 Act"), as applied by the Water Resources Act 1963, have prepared the following Scheme making provision for certain matters mentioned in the said section namely:—

(i) The abolition of the Westmoor Internal Drainage District and of the Drainage Board thereof;

(ii) The alteration of the boundaries of the Warboys, Somersham and Pidley Internal Drainage District;

(iii) The reconstitution of the Warboys, Somersham and Pidley Internal Drainage Board;

(iv) Matters supplemental thereto and consequential thereon;

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

SCHEME

On a day (hereinafter called "the Appointed Day") to be appointed by the Minister the following provisions shall have effect:—

1. The Westmoor Internal Drainage District and the Drainage Board thereof constituted by the Scheme (hereinafter called "the 1952 Scheme") confirmed by the Great Ouse River Board (Westmoor Internal Drainage District) Order 1952(**a**) shall be abolished.

2. The boundaries of the Warboys, Somersham and Pidley Internal Drainage District (hereinafter called "the Internal Drainage District") as constituted by

(**a**) S.I. 1953/52.

the Scheme (hereinafter called "the 1969 Scheme") confirmed by the Great Ouse River Authority (Warboys, Somersham and Pidley Internal Drainage District) Order 1969(a) shall be altered so that it shall henceforth include all those lands lying in the parishes of Somersham, Warboys, Ramsey and Pidley cum Fenton in the County of Huntingdon and Peterborough and in the parishes of Chatteris, Benwick and Doddington in the County of Cambridgeshire and Isle of Ely which are shown coloured pink and edged with a red line on the map sealed by the River Authority in relation to the 1969 Scheme and also all those lands lying in the said parishes of Chatteris and Doddington which are shown coloured pink and edged with a red line on the map marked "C" sealed by the River Authority in relation to this Scheme.

3. The Warboys, Somersham and Pidley Internal Drainage Board (hereinafter called "the existing Board") as constituted by the 1969 Scheme shall be reconstituted and shall consist of twenty-one 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 1930 Act, as amended by the Land Drainage Act 1961(b). The said first members 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.

4. Any rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, books of account, other books, deeds, maps, papers and other documents):

(*a*) of the existing Board shall be the rights, powers, duties, liabilities, obligations and property of the Warboys, Somersham and Pidley Internal Drainage Board as reconstituted by this Scheme (hereinafter called "the Internal Drainage Board");

(*b*) as were immediately before the Appointed Day vested in or to be discharged by the Westmoor Internal Drainage Board shall on that day be transferred to and be vested in or be discharged by the Internal Drainage Board, and this Scheme shall operate as conclusive evidence of such transfer without the necessity of any further assignment or deed of transfer.

5. Such of the provisions of the Act 15 Geo. III Cap. 65 as relate to any mortgages or loans raised by the Westmoor Internal Drainage Board before the Appointed Day shall remain in full force and effect but not so as to limit in any way whatsoever the borrowing powers of the Internal Drainage Board under the 1930 Act.

6. All arrears of rates made before the Appointed Day in respect of any land within the Westmoor Internal Drainage District by the Drainage Board thereof in respect of any period or periods, ending before the Appointed Day, together with any penalties 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.

7. All property and liabilities transferred to the Internal Drainage Board under paragraph 4 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,

(a) S.I. 1969/1680. (b) 1961 c. 48.

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 River 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.

8. Nothing in this Scheme shall extend to or be construed to extend to invalidate, lessen, diminish, alter or take away any of the rights, powers and authorities vested in the Middle Level Commissioners by virtue of 15 Car. 2. c. 17, the Middle Level Acts 1810(a), 1844(b), 1848(c), 1862(d), 1867(e) and 1874(f), the Land Drainage Acts 1930 and 1961, the Water Resources Act 1963 or any Statutory Order relating to the Middle Level Drainage District.

9. The accounts of the Westmoor Internal Drainage Board shall be made up to the Appointed Day and copies thereof forthwith delivered to the Internal Drainage Board.

DATED the 24th day of November 1971.

THE COMMON SEAL of the GREAT OUSE RIVER AUTHORITY was hereunto affixed in the presence of:— } (L.S.)

(Sgd.) *L. Childs,*
Chairman.

(Sgd.) *J. S. Bissett,*
Clerk.

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.

It witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th March 1973.

(L.S.)

(Sgd.) *H. Pease,*
Assistant Secretary.

(a) 50 Geo. 3 c. cxxv. (b) 7 & 8 Vict. c. cvi. (c) 11 & 12 Vict. c. civ.
(d) 25 & 26 Vict. c. clxxxviii. (e) 30 & 31 Vict. c. lxv. (f) 37 & 38 Vict. c. cl.

Whereas the Scheme confirmed by the Great Ouse River Authority (Warboys, Somersham and Pidley Internal Drainage District) Order 1973 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 1973 to be the said appointed day.

It witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th March 1973.

(L.S.)

(Sgd.) *H. Pease*,
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 Great Ouse River Authority for the abolition of the Westmoor Internal Drainage District and of the Drainage Board thereof, for the alteration of the boundaries of the Warboys, Somersham and Pidley Internal Drainage District and for the reconstitution of the Drainage Board thereof. These Districts were constituted by the Great Ouse River Board (Westmoor Internal Drainage District) Order 1952 and the Great Ouse River Authority (Warboys, Somersham and Pidley Internal Drainage District) Order 1969 respectively.

The map sealed in relation to the Scheme is available for inspection during office hours at the Office of the Minister of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, and a certified copy thereof may be inspected at the Office of the Great Ouse River Authority, Great Ouse House, Clarendon Road, Cambridge CB2 2BL, and at the Office of the Warboys, Somersham and Pidley Internal Drainage Board.