STATUTORY INSTRUMENTS

1965 No. 443

LAND DRAINAGE AND IMPROVEMENT OF LAND

The Land Drainage (River Authorities) General Regulations 1965

Made - - - -	11*th March* 1965
Laid before Parliament	19*th March* 1965
Coming into Operation	1*st April* 1965

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 74 of the Land Drainage Act 1930(**a**), as applied by section 5 of the Water Resources Act 1963(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Land Drainage (River Authorities) General Regulations 1965, and shall come into operation on the 1st April 1965.

Revocation

2. The Land Drainage (River Boards) General Regulations 1950(**c**) are hereby revoked.

Interpretation

3.—(1) In these Regulations "the Act" means the Land Drainage Act 1930.

(2) The Interpretation Act 1889(**d**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

Commutation of obligations

4. Any notice, given by a river authority under section 9(2) of the Act, of a proposal to commute an obligation to which that section applies shall be in writing, and the provisions of section 120 of the Water Resources Act 1963 (which relates to the service of documents) shall have effect in relation to the giving of that notice as they have effect in relation to the giving of a document required to be given by that Act.

Transfer of functions of navigation authority

5.—(1) A river authority intending to enter into an arrangement with a navigation or conservancy authority for any of the purposes mentioned in section 40 of the Act shall, at least one month before the making of the arrangement, publish notice of such intention in one or more newspapers circulating in the river authority area.

(**a**) 1930 c. 44. (**b**) 1963 c. 38. (**c**) S.I. 1950/16 (1950 I, p. 1166). (**d**) 1889 c. 63.

(2) Where a river authority has made such an arrangement as aforesaid, the notice of the arrangement to be published in the London Gazette shall contain the following particulars, that is to say—

(*a*) the name of the authorities making the arrangement;

(*b*) the date of the arrangement;

(*c*) the purpose or purposes for which the arrangement has been made;

(*d*) the place where a copy of the arrangement may be inspected by persons interested.

Prescribed interests

6. The persons or bodies affected by an order under the Act in any way relating to river authorities or to the exercise of their functions who, for the purposes of paragraph 1 of Part II of Schedule 2 to the Act, have an interest sufficient for the presentation of a memorial that the order shall be subject to special parliamentary procedure, shall be such as are prescribed in the following Table:—

TABLE

(*a*) In the case of an order made under section 4 of the Act confirming a scheme of a river authority making provision for the alteration of the boundaries of any internal drainage district, or the amalgamation of the whole or any part of any internal drainage district with any other such district, or the abolition or reconstitution of any internal drainage district and of the drainage board thereof, or the constitution of new internal drainage districts and drainage boards or the constitution of drainage boards for all or any of the separate drainage districts constituted by the scheme, or the amendment of the method of constituting a drainage board, or 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, or any matter supplemental or consequential thereto.	(*a*) (i) The drainage authority of the existing drainage area. (ii) The proprietors of not less than one sixth part of the lands within the area affected.
(*b*) In the case of an order made under section 8 of the Act confirming a scheme of a river authority for revoking, varying or amending any provisions in an award made under any public or local Act which in any manner affects or relates to land drainage in a river authority area.	(*b*) The proprietor of any land affected by the award.

(*c*) In the case of an order made under section 11 of the Act for the transfer to a river authority of the powers, duties, liabilities, obligations and property of a drainage authority or drainage board.	(*c*) The drainage authority or drainage board.
(*d*) In the case of an order made under section 41 of the Act revoking, varying or amending 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.	(*d*) The navigation authority concerned and any harbour authority, conservancy authority or navigation authority, with whose area of jurisdiction the waters of the navigation authority concerned connect.
(*e*) In the case of any order made under the Act.	(*e*) (i) The council of any administrative county or of Greater London, the council of any London borough or county borough, or a river authority, being a council or authority in whose area is situated the whole or part of a drainage area affected by the order or a drainage district proposed to be constituted by the order. (ii) Any person or body certified by the Minister of Agriculture, Fisheries and Food to be affected by the order and to have an interest sufficient for the presentation of a memorial.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th March 1965.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and re-enact with minor and drafting amendments the Land Drainage (River Boards) General Regulations 1950 consequent on the transfer of land drainage functions from river boards to river authorities established under the Water Resources Act 1963. The Regulations (which enact in respect of river authorities similar provisions to those in the revoked Regulations relating to river boards) prescribe the notices to be given when a river authority propose to commute an obligation imposed on any person to do any work or propose to enter into an arrangement with a navigation or conservancy authority; they also prescribe the interests which shall be sufficient to enable persons to present a memorial that certain orders made under the Land Drainage Act 1930 shall be subject to special parliamentary procedure.