STATUTORY INSTRUMENTS

1976 No. 557

LAND DRAINAGE

The Yorkshire Water Authority (Kyle and Upper Ouse Internal Drainage District) Order 1976

Made - - - - 18*th February* 1976

Coming into Operation 30*th March* 1976

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 4(1)(*b*) of the Land Drainage Act 1930(**a**), as amended and applied by the Water Act 1973(**b**), in relation to the Kyle and Upper Ouse 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 4(3) and 14 of the Land Drainage Act 1930, as applied by the Water Act 1973, 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 (Kyle and Upper Ouse Internal Drainage District) Order 1976, 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.

4. 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.

(**a**) 1930 c. 44. (**b**) 1973 c. 37. (**c**) 1889 c. 63.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th February 1976.

(L.S.)

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

LAND DRAINAGE ACT 1930

WATER ACT 1973

YORKSHIRE WATER AUTHORITY

KYLE AND UPPER OUSE INTERNAL DRAINAGE DISTRICT

THE YORKSHIRE WATER AUTHORITY (hereinafter referred to as "the Water Authority") pursuant to section 4(1)(*b*) of the Land Drainage Act 1930, as amended and applied by the Water Act 1973, hereby make the following Scheme providing for certain matters referred to in the said section, namely:—

(*a*) the abolition of the River Kyle Internal Drainage Board and the Upper Ouse Internal Drainage Board;

(*b*) the amalgamation of the 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 4(3) of the Land Drainage Act 1930.

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 River Kyle Internal Drainage Board" means the internal drainage board reconstituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (River Kyle Internal Drainage District) Order 1938(a), and "the River Kyle Internal Drainage District" means the internal drainage district under their jurisdiction as defined by that Scheme as altered by the Schemes confirmed by the Yorkshire Ouse River Board (Alteration of Boundaries of the River Kyle Internal Drainage District) Order 1959(b) and the Yorkshire Ouse and Hull River Authority (Alteration of Boundaries of the River Foss Internal Drainage District and the River Kyle Internal Drainage District) Order 1966(c) respectively;

(a) S.R. & O. 1938/307. (b) S.I. 1959/1028. (c) S.I. 1966/455.

"the Upper Ouse Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (Upper Ouse Internal Drainage District) Order 1940(a), and "the Upper Ouse Internal Drainage District" means the internal drainage district under their jurisdiction as defined by that Scheme.

2. On the Appointed Day:

(i) the River Kyle Internal Drainage Board and the Upper Ouse Internal Drainage Board (hereinafter referred to collectively as "the Abolished Boards") shall be abolished;

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

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

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

(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 two electoral districts, which shall be known as Electoral Divisions, as the same are specified in the first column of the Schedule hereto, each Electoral Division comprising the area corresponding to the internal drainage district specified in the second column of the Schedule opposite the name of the Electoral Division as the said internal drainage district is constituted immediately before the Appointed Day and the number of members by which each Electoral Division shall be represented shall be as respectively provided in the third column thereof opposite the name of the Electoral Division.

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, duties and obligations vested in or to be discharged by them under or by virtue of any 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.

(a) S.R. & O. 1940/1821. (b) 1961 c. 48.

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 arising therefrom or any expenditure in relation thereto (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. The Local Government (Compensation) Regulations 1974(a) shall apply, with any necessary modifications, for the payment by the Internal Drainage Board of compensation to, or in respect of, persons who are the holders of any office or employment under either of the Abolished Boards and who suffer loss of employment or less or diminution of emoluments which is attributable to any provision of this Scheme as they apply for the payment of compensation or in respect of, an officer of a local authority, other than a civil defence worker, who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision of, or any instrument made under, the Local Government Act 1972(b); and for the purpose of such application:—

(1) any reference in the said Regulations to—

(*a*) "compensating authority" shall be treated as including, in relation to any such person as aforesaid, the Internal Drainage Board;

(*b*) "local authority" shall be treated as including each of the Abolished Boards;

(*c*) "material date" shall mean the Appointed Day; and

(*d*) a person employed by or under, and for the purpose of the functions of, any person who is an officer of a local authority shall be treated as including a person employed by or under, and for the purpose of the functions of, an officer of either of the Abolished Boards and, in relation to any such person, the compensating authority shall be the Internal Drainage Board;

(2) the holder of any office, appointment, place, situation or employment shall be regarded as an officer employed in that office, appointment, place, situation or employment and the expressions "officer" and "employment" in such regulations as applied as aforesaid shall be construed accordingly; and

(3) (*a*) in Regulation 2(1), in the definition of "relevant employment", at the end of paragraph (*c*) there shall be added the words "or any internal drainage board";

(*b*) in Regulations 7(1)(*a*) and 11(1)(*a*), for the words "which is specified in column 1 of Schedule 3 to these Regulations" in each place where they occur there shall be substituted the words "of the Scheme made under section 4(1)(*b*) of the Land Drainage Act 1930, as amended by the Water Act 1973, by the Yorkshire Water Authority on the 28th November 1975 as confirmed by the Yorkshire Water Authority (Kyle and Upper Ouse Internal Drainage District) Order 1976(c)"; and

(*c*) in Regulation 12(1), the words from "but, subject" to the end shall have no effect.

(a) S.I. 1974/463 (1974 I, p. 1563). (b) 1972 c. 70. (c) S.I. 1976/557.

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 Order has not been made.

THE SCHEDULE

Electoral Divisions	Area	Number of Members
First Division	River Kyle Internal Drainage District	6
Second Division	Upper Ouse Internal Drainage District.	4

IN WITNESS whereof the Common Seal of the Yorkshire Water Authority was hereunto affixed this 28th day of November One thousand nine hundred and seventy-five.

(L.S.)

(Sgd.) *J. C. Brown*,
Chairman.

(Sgd.) *A. B. Baldwin*,
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 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 whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th March 1976.

(L.S.)

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

Whereas the Scheme confirmed by the Yorkshire Water Authority (Kyle and Upper Ouse Internal Drainage District) Order 1976 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 1976 to be the said appointed day.

In witness thereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th March 1976.

(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 River Kyle Internal Drainage Board and the Upper Ouse 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 Kyle and Upper Ouse 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 Kyle and Upper Ouse Internal Drainage Board, and makes provision for the appointment of first members of the Board and for division of the internal drainage district into Electoral Divisions. The Scheme applies the Local Government (Compensation) Regulations 1974 for the payment of compensation to employees made redundant by, or suffering diminution of emoluments due to, any provision of the Scheme, and contains other consequential and supplemental provisions.

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, SWIP 2AE, and certified copies thereof may be inspected during office hours at the offices of the Kyle and Upper Ouse Internal Drainage Board.

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