(6) SOMERSET

The Somerset River Board Constitution Order, 1949

1949 No. 2372

Made - - - - 20th December, 1949

The Minister of Agriculture and Fisheries and the Minister of Health in exercise of the powers conferred upon them by sections 1, 2, 27 and 35 of the River Boards Act, 1948(a), and of every other power enabling them in that behalf, hereby order as follows :—

1. This Order may be cited as the Somerset River Board Constitution Order, 1949.

2.—(1) In this Order

"the Act" means the River Boards Act, 1948 ;

"the Ministers" means the Minister of Agriculture and Fisheries and the Minister of Health acting jointly ;

"the river board area" means the Somerset River Board Area defined by the Somerset River Board Area Order, 1949(b).

(2) The Interpretation Act, 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) There shall be a river board (hereinafter referred to as "the river board") for the river board area which shall be known as the Somerset River Board and the number of members to be appointed thereto in pursuance of subsection (2) of section 2 of the Act shall be twenty-six.

(2) Of those members, the number to be appointed in pursuance of paragraph (*b*) of subsection (2) of section 2 of the Act by the councils of the counties and county boroughs whose area, or any part of whose area, is included in the river board areas shall be fifteen.

4.—(1) The number of members of the river board to be appointed respectively by the councils of the counties and county borough named in the first column of the First Schedule to this Order, being the counties and county borough whose area, or part of whose area, is included in the river board area, shall be the number shown opposite the name of the county or county borough in the second column of that Schedule.

(2) Of the members to be appointed by the council of the county of Somerset, five shall, in pursuance of subsection (5) of section 2 of the Act, be appointed as follows, namely, the several numbers set out in the first column of the Second Schedule hereto shall respectively be appointed from among persons nominated by the council of the county district set out opposite that number in the second column of the said Schedule.

5. The day (hereinafter referred to as "the appointed day") on which the functions referred to in section 4 of the Act are to become exercisable by the river board in relation to the river board area and are to cease to be exercisable by other bodies and on which any consequential vesting in the

(a) 11 & 12 Geo. 6. c. 32. (b) S.I. 1949 No. 1881.
(c) 52 & 53 Vict. c. 63.

river board of property rights liabilities and obligations is to take place shall be the first day of April or the first day of October, whichever is the earlier, next following the day appointed by the Ministers for the first meeting of the river board.

6. As from the appointed day the Somerset Rivers Catchment Board, being a body whose functions wholly cease in consequence of this Order, shall be dissolved.

7. The river board shall as soon as practicable consult with each body from which functions are to be transferred to the river board by section 4 of the Act, being a body part only of whose area or district is included in the river board area, and with any other river board whose area includes any part of the area or district of any such body, as to the following matters:—

(*a*) what, if any, of the property, rights, liabilities and obligations of the body (being property, rights, liabilities and obligations which would, if the whole area or district of that body were included in the river board area, be transferred under subsection (1) of section 25 or under subsection (1) of section 26 of the Act) is to be transferred to the river board;

(*b*) in what cases liabilities of the body are to be apportioned and financial adjustments made between the river board and the body;

(*c*) the apportionment of any such liabilities and the making of any such financial adjustments;

(*d*) the amendment of any instrument affected by any such apportionment or adjustment;

and the said matters shall be determined by agreement between the river board and the body and, if the case requires, the other river board, or in default of agreement—

(i) if the body is a fishery board, by the Minister of Agriculture and Fisheries;

(ii) in any other case, by the Minister of Health.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twentieth day of December, nineteen hundred and forty-nine.

(L.S.) *A. R. Manktelow,*
Under Secretary.

In Witness whereof the Official Seal of the Minister of Health is hereunto affixed this twentieth day of December, nineteen hundred and forty-nine.

(L.S.) *I. F. Armer,*
Under Secretary.

FIRST SCHEDULE

County	*Number of Members*
Devon	None
Dorset	One
Somerset	Fourteen
Wilts	None
County Borough	
Bristol	None

SECOND SCHEDULE

Number of Members	*County District*
One	Taunton Municipal Borough
Two	Weston Super Mare Municipal Borough
One	Yeovil Municipal Borough
One	Axbridge Rural District

EXPLANATORY NOTE

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

The River Boards Act, 1948 requires the Ministers by order to define river board areas and to establish river boards for those areas. The Somerset River Board Area having been defined by the Somerset River Board Area Order, 1949, this Order establishes the river board for that area.

As required by the Act, this Order specifies the total number of members of the Board, and the number of those members who are to be appointed by councils of counties and county boroughs. The Act itself provides for the appointment of the remainder.

As from the appointed day fixed by this Order in relation to the Somerset River Board Area the functions relating to land drainage, fisheries and river pollution which the Act transfers, become exercisable by the river board in relation to its area, and cease to be exercisable by other bodies.

2. FORM OF TRANSFER OF MORTGAGES

The River Boards (Form of Transfer of Mortgages) Regulations, 1949

1949 No. 2384

Made - - - - 20th December, 1949

M.H. 110012.

The Minister of Health and the Minister of Agriculture and Fisheries, acting jointly in exercise of the powers conferred upon them by section 206 of the Local Government Act, 1933(a), as modified and applied by subsection (4) of section 11 of the River Boards Act, 1948(b), hereby make the following regulations:—

1. These regulations may be cited as the River Boards (Form of Transfer of Mortgages) Regulations, 1949.

2. The form of transfer of mortgage set out in the Schedule hereto is hereby prescribed as the form to be used for the purposes of the said section 206 as modified and applied as aforesaid.

SCHEDULE

Form of Transfer of Mortgage

I [the within-named] of
in consideration of the sum of pounds paid to me by
of (hereinafter referred to as "the transferee")
do hereby transfer to the transferee [his] executors administrators and assigns
[the within-written security] [the mortgage number of the
revenues of the River Board bearing date the day of]
[created for the purpose of securing the repayment of the sum of

(a) 23 & 24 Geo. 5. c. 51. (b) 11 & 12 Geo. 6. c. 32.