STATUTORY INSTRUMENTS

1981 No. 556

LAND DRAINAGE

The Yorkshire Water Authority (Bedale and Upper Swale Internal Drainage District) Order 1981

Made - - - -	17*th February* 1981
Coming into Operation	31*st March* 1981

Whereas the Yorkshire Water 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 11(1) of the Land Drainage Act 1976(a) in relation to the Bedale and Upper Swale Internal Drainage District;

And whereas the Minister has decided to confirm the Scheme, a copy of which is annexed hereto;

Now, therefore, the Minister, in exercise of the powers conferred upon him by sections 11(4) and 109(6) of the Land Drainage Act 1976, and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Yorkshire Water Authority (Bedale and Upper Swale Internal Drainage District) Order 1981, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Scheme is hereby confirmed.

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Yorkshire Water Authority and shall be part of the administrative expenses of that Authority.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th February 1981.

(L.S.)

(Sgd.) *A. F. Longworth,*
Assistant Secretary.

(a) 1976 c.70.

LAND DRAINAGE ACT 1976

YORKSHIRE WATER AUTHORITY

BEDALE AND UPPER SWALE INTERNAL DRAINAGE DISTRICT

THE YORKSHIRE WATER AUTHORITY (hereinafter referred to as "the Water Authority") pursuant to section 11(1) of the Land Drainage Act 1976 hereby make the following Scheme providing for certain matters referred to in the said section, namely:—

(a) the abolition of the Bedale Drainage Board and the Upper Swale Internal Drainage Board;

(b) the amalgamation of the internal drainage districts under the jurisdiction of the above-mentioned internal drainage boards into one new internal drainage district;

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

(d) matters supplemental thereto or consequential thereon;

AND the Water Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food for confirmation under section 11(4) of the Land Drainage Act 1976.

SCHEME

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

"the Minister" means the Minister of Agriculture, Fisheries and Food;

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

"the Bedale Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks) Catchment Board (Bedale Drainage District) Order 1932(a), and "the Bedale Drainage District" means the internal drainage district constituted by that Scheme;

"the Upper Swale Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (Upper Swale Internal Drainage District) Order 1937(b) and "the Upper Swale Internal Drainage District" means the internal drainage district constituted by that Scheme and altered by the Scheme confirmed by the River Ouse (Yorks) Catchment Board (Alteration of Boundaries of the Upper Swale Internal Drainage District) Order 1947(c).

2. On the Appointed Day:

(i) The Bedale Drainage Board and the Upper Swale Internal Drainage Board (hereinafter referred to collectively as "the Abolished Boards") shall be abolished;

(ii) the Bedale Drainage District and the Upper Swale Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the Bedale and Upper Swale Internal Drainage District" (hereinafter referred to as "the Internal Drainage District");

(a) S.R. & O. 1933/74. (b) S.R. & O. 1937/901. (c) S. R. & O. 1947/1450.

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

3. The Internal Drainage Board shall consist:—

(i) until the expiration of one year from the first day of November next following the day on which they are appointed, of sixteen members who shall be persons appointed by the Minister and shall hold office until such expiration, and

(ii) from such expiration, of twelve members who shall be elected in accordance with the provisions of section 7 of, and Schedule 2 to, the Land Drainage Act 1976.

4. On the Appointed Day there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, books of account, other books, deeds, maps, papers and other documents) as were immediately before the Appointed Day vested in or to be discharged by the Abolished Boards or either of them respectively including (but without prejudice to the generality of the foregoing) all powers vested in or to be discharged by them under or by virtue of any local Act or Order made under statutory authority.

5. All arrears of rates made before the Appointed Day in respect of any land within the Internal Drainage District by the Abolished Boards or either of them, in respect of any period or periods ending before the Appointed Day, may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.

6. All property and liabilities transferred to the Internal Drainage Board under paragraph 4 of this Scheme in respect of which immediately before such transfer some part only of the Internal Drainage District was entitled to receive the benefit or was liable shall, as to any income or expenditure arising therefrom (whether of a capital or of a revenue nature), be applied to the benefit of or, as the case may be, be a charge upon the rates levied only upon that part of the Internal Drainage District:

Provided that the Internal Drainage Board may, subject to the approval of the Water Authority, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.

7. In relation to this Scheme, the compensating authority for the purpose of the Land Drainage (Compensation) Regulations 1977(a) shall be the Internal Drainage Board.

8. 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, conveyance or deed of transfer.

9. The accounts of each of the Abolished Boards shall be made up to the Appointed Day and copies thereof forthwith sent to the Internal Drainage Board and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not been confirmed by

(a) S.I. 1977/339.

the Yorkshire Water Authority (Bedale and Upper Swale Internal Drainage District) Order 1981.

IN WITNESS whereof the Common Seal of the Yorkshire Water Authority was hereunto affixed this Fourth day of November one thousand nine hundred and eighty.

(Sgd.) *D. B. Matthews,*
Chairman.

(L.S.)

(Sgd.) *J. Brooksbank,*
Chief Executive.

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 1976;

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 whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st March 1981.

(L.S.)

(Sgd.) *A. F. Longworth,*
Assistant Secretary.

Whereas the Scheme confirmed by the Yorkshire Water Authority (Bedale and Upper Swale Internal Drainage District) Order 1981 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 1981 to be the said Appointed Day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st March 1981.

(L.S.)

(Sgd.) *A. F. Longworth,*
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 Yorkshire Water Authority for the abolition of the Bedale Drainage Board and the Upper Swale Internal Drainage Board, and for the amalgamation of the internal drainage districts thereof into, and the constitution of, one internal drainage district to be known as the Bedale and Upper Swale Internal Drainage District. The Scheme provides also for the constitution of an internal drainage board for the new internal drainage district to be known as the Bedale and Upper Swale Internal Drainage Board, and makes provision for the appointment of first members of the Board.

Maps of the two internal drainage districts amalgamated by virtue of the Scheme are available for inspection during office hours at the offices of the Minister of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, and certified copies thereof may be inspected during office hours at the offices of the Bedale and Upper Swale Internal Drainage Board.