CHAPTER xxxviii.

An Act to confirm a Provisional Order made by the Board of Agriculture and Fisheries under the Land Drainage Act 1914 relating to Feltwell New Fen District and Feltwell Fen Second District in the county of Norfolk. A.D. 1916.

[3rd August 1916.]

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Land Drainage Act 1914:

And whereas it is requisite that the said Order should be confirmed by Parliament:

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

1. The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Land Drainage (Feltwell) Provisional Order Confirmation Act 1916. Short title.

[*Price* 6*d.*]

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SCHEDULE.

LAND DRAINAGE ACT 1914.

Feltwell Provisional Order.

The Board of Agriculture and Fisheries being of opinion that the execution of the works specified in this Order is desirable for the improvement or protection of an area comprising the Feltwell New Fen District and the Feltwell Fen Second District in the county of Norfolk and that provision for the execution of the said works should be made under the powers conferred by the Land Drainage Act 1914 do hereby by virtue and in exercise of the powers vested in them under the said Act make the following Provisional Order:—

Constitution and incorporation of Drainage Board.

1.—(1) For the purposes of this Order a body shall be constituted in manner herein-after appearing as a body corporate under the name of the Feltwell and Southery Drainage Board having perpetual succession and a common seal with power to make contracts and to sue and be sued in that name and to hold and dispose of land subject to the provisions of this Order and such body is in this Order referred to as "the Drainage Board."

(2) The Drainage Board shall consist of thirteen members nominated in the manner following that is to say (1) seven members nominated out of their body by the Commissioners of the Feltwell New Fen District and (2) six members nominated out of their body by the Commissioners of the Feltwell Fen Second District A nominated member shall remain in office until his resignation or death or the determination of his nomination by the authority nominating him.

(3) The day time and place of the first meeting of the Drainage Board shall be fixed by the Board of Agriculture and Fisheries and the Drainage Board shall come into office on that day.

(4) The quorum proceedings and place of meeting of the Drainage Board or any committee of the Drainage Board shall subject as aforesaid be such as the Drainage Board by regulation or otherwise direct and the chairman at any meeting of the Drainage Board or a committee shall have a second or casting vote.

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(5) No act or proceeding of the Drainage Board shall be questioned on account of any vacancy in the Drainage Board and any defect in the qualification or nomination of any person acting as a member of the Drainage Board shall not vitiate any proceedings of the Drainage Board or a committee of the Drainage Board in which the person has taken part.

(6) The provisions of the Commissioners Clauses Act 1847 with respect to the appointment and accountability of the officers of the Commissioners shall be incorporated with this Order which with the Act confirming it shall constitute the special Act for the purposes of the incorporated provisions.

Authorised works.

2.—(1) The Drainage Board shall have power subject to the provisions of this Order to execute the following works :—

(*a*) to improve and maintain the banks of the rivers Brandon and Ouse and the south bank of Sam's Cut Drain so far as those banks lie within or abut upon the Districts of the above-mentioned Commissioners ;

(*b*) to erect maintain and work such pumping stations or appliances as in the opinion of the Board are required for the purpose of conveying water from the said Districts or either of them into the said rivers ; and

(*c*) to execute any work consequential on or incidental to the works aforesaid.

(2) The Drainage Board shall for the purpose of improving and maintaining the said banks and executing such other works as aforesaid have all such powers (except powers of levying rates or taxes) as are exerciseable by the above-mentioned Commissioners but except in exercise of such powers the Drainage Board shall not enter on or execute any work upon any land which is not the property of the above-mentioned Commissioners without the consent of the person entitled thereto until the Drainage Board have acquired the land or an easement authorising the entry or execution of the work.

Expenses of Drainage Board.

3.—(1) Expenses incurred by the Drainage Board under this Order or in respect of any loan raised for the purpose of defraying those expenses shall be defrayed by the Drainage Board out of contributions to be made as to four-seventh parts of those expenses by the Commissioners of the Feltwell New Fen District and as to three-seventh parts thereof by the Commissioners of the Feltwell Fen Second District.

(2) The Drainage Board may from time to time certify the amount which in the opinion of the Drainage Board is required for defraying expenses already incurred or to be incurred within a period

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not exceeding one year after the date of the certificate and the contributions to be made by the several contributory authorities under the provisions of this section and on service by post or otherwise on a contributory authority of a certificate the contribution therein certified to be payable by the contributory authority shall become payable to the Drainage Board and may be recovered at any time after the expiration of three months as a debt due from the contributory authority.

(3) A certificate purporting to be sealed by the Drainage Board and to be signed by the chairman or deputy chairman of the Drainage Board shall be deemed to be a certificate made by the Drainage Board unless the contrary is shown and any such certificate may be served on the clerk of a contributory authority on its behalf or sent to the principal office of the authority.

Borrowing powers of Drainage Board.

4.—(1) The Drainage Board may apply for advances under the Development and Road Improvement Funds Act 1909 or any Act amending that Act and may from time to time in connexion with any such advance or otherwise borrow with the consent of the Board of Agriculture and Fisheries on the security of the contributions payable to the Drainage Board under this Order such sums as may be required for any work or thing which the Drainage Board are hereby authorised to execute or do and the cost of which ought in the opinion of the Board of Agriculture and Fisheries to be spread over a term of years.

(2) A loan under this section shall be repaid in such manner and within such period not exceeding thirty years as the Drainage Board with the consent of the Board of Agriculture and Fisheries determine in each case.

(3) The clauses of the Commissioners Clauses Act 1847 with respect to mortgages to be created by the commissioners shall form part of and be incorporated with this Order which with the Act confirming it shall constitute the special Act for the purposes of the incorporated provisions and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

(4) In addition to the consent above required the consent of the Treasury shall during the continuance of the present war and twelve months thereafter be required for the exercise of any borrowing power given by this section.

Accounts and audit.

5.—(1) The accounts of the Drainage Board shall subject as hereinafter provided be balanced in each year to the thirty-first day of December and shall forthwith be audited by an accountant (not being a member of the Drainage Board) who shall be appointed by the Drainage Board with the approval of the Board of Agriculture and Fisheries A copy of the audited accounts with the report (if

any) of the auditor thereon shall as soon as possible be sent to each drainage authority liable under this Order to contribute to the expenses of the Drainage Board.

(2) The first audit shall extend to the accounts from the commencement of the proceedings of the Drainage Board to the thirty-first day of December nineteen hundred and seventeen.

(3) A copy of the accounts duly made up and balanced together with all books contracts vouchers receipts and other documents referred to in the accounts shall be deposited at the office of the Drainage Board and notice of such deposit shall be given to each drainage authority so liable to contribute fourteen days at least before the date of audit and any officer authorised by any such authority shall during the period of deposit be at liberty to inspect the accounts and documents and to take copies of or extracts from the same and may be present at the audit and make any objection to the accounts before the auditor.

Extension of rating powers of drainage authorities.

6.—(1) For the purpose of defraying any contribution payable under this Order a contributory authority may and so far as necessary shall subject to the provisions of this Order levy taxes or rates in the same manner as taxes or rates are leviable by the authority for their general expenses and notwithstanding any statutory limitation of the taxes or rates that may be so levied and by means of a separate tax or rate or of an increased tax or rate The levy of any such tax or rate shall not be subject to any consent or sanction to which the levy of a tax or rate by the authority for their general expenses is subject.

(2) The proceeds of any tax or rate or part of a tax levied by a contributory authority under the additional powers conferred by this section shall be applied only to paying the costs of raising the tax or rate or the part of the tax or rate and to defraying contributions payable under this Order and shall not be subject to any charge or incumbrance affecting taxes or rates levied by the contributory authority under any other power.

Saving of powers of Commissioners and of their mortgagees.

7.—(1) The Commissioners of the Feltwell New Fen District and the Commissioners of the Feltwell Fen Second District shall not without the consent of the Drainage Board execute any work which the Drainage Board is by this Order authorised to execute but otherwise this Order shall not take away or diminish any power exerciseable by those Commissioners.

(2) Nothing in this Order shall prejudice or affect any interest right or remedy of any person entitled at the date thereof to any mortgage or charge affecting any tax or rate leviable by those Commissioners.

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Saving of rights of Governor &c. of Bedford Level.

8. Nothing in this Order shall prejudice or affect any estate interest right power privilege or authority now vested in the Governor Bailiffs and Commonalty of the Conservators of the Bedford Level.

Expenses of Order.

9. The expenses of the Board of Agriculture and Fisheries in relation to this Order shall be paid to the Board of Agriculture and Fisheries by the Drainage Board and be treated as part of the administrative expenses of that body.

Short title.

10. This Order may be cited as the Feltwell Provisional Order 1916.

In witness whereof the Board of Agriculture and Fisheries have hereunto set their official seal this twentieth day of May nineteen hundred and sixteen.

(L.S.) (Signed) SYDNEY OLIVIER
Secretary.

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FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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