STATUTORY INSTRUMENTS

1973 No. 481

LAND DRAINAGE

The Welland and Nene River Authority (North Level Internal Drainage District) Order 1972

Made - - - *7th November* 1972

Coming into Operation *15th March* 1973

Whereas the Welland and Nene River Authority prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation a Scheme (hereinafter called "the Scheme") under section 4(1)(*b*) of the Land Drainage Act 1930(**a**) in relation to the North Level Internal Drainage District:

And whereas the Minister has decided to confirm the Scheme subject to the modification set out in Article 3 of this Order:

And whereas a copy of the Scheme with the said modification incorporated therein is annexed hereto:

Now, therefore, the Minister, in exercise of the powers conferred upon him by sections 4(3) and 14 of the Land Drainage Act 1930, as applied by the Water Resources Act 1963(**b**), and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Welland and Nene River Authority (North Level Internal Drainage District) Order 1972, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

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

3. The Scheme is hereby confirmed subject to the following modification:—

In paragraph 2(i) of the Scheme the words "(except such part of those lands as is hatched in purple)" have been inserted between the words "edged with a red line" and "on the Sealed Map)".

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Welland and Nene River Authority and shall be part of the administrative expenses of that Authority.

(**a**) 1930 c. 44. (**b**) 1963 c. 38. (**c**) 1889 c. 63.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th November 1972.

(L.S.)

(Sgd.) *H. Pease,*
Assistant Secretary.

WELLAND AND NENE RIVER AUTHORITY

LAND DRAINAGE ACT 1930

NORTH LEVEL INTERNAL DRAINAGE DISTRICT

THE WELLAND AND NENE RIVER AUTHORITY (hereinafter referred to as "the River Authority") pursuant to section 4(1)(*b*) of the Land Drainage Act 1930, as applied by the Water Resources Act 1963, hereby make the following Scheme providing for certain matters referred to in the said section, namely:—

(*a*) the abolition of the North Level Commissioners, the Sub-District Boards (as defined in the Scheme), the Wisbech Northside Internal Drainage Board, the Leverington Internal Drainage Board and the Tydd Internal Drainage Board;

(*b*) the abolition of the drainage districts under the jurisdiction of the Sub-District Boards;

(*c*) the amalgamation of the drainage district under the jurisdiction of the North Level Commissioners (hereinafter referred to as "the North Level") and the drainage districts of the Wisbech Northside, Leverington and Tydd Internal Drainage Boards respectively;

(*d*) the constitution of a new internal drainage board for the internal drainage district formed by such amalgamation;

(*e*) matters supplemental thereto or consequential thereon;

AND the River Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") for confirmation under section 4(3) of the Land Drainage Act 1930.

SCHEME

1. In this Scheme, unless the context otherwise requires:—

"the Sealed Map" means the map sealed by the River Authority in relation to this Scheme;

"the Appointed Day" means a day to be appointed by the Minister for the coming into operation of the Scheme;

"the North Level Commissioners" means the Commissioners incorporated under the North Level and Nene Outfall Act 1881(a);

"the Sub-District Boards" means the following drainage boards:

North Level First and Newborough Internal Drainage Board constituted by the Nene River Board (North Level First and Newborough Internal Drainage District) Order 1956(b);

(a) 44 Vict. & 45 C. xxxviii.

(b) S.I. 1956/1533.

North Level (Second District) Drainage Commissioners constituted for the North Level Second District by the Act 27 Geo. II Cap. xix;

Thorney Drainage Board constituted by the Thorney Drainage Act 1911(a);

North Level (Fourth District) Drainage Commissioners constituted for the North Level Fourth District by the said Act 27 Geo. II Cap. xix;

Sutton St. Edmunds Commissioners constituted by the Act 49 Geo. III Cap. cxix;

Postland Drainage Board constituted by the Postland Drainage Order 1928(b);

North Level (Sixth District) Internal Drainage Board constituted by the River Nene Catchment Board (North Level (Sixth District) Internal Drainage District) Order 1941(c);

and "the Sub-Districts" means the drainage districts under the jurisdiction of the respective Sub-District Boards at the date hereof;

"the Contributory Boards" means the following drainage boards:—

Leverington Internal Drainage Board constituted by the Nene River Board (Leverington Internal Drainage District) Order 1953(d);

Tydd Internal Drainage Board constituted by the Nene River Board (Tydd Internal Drainage District) Order 1953(e);

Wisbech Northside Internal Drainage Board constituted by the Nene River Board (Wisbech Northside Internal Drainage District) Order 1953(f);

and "the Contributory Districts" means the drainage districts under the jurisdiction of the respective Contributory Boards.

2. On the Appointed Day:

(i) the North Level and the Contributory Districts (which comprise all those lands shown coloured pink, blue, yellow, green, brown and grey respectively and edged with a red line (except such part of those lands as is hatched in purple) on the Sealed Map) shall be amalgamated and shall constitute one Internal Drainage District to be known as "the North Level Internal Drainage District" (hereinafter referred to as "the Internal Drainage District");

(ii) the North Level Commissioners, the Sub-District Boards, the Sub-Districts and the Contributory Boards shall be abolished;

(iii) there shall be constituted an internal drainage board for the Internal Drainage District to be known as "the North Level Internal Drainage Board" (hereinafter referred to as "the Internal Drainage Board").

3. (i) the Internal Drainage Board shall consist of twenty-six members who, with the exception of the first members, shall be elected in accordance with the provisions of section 33 of, and the Third Schedule to, the Land Drainage Act 1930, as amended by the Land Drainage Act 1961(g);

(ii) the first members of the Internal Drainage Board shall be persons appointed by the Minister having regard to the provisions of the next following sub-paragraph and shall hold office until the expiration of one year from the first day of November next following the day on which they are appointed;

(iii) the Internal Drainage District shall be divided into six Electoral Divisions as specified in the first column of the Schedule hereto and as defined in the second column thereof by reference to the Sealed Map and the number of members by which each such division shall be represented shall be as respectively provided in the third column thereof.

(a) 1 & 2 Geo. 5 C. clxxxvii.
(b) S.R. & O. 1928/698.
(c) S.R. & O. 1941/1717.
(d) S.I. 1953/701.
(e) S.I. 1953/700.
(f) S.I. 1953/692.
(g) 1961 c. 48.

4. On the Appointed Day the local Acts mentioned in the first column of the Second Schedule hereto shall have effect subject to the amendments specified in the second column of that Schedule.

5. On the Appointed Day there shall be transferred to and be vested in or be discharged by the Internal Drainage Board all such property, rights, powers, duties, obligations and liabilities as were immediately before the Appointed Day vested in or to be discharged by the North Level Commissioners, the Sub-District Boards and the Contributory Boards respectively including (but without prejudice to the generality of the foregoing) all powers and duties vested in or to be discharged by them under or by virtue of any local Act or Order made under statutory authority.

6. All arrears of rates made before the Appointed Day in respect of any land within the Internal Drainage District by the North Level Commissioners, the Sub-District Boards, and the Contributory Boards, or any of them in respect of any period or periods, ending before the Appointed Day, together with any penalties incurred in respect thereof, may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.

7. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment or deed of transfer.

8. The accounts of the North Level Commissioners, the Sub-District Boards and Contributory Boards shall be made up to the Appointed Day and copies thereof forthwith sent to the Internal Drainage Board.

THE FIRST SCHEDULE

Electoral Divisions	Defined on the Sealed Map	Number of Members
First District	in yellow	4
Postland District	in grey	2
Thorney and Second District	in pink	7
Fourth District	in brown	2
Sixth District	in blue	2
Tydd, Leverington and Wisbech Northside District	in green	9

THE SECOND SCHEDULE

Act	*Amendments*
First North Level Act 1753 (27 Geo. II Cap. xix)	In that section the marginal note whereof reads: "The monies raised to be applied by the Commissioners in manner herein directed" the words "and also in damming up the Old Wryde on the east side of Gold Dyke; and in damming up the north end of Gold Dyke; and also in making a dam at or near the south end of Gold Dyke, or at or near the south end of Knarlake; and in keeping and continuing the said drain so dammed up; and also in supporting, repairing and maintaining the Pointing Doors now standing at or near the place where Catwater now falls into the said river Old South Eau;" shall cease to apply. The section the marginal note whereof reads "The dam to be made in the Old Wryde Drain not to be afterwards removed &c "shall cease to apply. The Proviso the marginal note whereof reads "The waters of particular districts, to be conveyed unto the rivers or drains allotted for that purpose" shall cease to apply. In that section the marginal note whereof reads "Commissioners to maintain the banks of Shire Drain and the Sluice at Clows Cross" the words from "and shall at all times hereafter make support and maintain the sluice flood gates at Clows Cross" to the end of that section shall cease to apply.
North Level Act 1830 (11 Geo. IV Cap. liii)	The following sections shall cease to apply: XXXVIII, XL, XLI, XLII, XLIV, LVIII, LXV, LXVII, LXXII, LXXIII, XC.
An Act for effecting the Drainage and Improvement of the lands and Grounds in Sutton Saint Edmunds (49 Geo. III Cap. cxix)	The sections the marginal notes whereof read: "Doors to be put down" "Little Common to be drained under Restrictions" shall cease to apply.

IN WITNESS whereof the Common Seal of the Welland and Nene River Authority was hereunto affixed this Seventeenth day of May One thousand nine hundred and seventy-one.

(L.S.)

(Sgd.) *T. Pick*,
Chairman.

(Sgd.) *D. S. Akroyd*,
Clerk of the Authority.

Whereas the foregoing Order has been published by the Minister of Agriculture, Fisheries and Food in accordance with the procedure prescribed by the Land Drainage Act 1930:

And whereas no memorial against the Order has been presented to the Minister:

Now, therefore, the Minister, in pursuance of the powers in the said Order recited, hereby confirms the said Order.

In witness where of Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th March 1973.

(L.S.)

(Sgd.) *H. Pease*,
Assistant Secretary.

Whereas the Scheme confirmed by the Welland and Nene River Authority (North Level Internal Drainage District) Order 1972 provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture, Fisheries and Food:

Now, therefore, the Minister of Agriculture, Fisheries and Food hereby appoints the 1st April 1973 to be the said appointed day.

In witness where of Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th March 1973.

(L.S.)

(Sgd.) *H. Pease*,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made by the Minister of Agriculture, Fisheries and Food, confirms a Scheme submitted to him by the Welland and Nene River Authority for the amalgamation of the drainage district under the jurisdiction of the North Level Commissioners and the Wisbech Northside, Leverington and Tydd Internal Drainage Districts. The internal drainage district resulting from the amalgamation is to be known as the North Level Internal Drainage District.

The Scheme also provides for the constitution of a new internal drainage board to be known as the North Level Internal Drainage Board and for the abolition of the North Level Commissioners, the Wisbech Northside, Leverington and Tydd Internal Drainage Boards, the several internal drainage districts within the drainage district under the jurisdiction of the North Level Commissioners and the drainage boards of such districts, and contains consequential provisions.

The map mentioned in the Scheme is available for inspection during office hours at the Office of the Minister of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, and a certified copy thereof may be inspected during office hours at the Office of the Welland and Nene River Authority, Oundle, Peterborough PE8 4AS and at the Office of the North Level Internal Drainage Board.