STATUTORY INSTRUMENTS

1977 No. 1208

LAND DRAINAGE

The Yorkshire Water Authority (Ouse and Derwent Internal Drainage District) Order 1977

Made - - - *25th April* 1977

Coming into Operation *7th July* 1977

Whereas before 17th January 1977 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 Ouse and Derwent Internal Drainage District;

And whereas, by virtue of section 117(1) of, and paragraph 6 of Schedule 6 to, the Land Drainage Act 1976(**c**) (which Act came into force on 17th January 1977), as from 17th January 1977 the Scheme is treated as having been prepared and submitted to the Minister for confirmation under section 11(1) of the Land Drainage Act 1976;

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

And whereas a copy of the Scheme with the said modifications incorporated therein 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 (Ouse and Derwent Internal Drainage District) Order 1977, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Interpretation Act 1889(**d**) 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 modifications:—

(1) in the heading, immediately below "Water Act 1973" there shall be inserted the words "Land Drainage Act 1976";

(2) in paragraph 3(i), for the words from "section 33" to the end there shall be substituted the following words:—

"section 7 of, and Schedule 2 to, the Land Drainage Act 1976;";

(**a**) 1930 c. 44. (**b**) 1973 c. 37. (**c**) 1976 c. 70. (**d**) 1889 c. 63.

(3) for paragraph 7 there shall be substituted the following paragraph:—

"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.".

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.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th April 1977.

(L.S.)

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

LAND DRAINAGE ACT 1930

WATER ACT 1973

LAND DRAINAGE ACT 1976

YORKSHIRE WATER AUTHORITY
OUSE AND DERWENT 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 Wapentake of Ouse and Derwent Drainage Commissioners, the West Derwent Internal Drainage Board and the Cliffe Internal Drainage Board;

(*b*) the amalgamation of the drainage district under the jurisdiction of the Wapentake of Ouse and Derwent Drainage Commissioners and the drainage districts of the West Derwent and Cliffe Internal Drainage Boards respectively into one internal drainage district;

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

(*d*) the making of alterations in the provisions in the Wapentake of Ouse and Derwent Drainage Act 1854(b);

(*e*) 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.

(a) S.I. 1977/339 (1977 I, p. 997).

(b) 17 & 18 Vict. Session 1854.

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 Local Act" means the Wapentake of Ouse and Derwent Drainage Act 1854;

"the Wapentake of Ouse and Derwent Drainage Commissioners" means the Commissioners constituted and appointed under the provisions of the Local Act and "the Ouse and Derwent Internal Drainage District" means the drainage district commonly known by that name being the drainage district constituted by the Local Act;

"the West Derwent Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (West Derwent Internal Drainage District) Order 1937(a) and "the West Derwent Internal Drainage District" means the internal drainage district of that name as constituted by that Scheme;

"the Cliffe Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (Cliffe Internal Drainage District) Order 1937(b) and "the Cliffe Internal Drainage District" means the internal drainage district of that name as constituted by that Scheme.

2. On the Appointed Day:

(i) the Wapentake of Ouse and Derwent Drainage Commissioners, the West Derwent Internal Drainage Board and the Cliffe Internal Drainage Board (hereinafter referred to collectively as "the Abolished Boards") shall be abolished;

(ii) the Ouse and Derwent Internal Drainage District, the West Derwent Internal Drainage District and the Cliffe Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district, which shall be known as "the Ouse and Derwent 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 Ouse and Derwent Internal Drainage Board" (hereinafter referred to as "the Internal Drainage Board").

3. (i) The Internal Drainage Board shall consist of twenty-two members who, with the exception of the first members, shall be elected in accordance with the provisions of section 7 of, and Schedule 2 to, the Land Drainage Act 1976;

(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 subparagraph 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 three electoral districts, which shall be known as Electoral Divisions, as the same are specified in the first column of the First Schedule hereto, each Electoral Division comprising the area corresponding to the internal drainage district specified in the second column of the said 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 such 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

(a) S.R. & O. 1937/385. (b) S.R. & O. 1937/114.

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 any of them, respectively except, but subject to paragraph 5 of this Scheme, all rights, powers, duties and liabilities of the Wapentake of Ouse and Derwent Drainage Commissioners under the sections of the Local Act specified in the Second Schedule hereto.

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 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.

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 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 respective accounts 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 the Yorkshire Water Authority (Ouse and Derwent Internal Drainage District) Order 1977.

THE FIRST SCHEDULE

Electoral Division	Area	Number of Members
First Electoral Division	Ouse and Derwent Internal Drainage District	11
Second Electoral Division	West Derwent Internal Drainage District	7
Third Electoral Division	Cliffe Internal Drainage District	4

THE SECOND SCHEDULE

Sections of the Local Act referred to in Paragraph 4 of this Scheme

Sections I to XCV
Sections XCVIII to CIX
Schedules A and B

IN WITNESS whereof the Common Seal of the Yorkshire Water Authority was hereunto affixed the thirtieth day of November 1976.

The COMMON SEAL of the
YORKSHIRE WATER AUTHORITY
was hereunto affixed in the presence of:—

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

(L.S.)

(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 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 7th July 1977.

(L.S.)

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

Whereas the Scheme confirmed by the Yorkshire Water Authority (Ouse and Derwent Internal Drainage District) Order 1977 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 12th September 1977 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th July 1977.

(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 with modifications a Scheme submitted to him by the Yorkshire Water Authority for the abolition of the Wapentake of Ouse and Derwent Drainage Commissioners, the West Derwent Internal Drainage Board and the Cliffe Internal Drainage Board and for the amalgamation into one internal drainage district of the Ouse and Derwent, the West Derwent and the Cliffe Internal Drainage Districts. The Internal Drainage district resulting from the amalgamation is to be known as the Ouse and Derwent 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 Ouse and Derwent Internal Drainage Board, and makes provision for the appointment of first members of the Board and for division of the internal drainage district into three Electoral Divisions. The Scheme provides that, in relation thereto, the compensating authority for the purpose of the Land Drainage (Compensation) Regulations 1977 shall be the new internal drainage board and contains other consequential and supplemental provisions.

Maps of the three 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 Ouse and Derwent Internal Drainage Board.