5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920	Subsections (1) to (7) of section seven. Subsections (1) and (3) of section fourteen so far as they relate to public service vehicles. Sections fifteen and sixteen. The Second Schedule.
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	Section nine.
15 & 16 Geo. 5. c. 71.	The Public Health Act, 1925.	Subsection (1) of section seventy-four.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty.

CHAPTER 44.

An Act to amend and consolidate the enactments relating to the drainage of land, and for purposes in connection with such amendment.

[1st August 1930.]

BE it 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.

DRAINAGE AUTHORITIES.

Drainage districts and drainage boards.

1.—(1) For the purpose of the drainage of land there shall be such drainage districts as are mentioned in this section and there shall be a drainage board for each such drainage district.

(2) The drainage board of a drainage district shall be a body corporate with power to hold land without licence in mortmain.

(3) Subject to the provisions of this Act, a drainage board shall exercise a general supervision over all matters

relating to the drainage of land within its district and shall have such other powers and perform such other duties as are conferred or imposed on drainage boards by this Act. PART I. —*cont.*

(4) The said drainage districts shall consist of the catchment areas constituted by or under this Act and such other drainage districts (whether within or outside catchment areas) as may be so constituted, and subject to and without prejudice to the provisions of this Act, any drainage districts or drainage areas constituted under the Land Drainage Act, 1861, or under that Act as amended by any subsequent enactment, or under any other enactments relating to the drainage of land, shall be deemed for the purposes of this Act to have been constituted under this Act, and the drainage boards or drainage authorities of all such last mentioned districts or areas shall be treated for those purposes as if they had been constituted under this Act as the drainage boards of those districts or areas. 24 & 25 Vict. c. 133.

(5) The districts (other than catchment areas) to be constituted as drainage districts under this Act shall be such areas as will derive benefit or avoid danger as a result of drainage operations.

PART II.

CATCHMENT AREAS AND CONSTITUTION AND POWERS OF CATCHMENT BOARDS.

2.—(1) The areas specified in Part I of the First Schedule to this Act shall be catchment areas for the purposes of this Part of this Act. Catchment areas.

(2) The Minister may at any time, either on the application of or after consultation with the councils of the counties and county boroughs concerned, by order under this Part of this Act direct that any areas which are not for the time being included in the said First Schedule shall be added to the said Schedule, or that any area for the time being included in the said Schedule shall be removed therefrom, or that such alterations, whether by the combination or re-grouping of catchment areas or otherwise, as the Minister may think fit, shall be made in the said Schedule, and in particular, where the natural direction of the drainage of any land

PART II. —*cont.*

has been artificially altered, an order under this subsection may be made specifying the catchment area, if any, to which the land in question is to belong.

(3) An order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) In this Act, unless the context otherwise requires, the expression "the river" in relation to a catchment area means the river to which the drainage of the area is directed, and the expression "river" includes an arterial drain.

Constitution of Catchment Boards and appointment of members.

3.—(1) Subject to the provisions of this Act, the drainage board of a catchment area (in this Act referred to as "the Catchment Board") shall be constituted by order made by the Minister under this Part of this Act and shall consist of such number of members, not being more than thirty-one, as the Minister may determine.

(2) The members of a Catchment Board shall be appointed as follows—

(*a*) one member shall be appointed by the Minister:

(*b*) such number, not being less than two-thirds of the remaining members, as the Minister may determine shall be appointed, whether from their own members or not, by the councils of the counties and of the county boroughs whose area, or any part of whose area, is situate within the catchment area:

(*c*) the residue of the members to be appointed shall be persons appointed by the Minister, after consultation with, and after taking into consideration nominations by, the internal drainage boards whose districts are within the catchment area, to represent those boards and that portion, if any, of the catchment area for which drainage boards might be, but have not been, constituted under this Act.

The councils of counties and county boroughs and the Minister in making appointments under this subsection shall have regard to the desirability of including, as far as practicable, among the members appointed by them persons having a practical knowledge of land drainage, and the councils of counties in making such appointments shall secure that adequate representation is given to the urban districts within the catchment area, having regard

to the relative rateable values of the urban and rural districts therein. PART II. —*cont.*

(3) As respects the members of a Catchment Board to be appointed by councils of counties and of county boroughs, the number to be appointed severally by each of the said councils shall be such as the Minister may determine, having regard to the estimated amounts of the contributions to be made by those councils respectively towards the expenses of the Board:

Provided that—

(*a*) the number of the members of a Catchment Board to be appointed by the councils of county boroughs shall not in any case exceed one half of the aggregate number of the members to be appointed by the councils of counties and county boroughs; and

(*b*) pending the estimation of the said amounts, the Minister may make a provisional determination of the number of the members of the Catchment Board to be appointed severally as aforesaid.

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

(5) The Minister shall as soon as may be after the passing of this Act take such steps as are necessary for constituting in accordance with the provisions of this section Catchment Boards for the catchment areas specified in Part I of the First Schedule to this Act.

Schemes for transfer of powers and duties to Catchment Boards and reorganisation of internal drainage boards.

4.—(1) Every Catchment Board—

(*a*) shall as soon as may be after it has been constituted prepare and not later than such date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, submit to him for confirmation a scheme making provision—

(i) for the transfer to the Catchment Board of all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river as were immediately before the commencement

PART II. —*cont.*

of this Act vested in or to be discharged by any drainage authority, and of any property held by the authority for the purpose of, or in connection with, any functions so transferred; and

(ii) for any matters supplemental to or consequential on the transfer aforesaid; and

(*b*) shall within a further period expiring on such later date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, prepare and submit to him for confirmation a further scheme or further schemes making provision for the following matters:—

(i) the alteration of the boundaries of any internal drainage district:

(ii) the amalgamation of the whole or any part of any internal drainage district with any other such district:

(iii) the abolition as from such date as may be specified in the scheme of all Commissioners of Sewers exercising jurisdiction within the catchment area or, in the case of Commissioners of Sewers who exercise jurisdiction partly within and partly without the catchment area, the abrogation of the powers of those Commissioners within the catchment area:

(iv) the abolition or reconstitution of any internal drainage district and of the drainage board thereof:

(v) the constitution of new internal drainage districts within the catchment area:

(vi) the constitution of drainage boards for all or any of the separate drainage districts constituted by the scheme:

(vii) where it appears desirable so to provide in the case of any existing drainage board, the amendment of the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such

PART II. —*cont.*

members in accordance with the provisions in that behalf contained in Part V of this Act:

(viii) the making of alterations in, and the addition of supplemental provisions to, the provisions of any local Act or of any award made under any such Act, where such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually:

(ix) any matters supplemental to or consequential on the matters aforesaid for which it appears necessary or desirable to make provision, including the transfer to new drainage boards of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the Catchment Board or internal drainage boards affected by the scheme.

(2) As soon as any such scheme has been submitted to the Minister, the Catchment Board shall send copies thereof to the council of every county, county borough and county district and every drainage board, navigation authority, harbour authority and conservancy authority affected thereby and shall publish in one or more newspapers circulating in the area affected by the scheme 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 to the scheme may be made to the Minister at any time within one month after the publication of the notice.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order confirming a scheme under paragraph (*b*) of subsection (1) of this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) A scheme under the said paragraph (*b*) may provide for the revocation or amendment of, and for the retransfer of property, rights, powers, duties, obligations and liabilities transferred by, any previous scheme under this section.

PART II. —*cont.*

Maps of catchment areas.

5.—(1) It shall be the duty of the Minister as soon as may be to cause to be prepared, in relation to each catchment area, a map determining the extent of the catchment area and showing by some distinctive colour that part of the channel of the river which is to be treated as the main river for the purposes of this Part of this Act and the watercourses which are for those purposes to be deemed to be part of the main river.

As soon as a map of a catchment area has been prepared the Minister shall cause to be published, in one or more newspapers circulating in the area, a notice stating that the map has been prepared and specifying the place at which a copy of the map may be inspected and the time, not being less than one month, within which and the manner in which objections thereto may be made.

(2) On the expiration of the time within which objections may be made as aforesaid, the Minister shall, if no objections have been made, forthwith approve the map as prepared and, if any objections have been made, shall take those objections into consideration and after so doing proceed to approve the map, either as prepared or with such variations as he thinks proper.

(3) The Minister may at any time, on the application of the Catchment Board and after giving notice of his intention so to do in such manner as he thinks best adapted for informing persons affected and after considering any objections made to him, vary the map of the catchment area so far as relates to the extent of the main river.

(4) The map of any catchment area as approved or as varied in accordance with the provisions of this section shall be conclusive evidence for all purposes as to the extent of the catchment area and as to what is the main river.

(5) A map in force under this section shall for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister.

(6) The Minister shall, so soon as may be after the constitution of a Catchment Board, supply to the Catchment Board a copy of the map of the catchment area as approved by him, and if at any time thereafter he varies the map he shall supply to that board a copy of the map as varied.

PART II. —*cont.*

Powers in relation to main river.

6.—(1) The powers conferred by this Act on drainage boards shall, so far as concerns the main river, including the banks thereof, and drainage works in connection with the main river, be exercisable solely by the Catchment Board.

(2) Where a catchment area abuts on the sea or on any estuary, the Catchment Board of that area may construct all such works and do all such things in the sea or in that estuary as may, in their opinion, be necessary to secure an adequate outfall for the main river.

(3) If the main river or any part thereof is at the commencement of this Act vested in any other drainage authority, it shall, by virtue of this Act, vest in the Catchment Board.

(4) A Catchment Board may enter into an agreement with the council of any borough or urban district or with any navigation authority for the carrying out by the council or authority, on such terms as to payment and otherwise as may be specified in the agreement, of any work in connection with the main river which the Catchment Board are authorised to carry out.

(5) If any question arises under this section whether any work is, or whether any proposed work will if constructed be, a drainage work in connection with the main river, the question shall be referred to the Minister for decision, or, if either of the parties so requires, to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

Supervision of internal drainage boards and districts.

7.—(1) A Catchment Board shall exercise a general supervision with respect to the drainage of the catchment area, and may for the purpose of securing the efficient working and maintenance of existing drainage works within the catchment area and the construction of such new drainage works as may be necessary, give such general or special directions as they consider reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.

(2) Without prejudice to the provisions of subsection (1) of this section, an internal drainage board shall not—

(*a*) except with the consent (not to be unreasonably withheld) of the Catchment Board, construct

PART II. —*cont.*

any drainage works within the catchment area or alter any existing drainage works within that area, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other internal drainage board; or

(*b*) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into the main river except on such terms as may be agreed between the Catchment Board and the internal drainage board or in default of agreement be determined by the Minister:

Provided that nothing in this subsection shall apply to any work whether of construction or alteration which has been begun before the commencement of this Act.

(3) If an internal drainage board acts in contravention of the last foregoing subsection, the Catchment 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 the action of the internal drainage board, and shall be entitled to recover from that board summarily as a civil debt the amount of any expenses reasonably incurred by them in the exercise of the said power.

(4) If any question arises under this section—

(*a*) whether the consent of the Catchment Board is unreasonably withheld; or

(*b*) whether any expenses have been reasonably incurred by the Catchment Board in pursuance of this section; or

(*c*) whether any work was begun before the commencement of this Act;

that question shall be referred to the Minister for decision.

(5) Where the Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

Power to vary awards.

8.—(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 a catchment area (including any provision affecting the powers or duties of any drainage authority or other person with respect to land drainage in the catchment area) the Catchment Board may submit to the Minister for confirmation a scheme for revoking, varying or amending that provision. PART II. —*cont.*

(2) A scheme under this section with respect to any award may—

(*a*) provide for commuting on the basis on which the obligations to which the next following section of this Act relates are to be commuted, the obligation of any person under the award to repair or maintain any drainage works;

(*b*) contain such incidental, consequential or supplemental provisions as are necessary or proper for the purpose of the scheme;

(*c*) be revoked or varied by a subsequent scheme submitted by the Catchment Board and confirmed in manner aforesaid.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

Commutation of obligations to repair by reason of tenure, &c.

9.—(1) It shall be the duty of every Catchment Board to take steps for the commutation of all obligations imposed on persons by reason of tenure, custom, prescription or otherwise, to do any work (whether by way of repairing of banks, maintaining of watercourses or otherwise) in connection with the main river.

(2) It shall be the duty of the Catchment Board to give, in such manner as the Minister may direct, notice of any proposal to commute any obligation to which this section applies, the terms on which it is to be commuted and of the time within which objection to the proposal may be made, and if within one month after such notice as aforesaid has been given the person on whom the obligation is imposed gives notice to the Board of his objection to the proposal, the question

PART II. —*cont.*

whether the Board shall proceed to commute the obligation shall be referred to the Minister, whose decision thereon shall be final.

(3) Any capital sum or terminable annuity fixed under this section shall, notwithstanding any agreement to the contrary between the owner and any lessee of the land, be payable by the owner.

(4) Where any obligation is commuted under this section, any person who would, but for the commutation, be entitled to any exemption in respect of drainage rates, either absolutely as being the person subject to the obligation or conditionally on performance of the obligation, shall be entitled absolutely to a like exemption.

(5) The sum to be paid in respect of the commutation of any such obligation shall be such sum as the Catchment Board may in accordance with the provisions of the next following subsection by order determine, and the sum so determined shall be payable by way either of a capital sum or of a terminable annuity for a period not exceeding thirty years, at the option of the owner, and shall be charged on the land in respect of which the obligation existed, and shall have priority over any other incumbrances charged on that land by the owner thereof, whether before or after the passing of this Act, other than charges under the Lands Improvement Act, 1864, whether created before or after the charge under this subsection.

(6) For the purpose of determining the sum to be paid in respect of the commutation of any obligation, the Catchment Board shall ascertain the amount which, in their opinion, fairly represents the probable average annual cost, taking one year with another, of executing and maintaining in a due state of efficiency the works which are required to be executed and maintained by virtue of the obligation to be commuted, and the Catchment Board shall fix the capital sum or terminable annuity to be paid in respect of the commutation accordingly:

Provided that, in fixing the said capital sum or terminable annuity no account shall be taken of so much of the probable annual average cost as is in the opinion of the Catchment Board attributable to the fact that, by reason of improvements effected since the first day of January, nineteen hundred, in the drainage of the land

PART II. —*cont.*

drained by the main river, or to alterations effected since that date in the method of cultivation thereof, the volume of water which is discharged into the main river at any time is greater than that which would have been so discharged if the said improvements or alterations had not been effected.

(7) If any person is aggrieved by any determination of the Catchment Board under this section as regards the sum to be paid in respect of the commutation of any obligation, he may, at any time within three months after the date on which the determination of the Catchment Board is notified to him by the Board, require the matter to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers, and on any such reference the arbitrator may either confirm, vary or set aside the determination of the Catchment Board as he thinks proper.

(8) A record of any such charge as aforesaid shall be entered in a register to be kept for the purpose by the clerk of the Catchment Board, and a copy of any such record purporting to be certified by the said clerk as a true copy shall be receivable in evidence in all legal proceedings.

Exercise by Catchment Board of powers of drainage board in default.

10.—(1) Where, in the opinion of a Catchment Board, any land in the catchment area is injured or likely to be injured by flooding or inadequate drainage which might be remedied wholly or partially by the exercise of drainage powers which are vested in any internal drainage board and which either are not being exercised at all, or, in the opinion of the Catchment Board, are not being exercised to the necessary extent, the Catchment Board may exercise all or any of those powers and also any power vested in the said drainage board for the purpose of defraying expenses incurred in the exercise by that board of the said powers or for any purpose incidental to the exercise of any such powers:

Provided that the Catchment Board shall, before exercising any such powers, give to the drainage board in whose default they propose to exercise the said powers not less than thirty days' notice in writing of their intention so to do and if, before the expiration of the period of notice, the drainage board intimate in writing to the Catchment Board their objection to the exercise

PART II. —*cont.*

by that Board of the powers, that Board shall not exercise the powers except with the consent of the Minister, who may, if he thinks fit, cause a public local inquiry to be held with respect to the objection.

(2) Where in pursuance of this section a Catchment Board is exercising the powers of a drainage board, any person authorised in that behalf by the Catchment Board may, so far as is reasonably necessary for the purpose of and in connection with the exercise by the Catchment Board of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which are in the possession of the drainage board and relate to land drainage in the district of the drainage board.

(3) Any person who obstructs or impedes any person authorised as aforesaid in the execution of his powers under this section shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

(4) A Catchment Board may, on the application of the council of any county or county borough the whole or any part of the area of which is within the catchment area, direct that the powers conferred by this section shall, as respects land in the area or that part of the area of the county or county borough, be exercisable by the council of the county or county borough instead of by the Board.

If a Catchment Board refuses to comply with any such application, the council by which the application was made may appeal against the refusal to the Minister, and the Minister may, if he thinks fit, require the Board to comply with the application.

A Catchment Board may, subject to the consent of the Minister, and on giving the council concerned not less than six months' notice of their intention so to do, revoke any direction given under this subsection, without prejudice to the power of the Board to give a new direction.

Power to transfer functions of internal drainage

11. The Minister may, on a petition in that behalf presented to him by the Catchment Board of any catchment area, by order under this Part of this Act transfer to the Catchment Board the powers, duties, liabilities, obligations and property (including deeds, maps, books,

PART II. —*cont.*

papers and other documents) of the drainage board of any internal drainage district, and thereupon the Catchment Board shall become the drainage board of that district for the purposes of this Act, and any expenses incurred by the Catchment Board as the drainage board of that district shall be defrayed under and in accordance with the powers so transferred and not in any other manner:

board to Catchment Board.

Provided that an order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

12.—(1) On complaint being made to the Minister by the council of any county, county borough or county district, or by any internal drainage board, that a Catchment Board have failed to exercise any of the powers conferred on the Board for the purpose of maintaining the main river in a due state of efficiency which they ought to have exercised, the Minister shall, if he thinks that there is reasonable ground for the complaint, call on the Board for an explanation, and if the Board do not within such time as the Minister may fix give a sufficient explanation or remedy the cause of complaint, the Minister 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 Catchment Board to comply with any directions so given.

Power of Minister to give directions with respect to the performance of duties by Catchment Boards.

(2) Where the Minister gives any directions to a Catchment Board under this section, he shall make and cause to be laid before Parliament a report setting out the directions and stating the reasons for which they were given.

13. The provisions set out in Part I of the Second Schedule to this Act shall have effect with respect to the making of all orders under this Part of this Act, the provisions set out in Part II of that Schedule shall have effect with respect to the making of such orders under this Part of this Act as are, if opposed, to be provisional only, and the provisions set out in Part III of that Schedule shall have effect with respect to the validity of such orders under this Part of this Act as are not confirmed by Parliament.

Provisions with respect to the making and validity of orders.

PART II. —*cont.*

Provision as to expenses in connection with orders under Part II.

14. An order under this Part of this Act may contain provisions with respect to the persons by whom the expenses or any of the expenses incurred by the Minister or other persons in connection with the making or confirmation of the order (including, in the case of an order confirming a scheme, expenses incurred in connection with the making of the scheme) are to be borne or the rates upon which the expenses are to be charged.

Powers of Catchment Boards as to Bills in Parliament and Provisional Orders.

15. A Catchment Board may promote or oppose Bills in Parliament and apply for or oppose applications for Provisional Orders or other statutory orders.

Certain local Acts not to apply in catchment areas.
11 & 12 Geo. 5. c. lxxxviii.
13 & 14 Geo. 5. c. xcviii.
15 & 16 Geo. 5. c. cxv.

16. The Lancashire County Council (Drainage) Act, 1921, the West Riding of Yorkshire County Council (Drainage) Act, 1923, and Part III of the Surrey County Council Act, 1925, shall not apply to any area which is for the time being within a catchment area for which a Catchment Board has been constituted.

PART III.

DRAINAGE DISTRICTS AND DRAINAGE BOARDS OUTSIDE CATCHMENT AREAS.

Constitution of drainage districts and drainage boards outside catchment areas.

17.—(1) The Minister may by order under this Part of this Act constitute any area which is not comprised in a catchment area a separate drainage district, and include therein the whole or any part of any existing drainage district which is not comprised in a catchment area and provide for the constitution of the drainage board for the district.

(2) Provision may be made by an order under this Part of this Act—

(*a*) for altering the boundaries of any drainage district or drainage area;

(*b*) for abolishing or reconstituting any drainage district and the drainage board thereof;

(*c*) where it appears desirable so to provide in the case of any existing drainage board, for amending the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such members in accordance with the provisions in that behalf contained in Part V of this Act;

PART III. —*cont.*

(*d*) for altering or supplementing in any respect the provisions of any local Act, or of any award made under any such Act, where in the opinion of the Minister such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually;

(*e*) for abolishing as from such date as may be specified in the order any Commissioners of Sewers, or if the jurisdiction of the Commissioners extends into a catchment area, for abrogating their powers outside the catchment area;

and any such order may contain any incidental, consequential or supplemental provisions which appear to be necessary or proper for the purposes of the order.

Provision as to petitions and procedure for making orders.

18.—(1) The Minister may, on the receipt of such a petition as is mentioned in this section or, in the case of the constitution of a separate drainage district, the alteration of the area of any drainage district, or the abolition of Commissioners of Sewers, on his own initiative and without any petition, after making such inquiries as he thinks necessary, and after consultation with the council of any county or county borough affected by the proposed order or any committee thereof appointed for the purpose, prepare a draft order to carry the petition into effect, or, as the case may be, to constitute or alter the district or abolish the Commissioners of Sewers.

(2) A petition for an order may be presented, in the case of a proposal to alter or supplement a local Act conferring powers on a drainage authority, by that authority, or by the council of any administrative county or county borough in which any part of the drainage area of that authority is situate, and in other cases by—

(*a*) the owners of one tenth of the land within the area proposed to be constituted a separate drainage district, or of the area proposed to be added to or excluded from a drainage district; or

(*b*) the drainage board or authority of a drainage district or area proposed to be altered; or

(*c*) the council of any county or county borough in which any part of the land proposed to be affected by the order is situate.

PART III. —*cont.*

(3) An order under this Part of this Act shall, if opposed, be provisional only and have no effect until confirmed by Parliament, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the making and validity of such orders.

(4) An order made under this Part of this Act may be revoked, altered, or amended by a subsequent order made by the Minister under and in accordance with the provisions of this section.

Expenses in connection with orders.

19.—(1) The expenses of the Minister and, if and so far as the order so directs, the expenses of the petitioners, in relation to the making or confirmation of an order under this Part of this Act, shall be defrayed as follows :—

(*a*) where a petition has been presented for the order and the order is made and comes into force, then—

(i) if the order is made on a petition for the constitution of a separate drainage district, the expenses shall be a first charge on the rates leviable in the district constituted by the order;

(ii) if the order is made on a petition for the alteration or definition of the boundaries of a drainage district or area, the expenses shall be a first charge on the drainage rates leviable by the drainage board or drainage authority in the district as altered or defined by the order, or, where more than one district or area is so altered, on the drainage rates leviable within those districts or areas in such proportions as the Minister directs;

(iii) if the order is made on a petition for altering or supplementing the powers conferred on the drainage authority by a local Act or award, the expenses shall be a first charge on the drainage rates leviable by the drainage authority;

(iv) if an order is made on a petition for the abolition of Commissioners of Sewers and the area of the Commissioners is constituted a separate drainage district or amalgamated with an existing drainage district, the expenses shall be a first charge on the drainage rates

PART III. —*cont.*

leviable in that district, or, where one part of the area of the Commissioners is amalgamated with one drainage district and another part of the area is amalgamated with another drainage district, shall be a first charge on the drainage rates leviable in those districts respectively in such proportions as the Minister directs:

(*b*) where a petition has been presented for the order and the order is not made, the expenses shall be paid by the petitioners:

(*c*) where a petition has not been presented for the order, the expenses shall, if the order is made, be defrayed, if and so far as the order so directs, in the same manner as if a petition for the order had been presented, and subject as aforesaid the expenses shall be defrayed by the Minister.

(2) The petitioners for an order under this Part of this Act shall give such security for expenses as may be required by the Minister.

PART IV.

FINANCIAL PROVISIONS.

Expenses of Catchment Board.

20.—(1) Subject to the provisions of this Part of this Act, the expenses under this Act of a Catchment Board in so far as they are not met otherwise shall—

(*a*) if the catchment area is wholly comprised within, or is co-terminous with, one administrative county, be paid to the Board by the council of that county; and

(*b*) in any other case, be apportioned by the Board among the councils of the several counties and county boroughs which are situate within, or extend into, the catchment area on the basis of the totals of the rateable values of all such hereditaments in the respective areas of those councils as are situate within the catchment area.

(2) For the purposes of any apportionment of expenses to be made under this section, the rateable values of hereditaments shall be taken to be the rateable

PART IV. —*cont.*

values thereof as shown in the valuation lists in force on the first day of the period of account in which those expenses are chargeable.

(3) In this Act the word "expenses" includes any costs, charges or expenses incurred or to be incurred by a Catchment Board in the execution of this Act, including the interest on, and provision for the repayment of, any moneys from time to time borrowed by the Catchment Board under the provisions of this Act.

(4) The councils of the several counties and county boroughs which are situate within or extend into the catchment area of a Catchment Board shall, from time to time, if and when so required by the Catchment Board, furnish to the Catchment Board a true and correct statement of the totals of the rateable values of all such hereditaments in the respective areas of those councils as are situate within the catchment area of the Catchment Board.

Contributions by internal drainage board to Catchment Board and by Catchment Board to internal drainage board

21.—(1) Subject to the provisions of the next succeeding subsection, a Catchment Board shall by resolution require each internal drainage board to make towards the expenses of the Catchment Board such contribution as the Catchment Board may consider to be fair.

(2) Where an internal drainage district within a catchment area (in this subsection referred to as a "main internal drainage district") comprises two or more minor internal drainage districts, the Catchment Board shall not, subject as hereinafter provided, require the drainage board of the main internal drainage district to make any contribution towards the expenses of the Catchment Board except in respect of such part, if any, of the main internal drainage district as is not situate within any minor internal drainage district:

Provided that the Catchment Board, after determining what contribution should be made by the drainage board of each of the minor internal drainage districts, may, if they think fit, require the drainage board of the main internal drainage district to pay direct to the Catchment Board an amount equal to the aggregate of those contributions, and if the Catchment Board make such a requisition, the drainage board of the main internal drainage district shall raise the amount so paid by

PART IV. —*cont.*

them to the Catchment Board by means of drainage rates levied by them within the main internal drainage district or, as the case may be, such part thereof as is situate within some minor internal drainage district.

(3) Where it appears to an internal drainage board that, by reason of the quantity of water which their district receives from lands at a higher level, or by reason of the time which will elapse before their district obtains any relief from the operations of the Catchment Board on the main channel of the river, it is fair that a contribution towards their expenses should be made by the Catchment Board, they may make an application to the Catchment Board, and that Board may resolve to make to the internal drainage board such contribution, if any, as may be specified in the resolution.

(4) A resolution under this section may be acted upon by the Board forthwith, notwithstanding that the time for bringing an appeal under the next succeeding subsection has not expired or that an appeal so brought is pending, and, in the event of an appeal being so brought, the Minister shall by his order direct such adjustment to be made in respect of any sums recovered or paid in pursuance of the resolution as may be necessary in order to give effect to his decision.

(5) If—

(*a*) an internal drainage board is aggrieved by a resolution of a Catchment Board under this section, either determining the amount of any contribution or refusing to make a contribution; or

(*b*) the council of any county or county borough which, or any part of the area of which, is within the catchment area is aggrieved by any such resolution on the ground, either that the amount of the contribution required to be made by an internal drainage board is inadequate or that the contribution to be made by the Catchment Board is excessive ;

the internal drainage board or the council, as the case may be, may, within six weeks after the date on which notice of the resolution is given by the Catchment Board to the internal drainage board, appeal to the Minister against the resolution, and the Minister may, after considering any objections made to him and, if he thinks

PART IV. —*cont.*

fit, holding a local public enquiry, make such an order in the matter as he thinks just.

(6) Where the Minister makes an order under this section, he shall make and cause to be laid before Parliament particulars of the matter in respect of which the appeal was made and of the reasons for his order.

(7) Compliance with any order made by the Minister under this section may be enforced by mandamus.

Precepts issued by Catchment Board.

22.—(1) A Catchment Board may issue precepts to the councils of counties and county boroughs and to internal drainage boards requiring payment of any amount payable by, apportioned upon, or required to be contributed by those councils and boards under either of the two last preceding sections, and, subject to the provisions of subsection (2) of this section, a council or an internal drainage board shall pay, in accordance with any precept so issued to it, the amount thereby demanded.

(2) The aggregate amount which may be demanded under this Part of this Act in any one financial year by a Catchment Board from the council of any county or county borough shall not, except with the consent of the majority of those members of the Catchment Board who are appointed by the councils of counties and county boroughs, exceed the estimated amount which would be produced by a rate of twopence in the pound levied on that part of the county or county borough which is within the catchment area:

Provided that, where the Catchment Board has borrowed or is about to borrow any money in pursuance of this Act, the foregoing provisions shall, if the said members or the majority thereof so resolve, have effect during the currency of the loan as if the said sum of twopence were increased by such amount as is specified in the resolution.

In this subsection the expression "financial year" means a year ending on the thirty-first day of March.

(3) It shall be the duty of a Catchment Board to prepare, in a form to be prescribed by the Minister, a statement of the purposes to which the amount demanded by any precept issued by the Board under this section is intended to be applied and of the basis upon which it is

calculated, and to send a copy of such statement with every precept to which it relates. PART IV. —*cont.*

(4) There shall not be any obligation upon any county or county borough council or upon any internal drainage board to pay the amount demanded by any precept issued under this section until such council or board have received the statement referred to in subsection (3) of this section.

(5) Compliance with any precept issued by a Catchment Board in accordance with the provisions of this section may be enforced by mandamus.

Expenses of county councils and county borough councils.

23.—(1) Any amount due under this Part of this Act from a county council to a Catchment Board shall be defrayed in one or other of the following ways according as the county council, having regard to the benefit, if any, derived by various areas, think just and equitable, that is to say—

(*a*) as expenses for general county purposes; or

(*b*) as expenses for special county purposes chargeable on such part or parts of the county within the catchment area as the council think fit; or

(*c*) by apportioning it between, and charging it on, such portions of the catchment area, and in such proportions, as the council think fit, and by the issue of precepts accordingly to rating authorities.

(2) Any amount due under this Part of this Act from the council of a county borough to a Catchment Board shall be defrayed in one or other of the following ways according as the council of the borough, having regard to the benefit, if any, derived by various areas, think just and equitable, that is to say :—

(*a*) out of the general rate fund of the borough; or

(*b*) out of the proceeds of an additional item of the general rate levied in such part of the borough within the catchment area as the council think fit; or

(*c*) out of the proceeds of several additional items of the general rate levied at such differential rates, and in such parts of the borough within the catchment area, as the council think fit.

PART IV. — *cont.*

Rating powers of drainage boards other than Catchment Boards.

24.—(1) The expenses under this or any other Act of a drainage board, other than a Catchment Board (including in the case of an internal drainage board any contribution made by the board towards the expenses of the Catchment Board) shall, in so far as they are not met by contributions from a Catchment Board, be raised by means of drainage rates made under and in accordance with this Act by the drainage board.

(2) A rate made by a drainage board may be either—

(*a*) an owner's drainage rate, that is to say, a rate raised for the purpose of defraying expenses incurred in connection with new works or the improvement of existing works and charges in respect of contributions to be made by the board to a Catchment Board; or

(*b*) an occupier's drainage rate, that is to say, a rate raised for the purpose of defraying any other expenses or charges:

Provided that as regards any rates raised in order to defray expenses incurred, or charges in respect of liabilities incurred, before the commencement of this Act, the provisions as to the incidence of rates contained in section thirty-eight of the Land Drainage Act, 1861, or, in the case of rates raised under any local Act, the corresponding provisions in that Act, shall have effect in substitution for the provisions of this subsection.

(3) Every owner's drainage rate and every occupier's drainage rate shall, subject as hereinafter provided, be assessed and levied by the board on the occupiers of hereditaments in the drainage district in accordance with the provisions of this section:

Provided that, for the purposes of this Part of this Act, the owner of any hereditament shall be deemed to be the occupier thereof during any period during which it is unoccupied.

(4) Every rate made by a drainage board shall be an annual value rate, that is to say, a rate assessed on the basis of annual value as regards all hereditaments, and, subject to the provisions of this section, every drainage rate shall be assessed at a uniform amount per pound throughout the area—

(*a*) in the case of agricultural land, on the annual value of the land; and

(*b*) in the case of any other land, on one-third of the annual value thereof: PART IV. —*cont.*

Provided that, where at the commencement of this Act a drainage board was levying drainage rates on the basis of acreage, or partly on the basis of acreage and partly on the basis of annual value, any rate made by that board at any time within the period of six months next following the commencement of this Act may be made on any basis on which it might have been made if this section had not been passed.

(5) For the purposes of this section, land 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 character and annual value as the land immediately adjoining, and, if the land adjoining on the one side and the land adjoining on the other side differ in character or annual value, the land used as such a railway as aforesaid shall be treated as if it were divided into two parts by a line drawn along the centre thereof and each part shall be deemed to be of the same character and annual value as the land adjoining that part:

Provided that the annual value of the adjoining land shall for the purposes of this subsection be deemed to be reduced by such proportion thereof, if any, as is in the opinion of the drainage board ascribable to buildings.

(6) A drainage board, after consultation in the case of an internal drainage board with the Catchment Board, may, if having regard to all the circumstances of the case they think that it is just so to do, make and levy differential rates, and may for that purpose from time to time by order divide the district into sub-districts and determine the proportion which the amount per pound of annual value to be assessed upon the occupiers of hereditaments in any sub-district shall bear to the amount to be assessed on the occupiers of hereditaments in any other sub-district within the drainage district.

So long as any such order is in force, the provisions of the five last preceding subsections shall apply in the case of a sub-district as they apply in the case of a drainage district not divided into sub-districts.

(7) A drainage board, after consultation in the case of an internal drainage board with the Catchment Board, may by order determine that no rates shall be

PART IV. —*cont.*

levied by them on the occupiers of hereditaments in any portion of the district which, in their opinion, either by reason of its height above sea level or for any other reason, ought to be exempted wholly from rating.

(8) When an order is made by a drainage board under this section the board shall submit the order to the Minister and shall forthwith thereafter publish in one or more newspapers circulating in their area 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 one month after the publication of the notice.

(9) The Minister shall forthwith take into consideration any order submitted to him under this section and no such order shall have any effect unless and until it is confirmed by the Minister.

(10) Any order made by a drainage board under this section may be varied or revoked by a subsequent order.

Drainage rates in urban areas.

25.—(1) The rating authority of an urban district some part of which is situate within a drainage district and the drainage board of that drainage district may agree that, so long as the agreement is in force, no drainage rate made by the drainage board shall be levied by them upon the occupiers of hereditaments within that part of the urban district, but that the rating authority shall pay to the drainage board within two months after the making of any drainage rate a sum equal to the aggregate of the amounts which the drainage board would have been entitled to demand and recover in respect of that rate from the occupiers of hereditaments within that part of the urban district.

(2) Any sum payable by an urban rating authority under this section shall be paid by them out of the proceeds of an additional item of the general rate levied in that part of the urban district.

Operation and incidence of drainage rates.

26.—(1) Every rate made by a drainage board shall be made in writing under the common seal of the board, and shall be deemed to be made on the date on which a resolution is passed by the board authorising their seal to be affixed to the rate.

PART IV. —*cont.*

(2) Subject as hereinafter provided, every drainage rate shall be made in respect either of a period of twelve months or a period of six months, as the drainage board may determine, and in the case of the last rate made in respect of any financial year as fixed for the purpose of making up the accounts of the board, the last day of the period shall be the last day of the financial year:

Provided that, notwithstanding anything in this subsection—

(*a*) a drainage board may at any time make a supplementary rate in respect of any period within a financial year, if they think it necessary to do so having regard to the requirements of their district; and

(*b*) the first rate made by a drainage board under this Act may be made in respect of such period as may be necessary to enable the board to comply with the provisions of this subsection in the case of subsequent rates.

(3) Every drainage rate and every demand for a drainage rate shall be in the prescribed form.

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

(*a*) every rate shall be assessed upon the person who at the date of the making of the rate is, or is deemed to be, the occupier of the hereditament:

(*b*) the full amount of any rate may be recovered by the drainage board from any person who is, or is deemed to be, the occupier of the hereditament at any time during the period in respect of which the rate is made:

(*c*) the occupier of any hereditament shall be entitled to recover from the owner thereof any amount paid by him on account of an owner's drainage rate:

(*d*) where a person who is, or is deemed to be, the occupier of a hereditament is, or is deemed to be, in occupation thereof for part only of the period in respect of which an occupier's drainage rate is made, he shall, but subject

PART IV. —*cont.*

and without prejudice to the provisions of paragraph (*b*) of this subsection, be chargeable with such part only of the total amount of the rate as bears to that total amount the same proportion as the number of days during which he is, or is deemed to be, in occupation bears to the total number of days comprised in the said period:

(*e*) any person who has under paragraph (*b*) of this subsection been required to pay to the drainage board in respect of an occupier's drainage rate any sum in excess of the amount properly chargeable against him in accordance with the provisions of paragraph (*d*) of this subsection, shall, subject to the provisions of any agreement to the contrary, be entitled to recover from any other person who was, or is deemed to have been, the occupier of the hereditament during any part of the said period so much of any sum so paid in excess as is properly chargeable against that other person by virtue of the said paragraph (*d*).

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

(6) A drainage board shall not be required to enforce payment of any rate in any case where the amount payable is in their opinion insufficient to justify the expense of collection.

Publication of drainage rate.

27.—(1) Notice of every drainage rate shall be given by the drainage board within ten days of the making thereof, and the rate shall not be valid unless notice thereof is duly given in accordance with this section.

(2) Any such notice may be given, as the drainage board think fit, either by affixing the notice within the said period of ten days in one or more public or conspicuous places or situations in the drainage district, or by publishing the notice within the said period in one or more newspapers circulating in the drainage district.

PART IV. —*cont.*

Amendment of rate.

28.—(1) A drainage board may at any time make such amendments in a drainage rate, being either the current or the last preceding rate, as appear to them necessary in order to make the rate conform with the provisions of this Part of this Act relating to drainage rates, and in particular may—

(*a*) correct any clerical or arithmetical error in the rate:

(*b*) correct any erroneous insertions or omissions or any misdescriptions:

(*c*) make such additions to or corrections in the rate as appear to the board to be necessary by reason of—

(i) any change in the occupation of any hereditament; or

(ii) any property previously rated as a single hereditament becoming liable to be rated in parts.

(2) Where in pursuance of this section a drainage board make any amendment in a rate, they shall serve notice of the amendment on the owner and occupier of every hereditament affected thereby.

Meaning of "agricultural land" and of "annual value."

29.—(1) In this Part of this Act—

The expression "agricultural land" means any land used as arable, meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922, but does not include land occupied together with a house as a park, gardens (other than as aforesaid) pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course:

12 & 13 Geo. 5. c. 51.

The expression "annual value" in relation to any land means the gross annual value of that land as determined for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment.

8 & 9 Geo. 5. c. 40.

PART IV. —*cont.*

(2) Any apportionment of the gross annual value of any land which may be necessary for the purpose of determining the annual value of any land for the purposes of drainage rates shall be made by the drainage board, and, where any land is not assessed for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, the annual value thereof for the purposes of drainage rates shall be such value as may be determined by the drainage board.

(3) Where under the last preceding subsection a drainage board have made any apportionment or have determined any value, they shall serve notice of their decision upon both the owner and the occupier of the hereditament to which the decision relates, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice, appeal against the apportionment or determination to a court of summary jurisdiction, whose decision shall be final.

(4) A drainage board may from time to time require the surveyors of taxes for their district to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, for all or any of the properties in that district.

Appeal against rates.

30.—(1) If any person, as being the occupier or owner of any hereditament in a drainage district, is aggrieved by a drainage rate, or an amendment of a drainage rate, upon any ground not being a ground upon which he might under the last preceding section have appealed to a court of summary jurisdiction, he may, subject to the provisions of this section, appeal against the rate, or the rate as amended, to the court of quarter sessions for the county or place in which the hereditament is situate.

(2) Notice of appeal under this section, specifying the grounds of the appeal, must be given within twenty-eight days after the date on which the rate was made or notice of the amendment was served on the appellant, as the case may be, to the court to which the appeal

PART IV. —*cont.*

is made and to the drainage board and also, if the appeal relates to a hereditament not in the occupation or ownership of the appellant, to the occupier and the owner of that hereditament.

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

(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 in default of agreement, appointed by the Minister. 12 & 13 Vict. c. 45.

In the event of such a reference to arbitration, the costs of and incidental to the hearing before the arbitrator and his award shall be in the discretion of the arbitrator, and if not agreed by the parties, shall be taxed as part of the costs of the appeal to quarter sessions.

Recovery of drainage rates.

31.—(1) Arrears of any drainage rates made under this Act may be recovered by a drainage board in the same manner in which arrears of a general rate may, under the Rating and Valuation Act, 1925, be recovered by a rating authority. 15 & 16 Geo. 5. c. 90.

(2) A drainage board may, either generally or in respect of any special proceedings, by resolution authorise their clerk to institute, carry on, or defend any proceedings in relation to rates which the drainage board have power themselves to institute, carry on, or defend.

(3) On any proceedings for the recovery of arrears of a rate, the defendant shall not be entitled to raise by way of defence any matter which might have been raised on an appeal under the provisions of this Part of this Act to a court of quarter sessions against the rate or any amendment of the rate or to a court of summary jurisdiction against the apportionment or determination of any annual value by a drainage board.

(4) Arrears of any drainage rates duly made by a drainage authority before the commencement of this Act may be recovered in accordance with the

PART IV. —*cont.*

provisions of this section by the persons and within the periods hereinafter mentioned, that is to say—

(*a*) the drainage authority may recover any such arrears by proceedings instituted at any time within six months after the commencement of this Act:

(*b*) if by a scheme made and approved under this Act the powers and duties of the drainage authority in respect of those arrears are transferred to any other body, that body may continue any proceedings instituted by the drainage authority for the recovery of the arrears before the date of transfer and may themselves institute proceedings for that purpose at any time within six months after the date of the transfer, notwithstanding that more than six months have elapsed since the commencement of this Act.

(5) The powers conferred by this section shall be deemed to be conferred in addition to, and not in substitution for, the powers conferred by any provisions of any local Act on any drainage board in relation to arrears of drainage rates, and for the purposes of any such provisions a rate made under this Act shall be deemed to be a rate to which those provisions apply.

Power of local authorities to contribute to expenses of drainage works.

32.—(1) Where it appears to a local authority that the execution or maintenance by a drainage board of any drainage works is desirable, as the case may be, in the interests of the public health of any area situated in the district of the local authority or for the protection or better enjoyment of any highway, the local authority may contribute, or undertake to contribute, to the expenses of the execution or maintenance of the drainage works by the drainage board such an amount as, having regard to the public benefit to be derived therefrom, appears to the authority to be proper.

(2) In this section the expression "local authority" means a local authority for the purposes of the Public Health Acts, 1875 to 1926, or the council of a county, and the making of contributions under this section shall be a purpose for which a local authority may borrow under those Acts or under the Local Government Act, 1888, as the case may be.

51 & 52 Vict. c. 41.

PART V.

MEMBERS AND PROCEEDINGS AND POWERS OF DRAINAGE BOARDS.

Election of members and proceedings of drainage boards other than Catchment Boards.

33.—(1) Subject to the provisions of this Act, drainage boards shall consist of elected members, and the provisions set out in Part I of the Third Schedule to this Act shall have effect with respect to the persons to vote at the election of members of such drainage boards.

(2) Subject to the provisions of this Act, an election of members of a drainage board shall be conducted in accordance with rules made by the Minister and any such rules shall contain provisions—

(i) for allowing any person or body of persons entitled to vote at an election to vote by a deputy; and

(ii) for the preparation of registers of electors (including provisions with respect to the making of objections to entries in any such registers and the hearing and determination of such objections) and for securing that the registers are open to inspection; and

(iii) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes.

(3) The provisions set out in Part II of the Third Schedule to this Act shall have effect with respect to the members and proceedings of drainage boards, other than Catchment Boards.

(4) This section shall not apply—

(*a*) to a Catchment Board; or

(*b*) to a drainage board existing at the commencement of this Act unless applied to the board by a scheme under Part II, or an order under Part III, of this Act.

General powers of drainage boards.

34.—(1) Every drainage board acting within its district shall have power—

(*a*) to maintain existing works, that is to say, to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse or drainage work:

PART V. —*cont'd.*

(*b*) to improve any existing works, that is to say, to deepen, widen, straighten or otherwise improve any existing watercourse, or remove mill dams, weirs or other obstructions to watercourses, or raise, widen, or otherwise improve any existing drainage work:

(*c*) to construct new works, that is to say, to make any new watercourse or drainage work or erect any machinery or do any other act not hereinbefore referred to, required for the drainage of the area comprised within their district:

Provided that a Catchment Board shall not, by virtue only of this subsection, be taken to be authorised to do any work otherwise than in relation to the main river.

(2) A drainage board desiring to execute drainage works for the benefit of their district in lands outside that district shall have the like powers in that behalf as are conferred by this Act on persons interested in land which is capable of being drained or improved and desiring to execute drainage works for that purpose, and any expense incurred by a drainage board under this subsection shall be defrayed as if the expense had been incurred in the district of the drainage board.

(3) Where injury is sustained by any person by reason of the exercise by a drainage board of any of its powers under this section, the board shall be liable to make full compensation to the injured person, and in case of dispute the amount of the compensation shall be determined in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

(4) It is hereby declared that nothing in this section authorises any person to enter on the land of any person except for the purpose of maintaining existing works.

Maintenance of watercourses.

35.—(1) Where any watercourse is in such a condition that the proper flow of water is impeded, it shall, except where the condition of the watercourse is attributable to subsidence of surface due to mining operations (including brine pumping), be the duty of the person having control of the watercourse or of the part thereof where the impediment occurs, or, if that person is not

PART V. —*cont.*

known, the person occupying the land through which the watercourse or that part of the watercourse passes, to put the watercourse or that part of the watercourse in proper order if by reason of such impediment agricultural land belonging to or in the occupation of some other person is injured by water or in danger of being so injured.

(2) Where any drainage board, not being a Catchment Board, are of opinion that by reason of the act or default of any person any watercourse within their drainage district is in such a condition that the proper flow of water is impeded and by reason of the condition of the watercourse agricultural land belonging to or in the occupation of some other person is being injured by water or is in danger of being so injured, the drainage board may serve on the person by whose act or default the flow of water is impeded a notice requiring him to put the watercourse or any part thereof in proper order, and subject to the provisions of this section it shall be the duty of that person within two months after the date on which the notice was served on him to comply with the requirements of the notice.

(3) Any such notice may, if the board think fit, specify the works which they consider necessary for the purpose of putting the watercourse or any part thereof in proper order.

(4) Any person on whom any such notice is served may at any time within twenty-one days from the date of the service either—

(*a*) complain to a court of summary jurisdiction on any of the grounds hereinafter mentioned; or

(*b*) by notice in writing addressed to the clerk of the drainage board require the question whether he ought not, by reason of some one or other of the said grounds, to be relieved from complying with the notice served on him to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Surveyors' Institution.

(5) A person may complain under this section to a court of summary jurisdiction on any of the following grounds, namely—

(*a*) that the control of the watercourse or the part of the watercourse in question is vested in

PART V. —*cont.*

some other person or that the service on him of the notice is otherwise not authorised by this section; or

(*b*) that the condition of the watercourse is not due to any act or default on his part; or

(*c*) that the notice cannot reasonably be enforced against him having regard to any of the following considerations, namely—

(i) the nature and extent of the land in respect of which his liability arises, and the extent to which that land abuts on the watercourse or the part thereof to which the notice relates;

(ii) the nature and extent of his estate or interest in that land or any part thereof;

(iii) the expenses which would be involved in complying with the notice;

(*d*) that such work as may be specified in the notice is unnecessary or excessive having regard to what is reasonably required to put the watercourse in proper order."

(6) If any person upon whom any such notice has been served alleges that the condition of the watercourse is attributable to the subsidence of surface due to mining operations, he may, at any time within twenty-one days from the date of the service of the notice, by notice in writing addressed to the clerk of the drainage board require the question whether that allegation is well founded to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

(7) On a complaint or reference under this section the court or arbitrator may either confirm or annul the notice to which the complaint or reference relates, or vary any requirement thereof.

(8) If either party is aggrieved by the decision of a court of summary jurisdiction on a complaint under this section, he may appeal to a court of quarter sessions, and on any such appeal the court of quarter sessions shall have power to make any order which the court of summary jurisdiction might have made.

(9) If within two months after the service of a notice under this section, or in the case of a complaint or appeal

PART V. —*cont.*

or a reference to arbitration under this section, within two months after the confirmation or variation of the notice, the requirements contained in the notice or in the notice as varied, as the case may be, are not complied with, the drainage board may, if they think fit, execute the necessary works and recover the expenses thereof summarily as a civil debt from the person in default.

Where several persons are in default, the drainage board may apportion among them the expenses incurred by the board in such manner as the board think just, but the court before which proceedings for the recovery of any apportioned part of the expenses are instituted may, if they think fit, vary the apportionment.

(10) Nothing in this section shall affect the right of an owner or occupier to recover from the other under the terms of any lease or other contract for the time being in force the amount of any expenses incurred by him under the foregoing provisions of this section or recovered from him by the drainage board.

(11) Where a local authority have powers vested in them for securing the proper flow of water in any watercourse under their jurisdiction, the drainage board, except by agreement with the local authority, shall not exercise their powers under this section in relation to the watercourse unless after reasonable notice from the drainage board the local authority have made default in the proper exercise of such powers as aforesaid.

(12) Where any watercourse is under the jurisdiction of a board of conservators, conservancy authority or a navigation authority which is exercising its powers, this section shall not apply to the watercourse except with the consent of that board or authority.

(13) Nothing in the provisions of this Act relating to the commutation of obligations shall be deemed to apply to such obligations as are mentioned in this section.

(14) In this section the expression "watercourse" does not include the main river of a catchment area.

Enforcement of obligations to repair

36.—(1) Nothing in this Act shall operate to release any person from any obligation to which he was before the passing of this Act subject by reason of tenure, custom, prescription or otherwise.

PART V. —*cont.* watercourses, bridges, &c.

(2) If any person who, by reason of any such obligation as aforesaid, is liable to do any work in relation to any watercouse, bridge or drainage work (whether by way of repair, maintenance or otherwise), fails to do the work, it shall be lawful for an officer of the drainage board in whose district the said watercourse, bridge, or drainage work is situate to serve a notice on the person liable to do the work requiring him to proceed to do the necessary work with all reasonable and proper dispatch, and if that person fails within seven days to comply with the notice it shall be lawful for that officer to do all such things as are necessary for the said purpose.

(3) Any expenses reasonably incurred by a drainage board in the exercise of their powers under this section may be recovered summarily as a civil debt from the person liable to repair.

Power to commute obligations to do work.

37.—(1) A drainage board shall have power with the consent of the Minister to commute any obligations imposed on persons by reason of tenure, custom, prescription or otherwise to repair any walls, maintain any watercourse or do other work in connection with land drainage, other than obligations to do work in a catchment area in connection with the main river.

(2) The provisions of Part II of this Act relating to the commutation of obligations to repair shall, with the necessary modifications, apply to the commutation of obligations under this section by a drainage board as they apply to the commutation of obligations under those provisions by a Catchment Board.

Disposal of spoil.

38.—(1) A drainage board, without making payment therefor or giving compensation in respect thereof, may appropriate and dispose of any shingle, sand, clay, gravel, stone, rock or other matter removed in the course of the execution of any work for widening, deepening or dredging any watercourse, and may deposit any matter so removed on the banks of the watercourse or use it in any other manner for the maintenance or improvement of those banks or for the purposes of the execution of any other work which the drainage board have power to execute:

Provided that, if any such matter would, if deposited in manner aforesaid, be a nuisance liable to be dealt with summarily under the Public Health Act, 1875, the

38 & 39 Vict. c. 55

drainage board shall not deposit it as aforesaid but shall dispose of it in some other lawful manner. PART V. —*cont.*

(2) A drainage board and any local authority for the purposes of the Public Health Acts, 1875 to 1926, may enter into an agreement providing for the disposal by the local authority of any matter removed as aforesaid and for the payment by the drainage board to the local authority in respect of the disposal of the said matter by that authority of such sum as may be provided by the agreement.

Arrangements between drainage boards.

39. The drainage board of any drainage district, not being a catchment area, may with the consent of the drainage board of any adjoining drainage district, not being a catchment area, execute and maintain in that adjoining district any works which the first-mentioned drainage board might execute or maintain within their own district on such terms as to payment or otherwise as may be agreed on between the drainage boards, or may agree to contribute to the expense of the execution or maintenance of any works by the drainage board of any adjoining drainage district, and any expense incurred by any drainage board under this section shall be defrayed as if the expense had been incurred in their own drainage district.

Provision for transfer to drainage boards of powers and duties of navigation authorities.

40.—(1) With the approval of the Minister and of the Minister of Transport, a drainage board may, with a view to improving the drainage of the drainage district, enter into an arrangement with a navigation or conservancy 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 rights, powers, duties, liabilities and obligations of, or any property vested in, the 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 matter for which provision is made by the arrangement.

(2) Any arrangement made under this section shall while in force have effect for all purposes as if enacted in

PART V. —*cont.*

this Act, but without prejudice to the power to provide by any subsequent arrangement so made for the variation or revocation thereof.

(3) A drainage board intending to enter into an arrangement under this section shall give notice of its intention to the Postmaster-General, and shall publish a like notice in such manner as the Minister may direct in the drainage district.

(4) Where an arrangement has been made under this section, the drainage board concerned shall cause a notice in such form as the Minister may prescribe to be published in the London Gazette stating that the arrangement has been made, and specifying the place at which a copy of the arrangement may be inspected by persons interested.

Power to vary navigation rights.

41.—(1) If in the case of a navigation authority which is not exercising at all, or is not exercising to the necessary extent, the powers vested in it, it appears to the Minister desirable so to do with a view to securing the better drainage of any land, he may, on an application made to him under this section and after consultation with the Minister of Transport, by order revoke, vary or amend the provisions of any local Act relating to navigation rights over, or to the powers and duties of any navigation authority with respect to, any waters within any drainage district, and in particular, but without prejudice to the generality of the foregoing power, may extinguish, vary or suspend, during such period as he may think proper, any such rights, powers or duties.

(2) An order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(3) The provisions set out in the Second Schedule to this Act shall have effect with respect to the making of orders under this section.

(4) An application for the purpose of this section must be made by the drainage boards within whose districts the waters to which the application relates are contained.

(5) An order made under this section may contain such incidental, consequential or supplemental provisions as appear to the Minister to be necessary or proper for

PART V. —*cont.*

the purposes of the order, and may be revoked or varied by a subsequent order made under this section.

(6) In this section the expression "waters" means any canal, river or navigable waters, and the expression "tidal waters" means any waters within the ebb and flow of the tide at ordinary spring tides.

(7) An order shall not be made under this section so as to affect any tidal waters except with the consent of the Board of Trade.

Power of drainage board to levy navigation tolls in certain cases.

42.—(1) Where any navigable waters within a drainage district are not subject to the control of any navigation authority, harbour authority, or conservancy authority, the drainage board of that district may apply to the Minister of Transport for an order imposing tolls in respect of the navigation of vessels in those waters.

(2) An order under this section—

(i) shall not be made unless the Minister of Transport is satisfied that the cost of the maintenance or works in connection with the waters to which the order relates has been or will be increased as a result of the use of those waters for purposes of navigation; and

(ii) shall, if opposed, be provisional only and have no effect until confirmed by Parliament.

(3) The Minister of Transport may hold inquiries for the purposes of this section as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall have effect accordingly, and he may make such order as to the payment of costs incurred by him in connection with any inquiry held under this section as he may think just.

9 & 10 Geo. 5. c. 50.

(4) The provisions of Part II of the Second Schedule to this Act shall have effect with respect to orders under this section, subject to the modification that references therein to the Minister shall be construed as references to the Minister of Transport.

(5) Any tolls payable under this section in respect of the navigation of a vessel in any such waters as aforesaid may be demanded from the person in charge of the vessel by any person authorised in that behalf by the drainage board and, if not paid upon demand, may be

PART V. —*cont.*

recovered summarily as a civil debt either from the person in charge of the vessel or from the owner thereof.

Power of drainage board to enter and survey lands and inspect documents.

43.—(1) Any person authorised in that behalf by a drainage board may for the purposes of this Act at all reasonable times, after giving notice in writing to the occupier and on the production if so required of his authority,—

(*a*) enter and survey any lands within the drainage district (including the interior of mills through which water passes or in connection with which water is impounded) 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 in the possession of any drainage board or navigation authority, which relate to land drainage in the drainage district and confer any powers or impose any duties on that board or 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 twenty pounds.

(3) This section shall not apply in relation to land belonging to—

(*a*) His Majesty in right of the Crown or the Duchy of Lancaster;

(*b*) the Duchy of Cornwall;

(*c*) a Government department.

Obstructions in watercourses.

44.—(1) It shall not be lawful for any person to erect any mill dam, weir or other like obstruction to the flow of any watercourse or to raise or otherwise alter any such obstruction, whether erected before or after the commencement of this Act, in any drainage district, without the consent in writing (not to be unreasonably withheld) of the drainage board.

(2) If where an application is made to a drainage board for their consent under this section the board fail within two months after the receipt of the application to notify in writing to the applicant their determination with respect to the application, the board

PART V. —*cont.*

shall be deemed to have consented thereto, and, if any question arises under this section whether the consent of a drainage board is unreasonably withheld, that question shall be referred to a single arbitrator to be agreed between the parties or, failing such agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(3) If any obstruction is erected or raised or otherwise altered in contravention of this section, it shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by this Act, and the drainage board may serve upon the person by whom the said obstruction has been erected or raised or otherwise altered a notice requiring him to abate the nuisance within a time to be specified in the notice, and if that person makes default in so doing, the board by whom the notice was served shall cause a complaint relating to the nuisance to be made before a justice, and the justice shall thereupon issue a summons requiring that person to appear before a court of summary jurisdiction.

(4) If the court is satisfied that the alleged nuisance exists, the court shall make an order on that person requiring him to abate the nuisance within a time specified in the order, and may by their order impose a penalty not exceeding one hundred pounds, and shall also give directions as to the payment of all costs incurred up to the time of making the order.

(5) Any person not obeying an order under this section to abate a nuisance shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding five pounds for every day during which his default continues, and the board by whom the complaint was made may abate the nuisance and recover summarily as a civil debt from the person in default the expenses of so doing.

(6) If either party to the proceedings is aggrieved by the decision of a court of summary jurisdiction on a complaint under this section, he may appeal to a court of quarter sessions, and on any such appeal the court of quarter sessions shall have power to make any order which the court of summary jurisdiction might have made.

(7) If it appears to any drainage board that an obstruction erected before the commencement of this

PART V. —*cont.*

Act is a nuisance and ought to be removed, the board may proceed against a person having power to remove the obstruction in the same manner as if it had been erected after the commencement of this Act, and this section shall have effect accordingly:

Provided that the drainage board shall be liable to make full compensation to any person who sustains damage by reason of the removal in pursuance of the provisions of this subsection of an obstruction otherwise lawful, and in case of dispute the amount of the compensation shall be determined in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

(8) Nothing in this section shall apply to any works under the control of a navigation authority, harbour authority or conservancy authority, or to any works executed or maintained under or in pursuance of any Act or any order having the force of an Act.

Power to buy, sell or exchange land.

45.—(1) A drainage board may, with the approval of the Minister, acquire by agreement land for any purpose connected with the drainage of land, or purchase by agreement any water-mill, dam, weir, or other work or any easement which interferes with the proper drainage of their district, and for the purpose of such acquisition sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875, except so far as those sections relate to the purchase and taking of lands otherwise than by agreement, shall apply as if they were herein re-enacted and in terms made applicable to drainage boards.

(2) A drainage board may be authorised to purchase land compulsorily for the purposes of this Act by means of an order submitted to the Minister and confirmed by him in accordance with the provisions of the Fourth Schedule to this Act.

(3) Nothing in this section or any order made thereunder shall authorise the compulsory acquisition for the purposes of this Act of any land which belongs to His Majesty in the right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall, or to a Government department, or which is vested in any local authority for the purposes of any Act or any Order having effect as an Act or in any authority, company, body or person

for the purposes of a railway, harbour, dock, canal, water or other public utility undertaking. PART V. —*cont.*

(4) A drainage board may, with the approval of the Minister, sell or exchange any land vested in them which they do not require for the purpose of the discharge of their functions under this Act.

(5) For removing doubts it is hereby declared that a drainage board is a public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919. 9 & 10 Geo. 5. c. 57.

Borrowing by drainage boards.

46.—(1) Subject to the provisions of this section, a drainage board may, with the sanction of the Minister, for the purpose of defraying any costs, charges or expenses incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted by them under this Act or under any enactment repealed by this Act, borrow or reborrow on the security of any property vested in the board or any rates to be levied by or contributions to be paid to the board under this Act.

(2) Money borrowed by a drainage board under this section may be borrowed for such time not exceeding fifty years as the drainage board, with the sanction of the Minister, may in each case determine.

(3) Where a drainage board borrow any sums in respect of which they have determined that some part only of the drainage district shall be liable, the money borrowed shall be repayable only out of rates levied on or contributions received in respect of that part of the drainage district.

(4) The provisions of the Commissioners Clauses Act, 1847, as to mortgages shall be incorporated with this section. 10 & 11 Vict. c. 16.

(5) The Public Works Loan Commissioners may make a loan to a drainage board for the purpose of any works for the purpose of which the board is by this section authorised to borrow, and in the case of a loan to a Catchment Board on the security of any contributions to be paid to the Board under this Act.

(6) The power of the Minister under this section to sanction any matter shall, in the case of borrowing by a Catchment Board, be exercised in consultation with the Minister of Health.

PART V. —*cont.* Byelaws.

47.—(1) A drainage board may, subject to the provisions of this Act, make such byelaws as the board consider necessary for securing the efficient working of the drainage system in their district, and in particular and without prejudice to the generality of the foregoing provisions may make byelaws for any of the following purposes, that is to say—

(*a*) regulating the use and preventing the improper use of any watercourses, banks or works vested in or under the control of the board or for preserving any such watercourses, banks or works from damage or destruction:

Provided that no byelaws for such purposes shall be valid which would prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes:

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

(*c*) preventing the obstruction of any watercourse 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*) compelling the persons having control of any watercourse vested in or under the control of the board or of any watercourse flowing into any such watercourse to cut the vegetable growths in the watercourse, and when cut, to remove them therefrom.

(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 public notice of intention to apply for the confirmation has been given by the board by advertisement in some newspaper circulating in their district, or otherwise in such manner as the Minister considers sufficient, and, in the case of a byelaw made by an internal drainage board, has also been given to the council of every county, county borough, or county district whose area, or any part of whose area, is situate in the drainage district.

(3) During the month next preceding the application for confirmation of a byelaw the drainage board shall

PART V. —*cont.*

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 drainage district, or by any other persons appearing to the 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) Subject to the provisions of this section, the Minister may, with or without a public local inquiry, disallow the byelaw or allow the byelaw either without modification or (subject to the consent of the drainage 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..

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

(6) 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 drainage board.

(7) Prima facie evidence of any byelaw made by the drainage 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 drainage board.

(8) 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 and a further fine not exceeding five pounds for every day on which the offence is committed or continued.

(9) Notwithstanding anything in this Act no byelaw made by a drainage board shall conflict or interfere with the operation of any byelaw made by a navigation authority, harbour authority or conservancy authority.

PART V. —*cont.*

Appointment of officers of drainage boards.

48. It shall be lawful for a drainage board to appoint for the purposes of this Act such officers as they think fit, and to pay to any officers so appointed such reasonable remuneration as they think fit.

Reports by and accounts of drainage boards.

49.—(1) Every drainage board shall, before such date in every year as the Minister may fix, send to the Minister a report of their proceedings during the preceding year, and shall at the same time send a copy of the report to the council of any county or county borough in which any part of the district of the board is situate, and, in the case of an internal board, also to the Catchment Board.

(2) Every report under this section shall be in such form and shall contain particulars with respect to such matters as the Minister may direct.

(3) The accounts of the receipts and expenditure under this Act of Catchment Boards and of the officers of Catchment Boards shall be made up, and shall be audited by district auditors, in like manner and subject to the same provisions as the accounts of county councils, and the enactments relating to the audit of the accounts of county councils, and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply accordingly.

(4) Subject as hereinafter provided the accounts of the receipts and expenditure under this Act of drainage boards other than Catchment Boards, and of the officers of such boards, shall be made up in such manner and to such date in each year, and shall be audited by such persons and in such manner, as the Minister may from time to time direct:

Provided that the Minister may, if he thinks fit, direct that the accounts of drainage boards, other than Catchment Boards or of any particular drainage board, not being a Catchment Board, shall be made up and audited in like manner and subject to the same provisions as the accounts of a Catchment Board under subsection (3) of this section.

(5) As soon as the accounts of a drainage board have been audited the board shall send a copy of the accounts to the Minister and shall at the same time send a copy to the council of any county or county borough in which any part of the district of the board is situate,

and, if the district of a board is situate in a catchment area, also to the Catchment Board, and a copy of the accounts shall also be kept at the office of the board, and any person, being a person who is liable to pay drainage rates in the district of the board, shall be entitled without payment to inspect and take copies of, or extracts from, the copy of the accounts.

PART V. —*cont.*

PART VI.

POWERS OF COUNTY COUNCILS AND COUNTY BOROUGH COUNCILS.

General drainage powers of county councils and county borough councils.

50.—(1) The council of a county or of a county borough shall as respects any land which is within the county or county borough but is not under the jurisdiction of a Catchment Board have—

(*a*) all such powers as are given to Catchment Boards by the provisions of section ten of this Act except subsection (4) of the said section; and

(*b*) all such powers as are given to drainage boards by the provisions of sections thirty-six and forty-four of this Act.

(2) The council of a county or of a county borough shall, as respects any land which is within the county or county borough (whether the land is or is not within a catchment area), have all such powers as are given to drainage boards by the provisions of section thirty-five of this Act.

(3) The provisions of section eleven of this Act, which empower the Minister to transfer the functions of an internal drainage board to the Catchment Board, shall apply to a drainage district situate in a county or any part of a county which is not within a catchment area, with the substitution for the references in the said section to the Catchment Board of references to the council of the county.

(4) Section forty-one of this Act, which authorises the Minister by order to revoke, vary or amend the provisions of any local Act relating to navigation rights over waters within a drainage district, shall apply to waters which are not within a drainage district, with the modification that in the case of any such waters an application for the purposes of the said section must be

PART VI. —*cont.*

made by the councils of the counties or county boroughs within whose areas the waters to which the application relates are contained.

Powers of persons authorised by councils of county or county boroughs to enter on land.

51.—(1) The council of a county or county borough may, for the purpose of the exercise of their functions under this Act, authorise any person to enter on and inspect any land, and any person so authorised may, after giving notice in writing to the occupier, and on production, if so required, of his authority, enter on and inspect the land accordingly at all reasonable times.

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

Schemes for drainage of small areas.

52.—(1) Where the council of a county or county borough are of opinion that any land which is within the county or borough (whether the land is or is not within a catchment area) is capable of improvement by drainage works, but that the case cannot be met by the constitution of a drainage district under this Act, and that the expenses of executing and maintaining the works will not exceed the increase in the value of the land arising therefrom, the council may, in accordance with the provisions of a scheme made under this section, enter on the lands and execute such drainage works as appear to them desirable.

(2) Before executing any works under this section the council shall prepare a draft scheme stating—

(*a*) the works proposed to be executed;

(*b*) the area to be improved thereby;

(*c*) the estimated cost of the execution of the works, which shall not exceed an amount equal to five pounds for each acre in the area to be improved, or five thousand pounds in all, and the maximum amount to be recoverable by the council in respect of the costs thereof;

(*d*) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area;

and shall give to the owners and occupiers of land comprised within the area, and to any navigation authority

PART VI. —*cont.*

or other body or person appearing to the council to be affected by the scheme, notice in the prescribed manner of the making of the draft scheme, and of the place where it can be inspected and of the time within which objections to the scheme may be made to the council, and the council shall, before settling the scheme, consider any objections which may have been duly made and, if the owners of one-half or more of the land comprised within the area to which the draft scheme relates have duly made objections thereto and have not withdrawn those objections, cause a public local inquiry to be held with reference to the scheme.

(3) Copies of the scheme when settled shall be served on the owners and occupiers of land in the area to which the scheme relates.

(4) For the purpose of executing and maintaining any works under a scheme made under this section a council shall, within the area to which the scheme relates or in which the works are to be executed, have all the powers of a drainage board under this Act, but subject to the restrictions imposed by this Act on the exercise of those powers.

(5) Any expenses incurred by a council under this section in the execution of drainage works to an amount not exceeding the amount declared by the scheme to be the maximum amount of expenses recoverable by them, or in maintaining any such works, shall be recoverable by the council summarily as a civil debt from the several owners of the lands to which the scheme relates according to the apportionment in the scheme:

Provided that, if any owner so requires in writing, the sum payable by him shall be recoverable by the council by means of a rate to be made and levied by the council in like manner, subject to the like provisions and with the like incidence, as are applicable in case of a private improvement rate for private improvement expenses incurred by a local authority under the Public Health Act, 1875, with this qualification, that the council shall, on the application of the owner or occupier of any land subject to the rate, determine the proportion of the rate to be borne by them respectively, having regard to the benefit derived from the works, the contract of tenancy, and all other circumstances of the case.

PART VI. —*cont.* Expenses, borrowing and power to delegate to committees.

53.—(1) The expenses of the council of a county or county borough under this Act, except in so far as they are by virtue of the provisions of this Act otherwise defrayed, shall be defrayed—

(*a*) in the case of the council of a county, out of the county fund as expenses for general county purposes, or, if and so far as the council think fit, as expenses for special county purposes, charged on such parts of the county as the council think fit; and

(*b*) in the case of the council of a county borough, out of the general rate fund.

(2) The council of a county or county borough may borrow for the purposes of this Act—

51 & 52 Vict. c. 41.

(*a*) in the case of a county, in accordance with the Local Government Act, 1888;

(*b*) in the case of a county borough, in accordance with the Public Health Acts, 1875 to 1926.

(3) The council of a county or county borough may delegate, with or without restrictions, to the agricultural committee of the council, or, in the case of a council not having an agricultural committee, to such committee as the council may think fit, any of their powers and duties ---der this Act (other than the power to levy a rate or borrow money) and the committee to which any such wers and duties are delegated may, subject to the :ections of the council, delegate with or without :trictions to a sub-committee of the committee any of eir powers and duties under this Act.

(4) The councils of two or more counties or county roughs may combine for the purposes of the joint ercise of any powers conferred on them by or under is Act, and may for that purpose appoint a joint mmittee, and may agree as to the proportions in which e several councils represented on the joint committee e to contribute towards the expenses thereof.

In the case of a council having an agricultural mmittee, the representatives of the council on the joint committee shall be persons who are members of the agricultural committee.

Saving of existing powers of councils.

54. Save as otherwise expressly provided in this Act, the powers conferred on councils of counties and county boroughs by or in pursuance of this Act,

shall be in addition to and not in derogation of any other powers possessed by any such councils independently of this Act: PART VI, —*cont.*

Provided that, where by any local Act powers are conferred on the council of any county or county borough similar to the powers conferred by this Act and that local Act contains provisions for the protection of any authorities, companies or persons, those provisions shall apply to the exercise by the council of the powers under this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

PART VII.

MISCELLANEOUS AND GENERAL.

Contributions out of public moneys towards expenses incurred by Catchment Boards in improvement of existing works or construction of new works.

55.—(1) Subject to the provisions of this section the Minister may, out of moneys provided by Parliament, make grants towards expenditure incurred by Catchment Boards under this Act in the improvement of existing works or the construction of new works of such amounts as the Treasury may from time to time sanction :

Provided that—

(*a*) no grant shall be made towards expenditure incurred in connection with any such improvement or construction unless the plans and sections therefor have been approved by the Minister, and the Minister is satisfied that the work thereon is being properly carried out;

(*b*) grants under this section shall be made subject to such conditions as may, with the approval of the Treasury, be prescribed.

(2) If it is shown to the Minister that any expenditure towards which a grant would, if the work were properly carried out, be properly payable under this section is about to be incurred by a Catchment Board, the Minister may, if for any reason he considers it expedient so to do, and subject to the approval of the Treasury, and to such conditions as may with the like approval be prescribed, make advances to the Board on account of the expenditure to be so incurred.

Provisions as to pollution authorities for

56.—(1) A Provisional Order under section fourteen of the Local Government Act, 1888, constituting for a catchment area or combination of catchment areas a

PART VII. —*cont.* catchment areas. 39 & 40 Vict. c. 75. 51 & 52 Vict. c. 41.

joint committee or other body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, may be made by the Minister of Health of his own motion and without any application by the council of any of the counties concerned.

(2) Any such order shall provide for the inclusion, so far as may conveniently be, on the committee or body, of the persons appointed by county or county borough councils to be members of the Catchment Boards of the catchment areas concerned.

(3) A committee or body so constituted and the Catchment Board of any catchment area concerned may enter into arrangements for co-operation in the discharge of their respective functions, including arrangements as to payments for services rendered by either party to the other party.

Power to require occupier of land to keep watercourses in order.

57.—(1) Where by reason of the neglect of the occupier of any land to maintain or join in maintaining the banks, or to cleanse and scour or join in cleansing and scouring the channels, of watercourses passing through over or adjoining his lands, injury is caused to any other land, the owner or occupier of that land may serve notice on the said occupier requiring him, as the case may be, to maintain the banks or cleanse or scour the channels, or to join in maintaining the banks or in cleansing or scouring the channels of the watercourses.

(2) If any person, being an occupier in default on whom a notice has been duly served in pursuance of this section, fails within two months after the date of the service to comply with the requirements of the notice, the person by whom the notice is served may, if he thinks fit, execute all such works as are reasonably necessary for maintaining the banks or cleansing or scouring the channels and the expenses incurred by him in so doing, or such proportion of those expenses as is just, shall be recoverable by him summarily as a civil debt from the occupier in default.

Application to adjoining owner for leave to make drains through his lands.

58.—(1) If any person interested in any land desires to drain it and for that purpose considers it necessary that new drains should be opened through lands belonging to another person or that existing drains in land belonging to another person should be cleansed, widened, straightened, or otherwise improved, the person so

desiring may apply in the prescribed manner to that other person (in this section referred to as "the adjoining owner") for leave to make such drains or improvements in drains through or on his lands.

(2) Any such application shall contain such particulars as may be prescribed with respect to the nature of the proposals and the compensation, if any, which the applicant is willing to pay to the adjoining owner.

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with respect to the proceedings consequent on an application under this section, and in the said Schedule the expression "application" means an application under this section and the expression "the adjoining owner" has the same meaning as in this section.

Power of Minister to authorise landowners to execute drainage works.

59.—(1) Where any persons interested in any land are of opinion that it is capable of improvement by drainage works but the said works cannot be executed by reason of the objection or disability of any person whose land would be entered upon, cut through or interfered with by or for the purpose of such works, they may present an application to the Minister for an order under this section authorising them to execute such drainage works as are expedient with a view to the improvement of the land.

(2) The application shall be in the prescribed form and shall contain particulars of the proposed works and the persons by whom they are to be executed and such further particulars as the Minister may prescribe or require.

(3) Notice of the application and of the place where it can be inspected and of the time within which objections to the proposed works may be made to the Minister shall be given in the prescribed manner and to all persons, not parties to the application, whose lands are proposed to be entered upon, cut through or interfered with, and to any drainage authority having jurisdiction in any district or area within which all or any of the proposed works are to be executed.

(4) The applicants shall give such security for expenses as may be required by the Minister.

(5) If within the prescribed time no objection to the proposed works has been made to the Minister by

PART VII. —*cont.*

any person interested or in any way affected by the proposed works or if every such objection has been withdrawn, the Minister shall in his discretion either refuse to authorise or by order authorise with or without alteration the execution of the proposed works.

(6) If such an objection has been made and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the proposed works are to be executed.

(7) The persons authorised by an order made under this section to execute works shall have full power to execute the works and to maintain them for ever thereafter:

Provided that no entry shall be made on any land for the purposes aforesaid till the amount of any compensation awarded in respect of the works to any person interested in the said land has been paid.

(8) No order of the Minister under this section shall authorise any work whereby the streams, reservoirs or feeders supplying any ornamental waters will be cut through, diverted or interfered with otherwise than by agreement and with the consent of the persons to whom such ornamental waters belong.

Protection of ancient monuments. 3 & 4 Geo. 5. c. 32.

60. Nothing in this Act shall be taken to authorise any person to execute any works or do any thing in contravention of the provisions of the Ancient Monuments Consolidation and Amendment Act, 1913.

Protection of public utility, water, railway and certain other undertakings.

61.—(1) Nothing in this Act or any order made thereunder shall authorise any person, except with the consent of the undertakers, to do any work which, whether directly or indirectly, interferes or will interfere with, or with the use of the works of or any property which is vested in or is under the control of the persons carrying on any undertaking to which this section applies, in their capacity as such, in such manner as to affect injuriously the said works or property or the carrying on of the undertaking.

The undertakings to which this section applies are the following:—

(*a*) public utility undertakings carried on by local authorities under any Act or under any order having the force of an Act;

(*b*) undertakings for the supply of water to any place; PART VII. —*cont.*

(*c*) the undertakings of authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1928;

(*d*) the undertakings of navigation, harbour, or conservancy authorities.

(2) Nothing in this Act shall authorise any person except with the consent of the railway company to interfere with any railway bridge or any other work connected with the railway or the structure, use or maintenance thereof or the traffic thereon.

(3) If any question arises under this section whether anything done or proposed to be done interferes or will interfere as aforesaid, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(4) Without prejudice to the provisions of this Act with respect to the transfer to drainage boards of the powers and duties of navigation authorities and with respect to the power of the Minister to vary navigation rights, nothing in this Act or any order made thereunder shall be taken to prejudice the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by the persons carrying on any undertaking to which this section applies.

Protection of fisheries.

62.—(1) Nothing in this Act shall prejudice or affect the provisions of the Salmon and Fresh Water Fisheries Act, 1923, or any rights, powers or duties conferred or imposed thereby.

(2) In the exercise of the powers conferred by this Act due regard shall be had to the fishery interests.

Power of canal companies, &c. to divert sewers.

63.—(1) Where any watercourses under the control of a drainage board pass under or interfere with, or with the improvement or alteration of, any river, canal, dock, harbour, basin or other work (including any towing-path adjacent thereto) which belongs to or is under the jurisdiction of any navigation authority, harbour authority or conservancy authority, that authority may at their own expense and on substituting for the said watercourses

PART VII. —*cont.*

other equally effective watercourses, take up, divert or alter the level of the said watercourses and do all such matters and things as may be necessary in connection with the works authorised to be done by them as aforesaid.

(2) If any question arises under this section between any drainage board and any such authority as aforesaid as to whether any watercourses substituted or proposed to be substituted by the authority for any existing watercourses are equally effective to the existing watercourses, that question shall be referred to a single arbitrator to be agreed between the parties or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

Restriction on construction of bridges over main river of catchment area.

64.—(1) It shall not be lawful for any person, except by way of replacement or reconstruction of an existing bridge, to construct a bridge over the main river of a catchment area without the consent (not to be unreasonably withheld) of the Catchment Board and unless the bridge is constructed in accordance with plans and sections approved by the Catchment Board.

(2) If any person acts in contravention of this section, the Catchment Board may remove, alter or pull down any work executed in contravention of this section and may recover the expenses so incurred from that person summarily as a civil debt.

(3) If any person is aggrieved by any withholding of consent or non-approval of plans under this section, he may appeal to the Minister and the Minister of Transport acting jointly.

(4) Nothing in this section shall be taken to be in derogation of any provision having the force of law by virtue of which the consent of any Government department is required for the erection of a bridge over any waters or by virtue of which any powers are exercisable by any Government department in relation to such a bridge.

Application of Act to Doncaster Drainage District.

65. This Act, in its application to the Doncaster Drainage District, shall have effect subject to the following modifications:—

(1) No direction shall be given by the Catchment Board under section seven to any drainage

PART VII. —*cont.*

board which is a district board within the meaning of the Doncaster Area Drainage Act, 1929; and

19 & 20 Geo. 5. c. xvii.

(2) Sub-paragraphs (iv), (v) and (vi) of paragraph (*b*) of subsection (1) of section four, paragraph (*a*) of subsection (2) of section seven, and sections eight and ten shall not apply.

Preservation of existing protection conferred by local Acts.

66. Where by any local Act powers are conferred on a drainage board or local authority similar to the powers conferred by this Act, and that local Act contains provisions for the protection of any authorities, companies, or persons, those provisions shall apply to the exercise by any drainage board within the area to which the local Act applies of the powers conferred on drainage boards by this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

Compensation to existing officers.

67.—(1) Every officer of a drainage board who immediately before the commencement of this Act had held office under that board for a period of not less than two years shall, if by virtue of this Act or of anything done in pursuance or in consequence thereof he suffers any direct pecuniary loss by abolition of office, or by determination of his appointment, or by diminution or loss of fees or salary or emoluments, be entitled to compensation under this Act for that loss.

(2) An application for compensation by any officer under this Act shall be made to the drainage board by which his appointment has been determined or his fees, salary, or emoluments have been reduced, or whose district comprises the area of the drainage authority by which he was employed, or such drainage boards as may be determined by the Minister of Health.

(3) For the purposes of this section an officer—

(*a*) who at any time within five years after the commencement of this Act relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the commencement of this Act; or

PART VII. —*cont.*

(*b*) whose services are dispensed with or whose salary is reduced by a drainage board within five years after the commencement of this Act because his services are not required or his duties are diminished, and not on account of misconduct or inefficiency,

shall, unless the contrary is shown, be deemed to have suffered a direct pecuniary loss.

(4) The provisions contained in the Eighth Schedule to the Local Government Act, 1929, shall apply to the determination and payment of compensation under this section to officers as they apply to the determination and payment of compensation under that Act to officers, subject to the following modifications :—

(i) references to the drainage board shall be substituted for references to the Council;

(ii) references to this Act shall be substituted for references to that Act; and

(iii) references to the commencement of this Act shall be substituted for references to the appointed day.

(5) If any question arises—

(*a*) as to the drainage board to which an application for compensation under this Act is to be made; or

(*b*) as to the fund out of which any compensation is to be paid;

the Minister of Health may, on the application of the officer or any drainage board concerned, determine the question.

Power to invest money on security of drainage rates.

68. Where the owner of any land comprised within a drainage district is authorised to invest money on real security, he shall, unless the instrument authorising the investment provides to the contrary, have power to invest money on a first mortgage of the drainage rates leviable by the drainage board for that district.

Provision as to alteration of local boundaries.

69.—(1) Where, in the exercise of any powers given by this Act, any watercourse forming a boundary line between two or more local areas defined by law is straightened, widened or otherwise altered so as to

PART VII. —*cont.*

affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Minister of Health, and the Minister of Health, if satisfied that a new boundary line may conveniently be adopted, shall, by notice published in such manner as he thinks fit, declare that the watercourse as altered shall be substituted either wholly or partially for the former boundary line, and thereupon the limits of the areas of which the watercourse, when unaltered, was the boundary shall be deemed to be varied accordingly.

(2) If in any such case the Minister of Health is of opinion that a new boundary cannot conveniently be adopted, either wholly or in part, he shall require the drainage board or other persons aforesaid to set out a boundary either on the line of the watercourse as it existed before its alteration, or on a new line in lieu thereof, in such manner as he thinks fit.

Expenses of Minister.

70. The expenses of the Minister under this Act, so far as not defrayed by the exercise of any powers conferred by this Act, shall to such an amount as the Treasury may sanction be defrayed out of moneys provided by Parliament.

Fees.

71. There shall be chargeable in respect of any business transacted by the Minister under this Act such fees as he may with the approval of the Treasury determine.

Power of Minister to hold inquiries.

72.—(1) The Minister may hold such inquiries as he considers necessary or desirable for the purposes of this Act, and the Minister, and, if authorised by the Minister, the person appointed to hold any such inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law, and, if any person fails without reasonable excuse to comply with any of the provisions of any such order, he shall be liable on summary conviction to a fine not exceeding five pounds, and the person holding the inquiry shall

PART VII. —*cont.*

have power to take evidence on oath and for that purpose to administer oaths.

(2) Notices of inquiries shall be given and published in accordance with such general or special directions as the Minister may give.

Costs of the Minister of Health under Part VII.

73. Where the Minister of Health incurs expenses—

(*a*) in connection with the making or confirmation of a provisional order made by him by virtue of this Part of this Act for constituting a body having any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876; or

(*b*) in or in connection with the exercise of the powers conferred on him by this Part of this Act with respect to alteration of boundaries where watercourses forming boundary lines are altered;

he may make such orders as he thinks fit with respect to the parties by whom or the rates out of which those expenses or any part thereof are to be borne, and any sum payable to the Minister of Health by virtue of any such order may be recovered as a debt due to the Crown:

Provided that an order shall not be made under this section with respect to expenses incurred in connection with the making or confirmation of a provisional order unless and until the order is confirmed by Parliament.

Regulations.

74.—(1) The Minister may make regulations for the purpose of prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect.

(2) Any regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done thereunder, or to the making of new regulations.

Service of notices.

75. A notice required or authorised to be served under or by virtue of this Act by any person may be served by registered post or by delivery to or at the

residence of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, by delivery of the notice or a copy thereof to some person on the premises or, if there is no person on the premises to whom the notice or copy can be delivered, by fixing the notice or the copy thereof on some conspicuous part of the premises. PART VII. —*cont.*

Provisions as to accretion of land resulting from drainage works.

76.—(1) If the Minister certifies that, as the result of any drainage works executed or proposed to be executed by a Catchment Board in connection with the tidal waters of the main river or any drainage works transferred from a drainage authority to a Catchment Board in pursuance of this Act, there has been or is likely to be any accretion of land, the Catchment Board may, notwithstanding any enactment to the contrary (including any enactment contained in any local Act), acquire either by agreement or compulsorily—

(*a*) the accretion of land or the land to which the accretion will, if it takes place, be added, together with any right to reclaim or embank the said accretion of land; and

(*b*) such other land as is reasonably required for the purpose of reclamation of the said accretion of land or for the enjoyment thereof when reclaimed.

(2) The provisions contained in Part V of this Act with respect to the power of drainage boards to acquire land shall apply with respect to the acquisition of land or rights under this section and the expression "land" in the said provisions as applied by this subsection shall be deemed to include all rights which may be acquired under this section.

(3) An agreement or order with respect to the acquisition of any land or rights under this section may provide for the transfer to the Catchment Board of any liability for the upkeep, maintenance and repair of any bank or drainage work or of any other like liability.

(4) Where the value of any land or right is increased by the execution or proposed execution of drainage works by a Catchment Board, the amount of the increase shall not be taken into account in assessing the compensation in respect of the compulsory acquisition thereof.

PART VII. —*cont.*

(5) Where, by reason of a certificate having been given by the Minister under this section in relation to any drainage works, a Catchment Board has acquired any land or right and a grant was made out of public moneys for the purpose of defraying the cost or part of the cost of the execution of the said works, the Catchment Board shall on being so required by the Commissioners of Crown Lands and on payment by the Commissioners to the Board of the sum paid by the Board in respect of the acquisition of the said land and right, together with the amount of any costs incurred by the Board in connection with the acquisition, transfer the said land or right to the Commissioners or to any person nominated by them.

(6) If a Catchment Board, on being so required by the Commissioners of Crown Lands in pursuance of the last preceding subsection, fail to transfer to the Commissioners any land or any right, the Minister may by a vesting order transfer the said land or right to the Commissioners or to a person nominated by them, and for the purposes of this subsection the Minister shall be deemed to be a competent authority within the meaning of section nine of the Law of Property Act, 1925.

15 & 16 Geo. 5. c. 20.

Application of Act to Crown.

77.—(1) Subject as otherwise expressly provided in this Act, the provisions of this Act shall apply to land belonging to His Majesty in right of the Crown or the Duchy of Lancaster and to land belonging to the Duchy of Cornwall and to land belonging to a Government department, and as respects—

(*a*) land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands, the Commissioners of Works or the Board of Trade, according as the land is under the management of the Commissioners of Crown Lands, the Commissioners of Works, or the Board:

(*b*) land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy:

(*c*) land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints:

shall for the purposes of this Act be deemed to be the owner of the land:

PART VII. —*cont.*

Provided that nothing in this Act shall—

(*a*) be taken to operate as a grant by or on behalf of His Majesty as owner, whether in right of His Crown or in right of the Duchy of Lancaster, of any tidal lands or by or on behalf of the Duchy of Cornwall as owner of any such lands, of any estate or interest in or right over any of those lands or any part thereof; or

(*b*) be taken to authorise any person to do any work on, over, or under, or to use for any purpose, any tidal lands or any lands belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, to the Duchy of Cornwall, or to any Government department, except—

(i) with the consent of the owner of the land; and

(ii) in the case of tidal lands, with the consent also of the Board of Trade; and

(iii) in any case otherwise than in accordance with the approved plans and sections and subject to the prescribed restrictions and conditions;

so, however, that nothing in this paragraph shall apply to work done in maintaining existing works on tidal lands, or on land not in the occupation of His Majesty, the Duke of Cornwall, or a Government department; 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 and prescribed by the Board of Trade, or the owner of the lands, as the case may be, before the commencement of the work in question:

Provided that for the purpose of proviso (*b*) to subsection (1) of this section, the expression "tidal lands" does not include any lands which by means of walls, embankments, or otherwise are protected from the incursion of the tides.

PART VII. —*cont.*

(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.

Provision as to London.

78. This Act shall not apply to the administrative county of London except to such portion thereof as is for the time being included in the Lee catchment area and nothing in this Act, or any order made thereunder shall affect any property of, or prejudice the exercise of any statutory power, authority, or jurisdiction for the time being vested in or exercisable by, the London County Council.

Provisions as to drainage board of Thames catchment area and Conservators of River Thames.

79.—(1) The drainage board of the Thames catchment area shall be the Conservators of the River Thames (hereinafter in this section called "the Conservators") and the provisions of this Act with respect to the constitution and membership of drainage boards for catchment areas shall not apply in relation to the Thames catchment area.

(2) The Conservators shall, as from the first day of April next after the commencement of this Act, consist of thirty-one members who shall be appointed in the manner specified in the Sixth Schedule to this Act together with such additional members, not exceeding three, as the Minister may determine who shall be appointed by him after consultation with the internal drainage boards in the Thames catchment area to represent such internal drainage boards.

(3) The persons who on the thirty-first day of March next after the commencement of this Act are the Conservators shall go out of office on that date, without prejudice, however, to their eligibility for reappointment under this section.

(4) The accounts of the Conservators shall show separately the receipts and expenditure of the Conservators upon and in connection with the exercise of the powers and duties conferred and imposed upon them as the Catchment Board of the Thames catchment area, distinguishing capital from revenue.

14 & 15 Geo. 5. c. lxiv.

(5) The provisions of section thirty-five (Application of revenue) of the Thames Conservancy Act, 1924, shall not apply to moneys received by the Conservators under and for the purposes of this Act:

PART VII. —*cont.*

Provided that the Conservators shall be entitled to charge such moneys with the payment of a proportionate part of the necessary and proper establishment expenses of the Conservators and of a proportionate part of the cost (including any interest and payments to sinking funds or other sums required to be provided in respect to the repayment of borrowed moneys) of any works carried out by the Conservators and the execution and performance of any powers and duties of the Conservators which are applicable to or enure for the benefit of not only the purposes of the Thames Conservancy Acts, 1894 to 1924, but also the purposes of this Act.

(6) For the purposes of the provisions of this Act relating to compensation to existing officers, the Conservators shall be deemed to have been a drainage board immediately before the commencement of this Act.

(7) Notwithstanding anything in this Act all deeds, conveyances, grants, assurances, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, securities and contracts entered into or made and subsisting at the commencement of this Act and then in force and all obligations and liabilities incurred before the commencement of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Conservators as they would or might have been against or in favour of the Conservators if this Act had not come into operation and everything before the commencement of this Act done, suffered and confirmed respectively shall be as valid as if this Act had not come into operation.

(8) Every officer or servant of the Conservators not entitled to compensation under this Act and not otherwise legally entitled to any pension or superannuation allowance who becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body or who has attained the age of sixty years or who, having been in the service of the Conservators for a period of not less than five years prior to the commencement of this Act, is dismissed on any ground other than misconduct, shall upon his resigning or otherwise ceasing to hold office be entitled to a superannuation allowance upon the terms and conditions and according

PART VII. —*cont.*

to the scale from time to time applicable to persons in the permanent Civil Service of the State:

Provided that this provision shall not apply to any officer or servant who, having regard to the practice of the Conservators with regard to pensioning their officers and servants, had no reasonable expectation of receiving a pension or superannuation allowance on retirement, and any question as to whether an officer or servant had such reasonable expectation shall be determined by the Minister.

(9) The powers conferred on drainage boards by this Act with respect to the improvement of existing works and the construction of new works shall not in the case of the drainage board of the Thames catchment area become exercisable until the expiration of two years from the commencement of this Act, but nothing in this subsection shall be taken to prevent the said board from exercising before the expiration of the period aforesaid any other powers vested in them under this Act, notwithstanding that such other powers are only exercised in anticipation of the exercise after the said period of the first-mentioned powers.

Provisions as to drainage board of Lee catchment area and Lee Conservancy Board.

80.—(1) The drainage board of the Lee catchment area (in this section referred to as "the Catchment Board") shall consist of the persons who are for the time being members of the Lee Conservancy Board (in this section referred to as "the Conservancy Board") together with six additional members, one to be appointed by the Minister, one by the London County Council, and two each by the council of the county of Essex and the council of the county of Middlesex, and the provisions of this Act with respect to the constitution and membership of drainage boards for catchment areas (except paragraphs seven, eight and ten of Part II of the First Schedule to this Act) shall not apply in relation to the Lee catchment area.

(2) The Catchment Board shall be a body corporate under the name of the Lee Conservancy Catchment Board.

(3) An additional member of the Catchment Board appointed by a county council in pursuance of this section need not be a member of that council.

(4) Section four (Appointed members) and section fifteen (Persons disqualified from being conservators) of

PART VII. —*cont.*

the Lee Conservancy Act, 1900, and section eleven (Casual vacancies amongst appointed members) of the Lee Conservancy Act, 1921, shall apply to the additional members of the Catchment Board to be appointed in pursuance of this section :

63 & 64 Vict. c. cxvii. 11 & 12 Geo. 5. c. lxxviii.

Provided that the first members so appointed shall be appointed as soon as may be after the passing of this Act, and shall, subject as in the said section four provided, continue to hold office until the first Friday in April in the year nineteen hundred and thirty-four.

(5) The moneys received by the Catchment Board under this Act shall be charged with the payment of a proportionate part of the necessary and proper establishment expenses of the Conservancy Board and of a proportionate part of the cost (including any interest and payments to sinking funds or other sums required to be provided in respect to the repayment of borrowed moneys) of any works carried out by that board and the execution and performance of any of their powers and duties which are applicable to or enure for the benefit of not only the purposes of the Lee Conservancy Acts, 1870 to 1921, but also the purposes of this Act.

(6) For the purposes of the provisions of this Act relating to compensation to existing officers the Conservancy Board shall be deemed to have been a drainage board immediately before the commencement of this Act.

(7) Every officer or servant of the Conservancy Board or of the Catchment Board not entitled to compensation under this Act, and not otherwise legally entitled to any pension or superannuation allowance, who becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who having been in the service of the Conservancy Board for a period of not less than five years prior to the commencement of this Act, is dismissed on any ground other than misconduct, shall upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale from time to time applicable to persons in the permanent Civil Service of the State :

Provided that this provision shall not apply to any officer or servant who having regard to the practice of the Conservators with regard to pensioning their officers

PART VII. —*cont.*

and servants had no reasonable expectation of receiving a pension or superannuation allowance on retirement and any question as to whether an officer or servant had such reasonable expectation shall be determined by the Minister.

Interpretation.

81. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, 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 or sea front, and includes all land between the bank and low-water mark:

"Conservancy authority" has the same meaning as in the Merchant Shipping Act, 1894:

57 & 58 Vict. c. 60.

"Defence against water" includes defence against sea water:

"Drainage," except in the phrase "any enactments relating to the drainage of land," includes defence against water, irrigation, warping and the supply of water:

"Drainage authority" means any drainage board constituted, or to be treated as having been constituted, under this Act, or any other body of persons having power to make or maintain works for the drainage of land:

"Harbour" and "harbour authority" have the same respective meanings as in the Merchant Shipping Act, 1894:

"Internal drainage district" means a drainage district within a catchment area or, in the case of a drainage district situate partly within and partly without a catchment area, so much thereof as is situate within the catchment area, and "internal drainage board" means the drainage board of an internal drainage district:

"Land" includes water and any interests in land or water and any easement or right in, to, or over land or water:

"Main river" includes any structure or appliance for controlling or regulating the flow of water in or out of the channel, and situate therein or in any part of the banks thereof other than

PART VII. —*cont.*

any such structure or appliance which is vested in or controlled by an internal drainage board:

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

"Navigation authority" means any person or body of persons having powers under any Act of Parliament to work or maintain a canal or other inland navigation (including a navigation in tidal water):

"Prescribed" means prescribed by regulations made by the Minister:

"Watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority within the meaning of the Public Health Act, 1875) and passages, through which water flows. 38 & 39 Vict. c. 55.

Effect of Act on local Acts.

82.—(1) The powers conferred by Part V of this Act on any drainage board shall be deemed to be conferred in addition to and not in substitution for any like powers conferred by any local Act on that board.

(2) Where the boundaries of a drainage district or drainage area are altered under this Act, all powers exercisable under any local Act by the drainage board of the district or area with respect to land included therein, shall, except so far as the scheme or order effecting the alteration otherwise provides, be exercisable with respect to land added to the district or area by the scheme or order.

Repeals.

83.—(1) The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

(*a*) notwithstanding anything in this repeal, where any application has been made for, or any proceedings have been taken towards the making of, an order under any Act repealed by this Act, the said application may be considered and the said proceedings may be completed and an order may be made in like manner and with like effect, as if this Act had not passed;

(*b*) subject to the provisions of the preceding paragraph, nothing in this repeal shall affect

PART VII. —*cont.*

any appointment, appeal, agreement, resolution, certificate, rule, order (including provisional order), regulation, requisition or rate made, notice given or proceedings taken, or instrument issued under any enactment hereby repealed, but any such appointment, appeal, agreement, resolution, certificate, order (including provisional order), or regulation, requisition, rate, notice, proceedings, or instrument shall have effect or be continued as if made, given, taken or issued under the corresponding provision of this Act, and may be amended, varied, revoked or enforced accordingly;

(*c*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or to the corresponding enactment in this Act.

(2) Every commission of sewers in force at the commencement of this Act shall continue in force unless and until the said commission is determined by a scheme made and approved under and in accordance with the provisions of Part II of this Act or by an order made under and in accordance with the provisions of Part III of this Act.

(3) Commissioners of Sewers shall, until the commission is determined and subject as hereinafter provided, continue to have all such powers as were vested in or exercisable by them immediately before the commencement of this Act and in addition all such powers as are given to drainage boards by the provisions of this Act:

Provided that any powers vested in or exercisable by commissioners of sewers as aforesaid shall be subject to all restrictions, conditions and qualifications which are attached to any like powers conferred on drainage boards by this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Extent and short title.

84.—(1) This Act shall not extend to Scotland or Northern Ireland.

(2) This Act may be cited as the Land Drainage Act, 1930.

SCHEDULES

FIRST SCHEDULE.

Sections 2 and 3.

CATCHMENT AREAS AND BOARDS.

PART I.

Catchment Areas.

Areas the drainage of which is directed to the following rivers or arterial drains:—

Adur.
Alt.
Ancholme and Winterton Beck.
Anglesey rivers.
Arun.
Avon and Stour.
Avon (Bristol).
Clwyd.
Conway.
Crossens.
Cuckmere
Dee.
Derwent.
Douglas.
Dysynni.
East Norfolk rivers (including the river Waveney).
East Suffolk rivers (excluding the river Waveney).
Essex rivers.
Hull.
Kent.
Lee.
Lune.
Medway.
Mersey (above Irlam Weir) and Irwell (above Hunt's Bank).
Nene.
North Norfolk rivers.
Old Haven (Pevensey) and Bulverhythe Stream.
Ouse (Yorks).
Ouse (Great).
Ouse (Sussex).
Prysor.
Roding.
Romney and Denge Marsh Main Drains.
Rother and Jury's Gut.
Severn.
Somerset rivers.
Stour (Kent).
Stour (Essex and Suffolk).
Thames above Teddington Lock.
Thaw.
Trent.
Waver and Wampool
Weaver.
Welland.
Witham and Steeping River.
Wye.
Wyre.

1ST SCH. —*cont.*

PART II.

Provisions as to Members and Proceedings of Catchment Boards.

1. The first members of the Board shall hold office until the first day of November in the calendar year next following the calendar year in which this Act comes into force.

2. Any members of the Board other than the first members thereof shall come into office on the first day of November next after the day on which they are appointed, and shall hold office for a term of three years:

Provided that—

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

(*b*) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office; and

(*c*) if a member is absent from meetings of the Board for more than six months consecutively he shall, unless his absence is due to illness or some other reason approved by the Board, vacate his office on the expiration of the said six months.

3. Any member shall, if he is interested in any company with which the Board has or proposes to make any contract, disclose to the Board the fact and nature of his interest, and shall take no part in any deliberation or decision of the Board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Board.

4. If for any reason whatsoever the place of a member of the Board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment of a new member by the Minister or by the council by whom the vacating member was appointed, as the case may be:

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

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

6. A person who is an undischarged bankrupt, or who has at any time within the preceding five years made a composition or arrangement with his creditors, shall be disqualified for being appointed or being a member of the Board.

1ST SCH. —*cont.*

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

8. The proceedings of the Board shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any member of the Board.

9. The Board may, with the approval of the Minister, make rules—

(*a*) for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of the Board; and

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

(*c*) for enabling the Board to constitute committees and for authorising committees subject to the consent of the Board, to co-opt additional members; and

(*d*) for authorising the delegation to committees, either generally or as respects any particular area, of any of the powers or duties of the Board and for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of committees.

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

11. A minute of the proceedings of a meeting of the Board or of a committee of the Board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates, shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

12. The Minister may, if he thinks fit, by order authorise the Board—

(*a*) to pay to the Chairman of the Board by way of remuneration such sum as may be specified in the order; and

(*b*) to repay to the members thereof the whole or any part of any travelling expenses incurred by them in attending meetings of the Board.

Sections 13, 18, 41 and 42.

SECOND SCHEDULE.

PROCEDURE FOR MAKING AND PROVISIONS AS TO THE VALIDITY OF ORDERS.

PART I.

General Provisions.

1. Before making an order the Minister shall cause notice of the intention to make the order and of the place where copies of the draft order may be inspected and obtained, and of the time within and manner in which objections to the draft order may be made, to be published in the London Gazette and in such other manner as he thinks best adapted for informing persons affected, and to be sent to the council of every county or county borough in which any part of the area proposed to be affected by the order is situate and to every drainage authority, navigation authority, harbour authority or conservancy authority which is known to the Minister to be exercising jurisdiction within the area proposed to be affected by the order.

2. Before making an order the Minister shall consider any objections which may be duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order.

3. The Minister may make regulations in relation to the publication of notices and advertisements under this Schedule and to the holding of and procedure at public local inquiries under this Schedule and to any other matters of procedure respecting the making of orders to which this Schedule applies.

PART II.

Provisions applicable to Orders which are Provisional if opposed.

1. After an order has been made by the Minister it shall be published in such a manner as he thinks best adapted for informing persons affected, together with a notice that the Minister has made the order, and that the order will become final and have effect unless within such period, not being less than thirty days, as may be specified in the notice, a memorial is presented to the Minister by some person affected by the order and having such interest as may be prescribed as being sufficient for the purpose praying that the order shall not become law without confirmation by Parliament.

2. If no such memorial has been presented within such period as aforesaid or if every such memorial has been withdrawn the Minister shall confirm the order and the order shall thereupon

have effect, but if such a memorial has been presented and has not been withdrawn the order shall have no effect until confirmed by Parliament.

3. The Minister may submit any order made by him to Parliament for confirmation.

4. If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

5. The Minister may revoke, either wholly or partially, any provisional order made by him before the order is confirmed by Parliament, but such a revocation shall not be made while the Bill confirming the order is pending in either House of Parliament.

PART III.

Provisions with respect to the Validity of Orders not confirmed by Parliament.

1. So soon as may be after an order has effect the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has come into force, and naming a place where a copy thereof may be seen at all reasonable hours.

2. If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice mentioned in paragraph 1 hereof, make an application for the purpose to the High Court, and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.

3. Subject to the provisions of the last preceding paragraph an order shall not at any time be questioned by prohibition or certiorari or in any legal proceedings whatsoever.

4. Except by leave of the court of appeal no appeal shall lie to the House of Lords from a decision of the court of appeal in proceedings under this section.

Section 33.

THIRD SCHEDULE.

DRAINAGE BOARDS OTHER THAN CATCHMENT BOARDS.

PART I.

Provisions as to Persons to vote at the Election of Members of Drainage Boards.

1. The electors for members of a drainage board for any district shall be the persons who at the date of the election own or occupy land on which a drainage rate has been levied in the year immediately preceding :

Provided that—

(i) a person shall not be entitled to be an elector by reason of his occupation of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than a month; and

(ii) a person shall not be entitled to be an elector by reason of his ownership of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied on that land has remained unpaid for more than one month.

2. Each elector at an election of members of a drainage board shall be entitled to one or more votes in accordance with the following scale :—

Value of property.	Number of votes.
Where the rateable value of the property in respect of which the elector is entitled to vote—	
is less than £50	One vote.
amounts to £50, but is less than £100	Two votes.
amounts to £100, but is less than £150	Three votes.
amounts to £150, but is less than £200	Four votes.
amounts to £200, but is less than £250	Five votes.
amounts to £250, but is less than £500	Six votes.
amounts to £500, but is less than £1,000	Eight votes.
exceeds £1,000	Ten votes.

PART II.

Provisions as to Members and Proceedings of Drainage Boards.

1. No person shall be qualified for election as a member of a drainage board unless he is either—

(*a*) the owner of not less than ten acres of land in respect of which a drainage rate may be levied by the board and

situate in the electoral district for which he is a candidate for election; or

(*b*) the occupier, whether under tenancies of year to year or otherwise, of not less than twenty acres of such land as aforesaid; or

(*c*) the owner or occupier of land which is of the annual value of thirty pounds or upwards and situate in the electoral district for which he is a candidate for election; or

(*d*) a person nominated as a candidate for election by the owner (whether the owner is an individual or a body of persons) of land which is situate in the electoral district in question, and is either of not less than ten acres in extent or of the annual value of thirty pounds or upwards.

Provided that—

(i) no person shall be deemed to be qualified as aforesaid as being an occupier of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than one month; and

(ii) no person shall be deemed to be qualified as aforesaid as being the owner, or a person nominated by the owner, of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied in respect of that land has remained unpaid for more than one month.

2. The first members of the board shall be persons appointed by the Minister and shall hold office until the first day of November in the calendar year next following the calendar year in which this Act comes into force.

3. Any members of the board other than the first members thereof shall come into office on the first day of November next after the day on which they are elected, and shall hold office for a term of three years:

Provided that—

(*a*) a member may resign his office by notice in writing under his hand given to the chairman of the board; and

(*b*) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office; and

(*c*) if a member is absent from meetings of the board for more than six months consecutively, he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office on the expiration of the said six months.

4. If for any reason whatsoever the place of a member of the board becomes vacant before the end of his term of office,

3RD SCH. —*cont.*

the vacancy shall be filled by the election by the board of a new member:

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

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

6. A person who is an undischarged bankrupt or who has at any time within the preceding five years made a composition or arrangement with his creditors shall be ineligible for election as or being a member of the board.

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

8. The proceedings of the board shall not be invalidated by any vacancy in their number, or by any defect in the appointment or qualification of any member of the board.

9. The board may, with the approval of the Minister, make rules—

(*a*) for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of the board; and

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

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

(*d*) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of committees.

10. The first meeting of the board shall be held on such 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 board not less than fourteen days before the appointed day.

11. A minute of the proceedings of a meeting of the board or of a committee of the board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates, shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

12. The Minister may, if he thinks fit, by order authorise the board: 3RD SCH. —*cont.*

(*a*) to pay to the chairman of the board by way of remuneration such sum as may be specified in the order; and

(*b*) to repay to the members thereof the whole or any part of any travelling expenses incurred by them in attending meetings of the board.

13. Any member shall, if he is interested in any company with which the board has or proposes to make any contract, disclose to the board the fact and nature of his interest, and shall take no part in any deliberation or decision of the board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the board.

FOURTH SCHEDULE.

Section 45.

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

1. Where a drainage board propose to purchase land compulsorily, the drainage 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 and effective.

3. The order shall be in the form prescribed and shall contain such provisions as may be prescribed for the purpose of carrying the order into effect and of protecting the drainage 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 drainage board in the manner prescribed, and such notice of the order having been made as may be prescribed shall be given both in the locality in which

4TH SCH. —*cont.*

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 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 drainage authority 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:

Provided that the Minister may dispense with the holding of a public inquiry and may confirm the order without holding such an inquiry in any case where the objectors agree that the questions raised relate exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred under the order, and the Minister may, for that purpose, require any objector to state in writing the grounds of his objection.

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 drainage 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 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 injuries 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 Land Acts of land belonging to a benefice.

FIFTH SCHEDULE.

Section 58.

PROVISIONS WITH RESPECT TO PROCEDURE IN THE CASE OF APPLICATIONS FOR LEAVE TO MAKE DRAINS THROUGH LANDS OF ADJOINING OWNER.

PART I.

Procedure where Adjoining Owner assents to Application.

1. The adjoining owner may by deed under his hand and seal assent to an application upon such terms and on payment of such compensation as he may require; and any assent so given shall be binding on all parties having any estate or interest in the land, provided that—

(*a*) any arrangement entered into by any adjoining owner under any disability or incapacity or not having power to assent to such application except under the provisions of this Act shall not be valid unless the said arrangement is approved by two surveyors, of whom one is to be nominated by the applicant and the other by the adjoining owner; and each of such surveyors, if they approve of the said arrangement, shall annex to the document containing the said arrangement a declaration to that effect subscribed by him;

(*b*) any compensation to be paid by the applicant to the adjoining owner in cases where such owner is under any disability or incapacity or has not power to assent to any such application except under the provisions of this Act shall be applied in manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Lands Clauses Acts;

(*c*) any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains (so that the claim therefor be made within twelve months after completion of the said drains or improvements in drains) the amount of such compensation to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by the Lands Clauses Acts.

2. The applicant shall forward to the clerk of the peace of the county wherein the land is situate the deed containing the

5TH SCH. —*cont.*

assent of the adjoining owner to the proposed drains or improvements in drains and it shall be kept in his office as a record of the proceedings between the parties.

PART II.

Procedure where Adjoining Owner dissents.

1. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto within one month of the application; and in the event of his dissent there shall be decided by two or more justices in petty sessions assembled, unless the adjoining owner within the said period of one month requires their decision by arbitration, the questions following; that is to say:—

(i) whether the proposed drains or improvements in drains will cause any injury to the adjoining owner or to the occupier or other person interested in the lands;

(ii) whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money.

2. Where the justices have cognisance of the case, the same proceedings shall be had as are required under the Lands Clauses Acts, in case of a question of disputed compensation authorised to be settled by two justices, and where such questions are referred to arbitration, the same proceedings shall be had as are required by the said Acts where any question of disputed compensation authorised to be settled by arbitration has arisen, provided that the costs of the said arbitration shall be in the discretion of the arbitrators.

3. If the decision is that no injury will be caused to the adjoining owner, the occupier or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains.

4. If the decision is that injury will be caused to the adjoining owner, occupier or other parties interested in the lands, but that the injury is of a nature to admit of being fully compensated by money, the justices or arbitrators shall proceed to assess the said compensation and to apportion it amongst the parties in their judgment entitled thereto, and on payment of the sum so assessed the applicant may proceed to make the proposed drains or improvements in drains.

5. If the decision is that injury will be caused to the adjoining owner, occupier or other parties interested in the lands, and that such injury is not of a nature to be fully compensated by money, the applicant shall not be entitled to make the proposed drains or improvements in drains.

5TH SCH. —*cont.*

6. Where the compensation assessed by the justices or arbitrators is payable to any owner or other person who is under any disability or incapacity or is not entitled to receive the said compensation for his own benefit, the said compensation shall be applied in the manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Lands Clauses Acts.

7. The justices or arbitrators, as the case may be, in the event of their approving of a scheme of drainage as proposed by the applicant or as modified by themselves shall cause a map thereof to be prepared and shall certify under their hands the correctness of the said map; and it shall be the duty of the applicant to forward the said map to the clerk of the peace of the county wherein the land is situate and the said map shall be kept in his office as a record of the proceedings between the parties.

8. Where any person is desirous in pursuance of the foregoing provisions of this Schedule of constructing any drain by means whereof any natural watercourse will be diverted from its ordinary channel into any other watercourse, he shall give notice in such manner as may be prescribed both in the locality in which the drain proposed to be constructed is situate and to all owners of the land abutting upon the watercourse into which the diversion is made and situate within four miles of the point of junction, and to all other persons interested, and shall deposit such particulars of his proposals as may be prescribed with the clerk of the peace of the county wherein the proposed drain is situate; and it shall be lawful for any person being the owner of land capable of being injured by the proposed drain within eight weeks after notice of the proposed drain is given, to serve notice that he apprehends injuries therefrom on the person proposing to make the said drain, and thereupon the said owner shall be deemed to have dissented and shall be entitled to the same rights and privileges under this Act as if he were the adjoining owner.

PART III.

Provisions as to Drains or Improvements made in pursuance of the foregoing Provisions.

1. After drains have been opened or improvements in drains made in pursuance of the foregoing provisions of this Schedule it shall be lawful for the persons for the time being interested in the land for the benefit of which the drains were opened or the improvements made from time to time as it becomes necessary to enter upon the lands through which the said drains have been opened or improvements made for the purpose of

5TH SCH. —*cont.*

clearing out, scouring and otherwise maintaining them in a due state of efficiency, and if the said drains or improvements in drains are not kept so cleared out, scoured and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or on which the said drains or improvements in drains are made may clear out, scour and otherwise maintain the same in a due state of efficiency and recover the expenses thus incurred in a summary manner from any of the persons interested as aforesaid.

2. The owner for the time being of the land through or in which any drain may be opened or improvements in drains made in pursuance of the provisions aforesaid may fill up, divert or otherwise deal with the said drains or improvements in drains on condition of first making and laying down in lieu thereof drains equally efficient; and any dispute as to the efficiency of drains so laid down shall be decided by two or more justices assembled in petty sessions.

3. Any person who wilfully obstructs any person making any drains or improvements in drains in pursuance of the provisions aforesaid and any person who wilfully dams up, obstructs or in any way injures any drains or improvements in drains so opened or made shall for each offence incur a penalty not exceeding ten pounds to be recovered in a summary manner.

Section 79.

SIXTH SCHEDULE.

APPOINTMENT OF CONSERVATORS OF RIVER THAMES.

(1) The Conservators shall be appointed as follows:—

By the Minister	One
By the Board of Trade	One
By the Minister of Transport	Two
By the Port of London Authority	One
By the Metropolitan Water Board	Two
By the London County Council	One
By the Corporation of the City of London	One
By the Gloucestershire County Council	One
By the Wiltshire County Council	One
By the Oxfordshire County Council	Two
By the Berkshire County Council	Two
By the Buckinghamshire County Council	Two
By the Surrey County Council	Three
By the Middlesex County Council	Three

By the Hertfordshire County Council - -	Two	6th Sch. —*cont.*
By the Council of the County Borough of Oxford - - - - - - - - -	One	
By the Council of the County Borough of Reading - - - - - - - - -	One	
By the Councils of the Boroughs of Windsor, Henley-upon-Thames, Maidenhead, Abingdon and Wallingford, and of the Urban Districts of Eton, Marlow, Egham, Staines, Chertsey, Weybridge, Walton, and Sunbury	Two	
By the Council of the Borough of Kingston-upon-Thames and the Councils of the Urban Districts of East and West Molesey, Esher and the Dittons, Surbiton, Hampton, Hampton Wick, and Teddington - -	Two	

(2) The conservators to be appointed jointly by several councils shall be appointed in such manner as the Minister of Health may by regulations prescribe.

(3) The member to be appointed by the Board of Trade shall be appointed by the Board after consultation with such persons and associations concerned in the use of the river as a place of recreation as the Board may think fit.

(4) Of the two members to be appointed by the Minister of Transport, one shall be appointed after consultation with such persons and associations concerned in the use of the river for the purpose of barge traffic as the Minister of Transport may think fit, and the other after consultation with such persons and associations concerned in the trade or business of boat-building and boat-letting on the Thames as the said Minister may think fit.

(5) Before the fifteenth day of March next after the commencement of this Act and before the fifteenth day of March in every third year thereafter persons shall be appointed to be conservators in accordance with the provisions of this Schedule and the persons so appointed shall come into office on the first day of April next following.

(6) As from the commencement of this Act the provisions of the Thames Conservancy (Appointments and Tolls) Provisional Order Act, 1910, shall have effect subject to the provisions of this Act. 10 Edw. 7. & 1 Geo. 5. c. cxxxiii.

Section 83.

SEVENTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 Hen. 8. c. 5.	A generall Acte concernynge Cōmissions of Sewers to be directed in all partes within the Realme.	The whole Act.
25 Hen. 8. c. 10.	AN ACTE concernyng the acceptaunce of the othe to the Acte of Sewers.	The whole Act
3 & 4 Ed. 6. c. 8.	AN ACTE for the contynuance of the Statute of Sewers.	The whole Act.
1 Mar. St. 3. c. 11.	AN ACTE touching the Sea Sandes in Glamorganshire.	The whole Act.
13 Eliz. c. 9.	AN ACTE for the Commission of Sewers.	The whole Act.
3 Jac. I. c. 14.	AN ACTE for the explanation of the Statute of Sewers.	The whole Act.
7 Ann, c. 33	The Commissions of Sewers Act, 1708.	The whole Act.
3 & 4 Will. 4. c. 22.	The Sewers Act, 1833 - - -	The whole Act.
4 & 5 Vict. c. 45.	The Sewers Act, 1841 - - -	The whole Act.
10 & 11 Vict. c. 38.	The Land Drainage Act, 1847 -	The whole Act
12 & 13 Vict. c. 50.	The Sewers Act, 1849 - - -	The whole Act.
24 & 25 Vict. c. 133.	The Land Drainage Act, 1861 -	The whole Act.
8 Edw. 7. c. 68.	The Port of London Act, 1908 -	Subsection (1) of section eight and the Third Schedule.
5 Geo. 5. c. 4	The Land Drainage Act, 1914 -	The whole Act.
8 & 9 Geo. 5. c. 17.	The Land Drainage Act, 1918 -	The whole Act.
14 & 15 Geo. 5. c. lxiv.	The Thames Conservancy Act, 1924	Section forty-eight.
16 & 17 Geo. 5. c. 24.	The Land Drainage Act, 1926 -	The whole Act.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 Geo. 5. c. 17.	The Local Government Act, 1929 -	In section eighty - one, the words "and "any authori- "ty, person or "body of per- "sons having "power to "levy a drain- "age rate."
20 Geo. 5. c. 8.	The Land Drainage Act, 1929	The whole Act.

CHAPTER 45.

An Act to establish a Court of Criminal Appeal in Northern Ireland and to amend the law relating to appeals in criminal cases in Northern Ireland. [1st August 1930.]

BE it 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:—

Court of Criminal Appeal.

Constitution of Court of Criminal Appeal.

1.—(1) There shall be a Court of Criminal Appeal in Northern Ireland (hereafter in this Act referred to as "the Court"), and all the judges of the Supreme Court of Judicature of Northern Ireland shall be judges of the Court.

(2) For the purpose of hearing and determining appeals under this Act, or any matter preliminary or incidental to an appeal, the Court shall be summoned in accordance with directions given by the Lord Chief Justice, and shall sit in Belfast except in cases where the Lord Chief Justice gives special directions that it shall sit at some other place.