CHAPTER xxix.

An Act to confirm a Provisional Order under the Land Drainage Act 1914 relating to the Swaffham and Bottisham Drainage District in the County of Cambridge. A.D. 1917.

[2nd August 1917.]

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: 5 Geo. 5. c. 4.

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 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 (Swaffham) Provisional Order Confirmation Act 1917. Short title.

A.D. 1917.

SCHEDULE.

LAND DRAINAGE ACT 1914.

Swaffham and Bottisham 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 Swaffham and Bottisham Drainage District in the county of Cambridge 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:—

Definitions.

1. In this Order the expression "Commissioner" means where the context permits a Commissioner acting under the Swaffham Drainage Act 1853 and the expression "the drainage district" means the drainage district within the limits defined by that Act.

Constitution and incorporation of Pumping Board.

2.—(1) For the purpose of this Order a body shall be constituted in manner herein-after appearing as a body corporate under the name of the Swaffham and Bottisham Pumping 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 Pumping Board."

(2) The Pumping Board shall consist of five members nominated from time to time out of their body by the Commissioners. A nominated member shall remain in office until his resignation or death or the determination of his nomination by the Commissioners or until he shall cease to be a Commissioner provided that a member whose term of office as Commissioner shall expire and who shall thereupon be re-elected as a Commissioner shall not be deemed to have ceased to be a Commissioner.

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

(4) The quorum proceedings and place of meeting of the Pumping Board shall subject as aforesaid be such as the Pumping Board by

regulation or otherwise direct and the chairman at any meeting of the Pumping Board shall have a second or casting vote.

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

3.—(1) The Pumping Board shall have power subject to the provisions of this Order—

(*a*) to erect maintain and work such pumping stations or appliances as in the opinion of the Pumping Board are required for the purpose of conveying water from the Swaffham and Bottisham Drainage District into the River Cam and for such purpose to acquire by agreement with the Commissioners who are hereby authorised to so agree any pumping station or appliance the property of the Commissioners or the use thereof; and

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

(2) The Pumping Board shall for the purpose of executing such works as aforesaid have all such powers (except powers of levying rates or taxes or borrowing) as are exerciseable by the Commissioners but except in exercise of such powers the Pumping Board shall not enter on or execute any work upon any land without the consent of the person entitled thereto until the Pumping Board have acquired the land or an easement authorising the entry or execution of the work.

Expenses of Pumping Board.

4.—(1) Expenses incurred by the Pumping Board under this Order or in respect of any loan raised for the purpose of defraying those expenses shall be defrayed by the Pumping Board out of contributions to be made by the Commissioners.

(2) The Pumping Board may from time to time certify the amount which in the opinion of the Pumping Board is required for defraying expenses already incurred or to be incurred within a period not exceeding one year after the date of the certificate and to be contributed by the Commissioners under the provisions of this section and on service by post or otherwise on the Commissioners of a certificate

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the amount therein certified to be payable by the Commissioners shall become payable to the Pumping Board and may be recovered at any time after the expiration of three months as a debt due from the Commissioners.

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

(4) The contributions to be made by the Commissioners in any year shall not exceed such sum as is produced (after paying the cost of raising the tax or rate) by a tax or rate of three shillings per acre.

Borrowing powers of Pumping Board.

5.—(1) The Pumping Board may from time to time borrow with the consent of the Board of Agriculture and Fisheries on the security of the contributions payable to the Pumping Board under this Order such sums as may be required for any work or thing which the Pumping 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 Pumping 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 mortgagees 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 of Pumping Board.

6. The receipts and expenditure of the Pumping Board shall be subject to such inspection and be audited in such manner as the Commissioners shall direct.

Extension of rating powers of drainage authorities.

7.—(1) For the purpose of defraying any contribution payable under this Order the Commissioners may and so far as necessary shall subject to the provisions of this Order levy and enforce payment of taxes or rates in the same manner as taxes or rates are leviable and recoverable by them under the provisions of the Swaffham Drainage

Act 1853 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.

(2) The proceeds of any tax or rate or part of a tax or rate levied by the Commissioners 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 Commissioners under any other power.

(3) 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 the Commissioners.

Saving of rights of Bedford Level Conservators.

8. Nothing in this Order shall prejudice or affect any estate interest right power privilege or authority now vested in 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 Pumping Board and be treated as part of the administrative expenses of that body.

Short title.

10. This Order may be cited as the Swaffham and Bottisham Provisional Order 1917.

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

(L.S.) (Signed) E. J. CHENEY
Chief Agricultural Adviser.

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