STATUTORY INSTRUMENTS

1976 No. 568

LAND DRAINAGE

The Yorkshire Water Authority (Selby Area 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 Selby Area 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 (Selby Area 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.

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

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

(L.S.)

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

LAND DRAINAGE ACT 1930
WATER ACT 1973
YORKSHIRE WATER AUTHORITY
SELBY AREA 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 Selby Internal Drainage Board, the Selby Dam Internal Drainage Board, the Wistow Cawood and Selby Internal Drainage Board, the West Haddlesey Internal Drainage Board, and the Lower Aire 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 Selby Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the Yorkshire Ouse River Board (Selby Internal Drainage District) Order 1952(**a**) and "the Selby Internal Drainage District" means the internal drainage district as constituted by that Scheme as altered by the Scheme confirmed by the Yorkshire Ouse and Hull River Authority (Alteration of Boundaries of the Lower Aire Drainage District and the Selby and the West Haddlesey Internal Drainage Districts) Order 1967(**b**) (hereinafter called "the 1967 Order") and as further altered by the Scheme confirmed by the Yorkshire River Authority (Selby Internal Drainage District) Order 1973(**c**);

"the Selby Dam Internal Drainage Board" means the internal drainage board reconstituted by that name by the Scheme confirmed by the River Ouse (Yorks) Catchment Board (Selby Dam Internal Drainage District) Order 1947(**d**) and the "Selby Dam Internal Drainage District" means the internal drainage district of that name constituted by and as described in that Scheme as altered by the Scheme confirmed by the Yorkshire Water Authority (Selby Dam Internal Drainage District) Order 1975(**e**);

"the Wistow Cawood and Selby Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks.) Catchment Board (Wistow Cawood and Selby Internal Drainage District) Order 1942(**f**) and "the Wistow Cawood

(**a**) S.I. 1952/477, 478. (**b**) S.I. 1967/1841. (**c**) S.I. 1973/1905.
(**d**) S.R. & O. 1947/1086. (**e**) S.I. 1975/1770. (**f**) S.R. & O. 1942/242.

and Selby Internal Drainage District" means the internal drainage district of that name constituted by that Scheme as altered by the Scheme confirmed by the Yorkshire River Authority (Wistow Cawood and Selby Internal Drainage District) Order 1973(a);

"the West Haddlesey Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Ouse (Yorks) Catchment Board (West Haddlesey Internal Drainage District) Order 1935(b) and "the West Haddlesey Internal Drainage District" means the internal drainage district constituted by that Scheme as altered by the Scheme confirmed by the 1967 Order;

"the Lower Aire Internal Drainage Board" means the internal drainage board constituted by the Lower Aire Drainage Order 1921(c) as reconstituted and restyled by the Scheme confirmed by the Yorkshire Ouse River Board (Reconstitution of the Lower Aire Drainage Board) Order 1953(d) and "the Lower Aire Drainage District" means the internal drainage district constituted by the Lower Aire Drainage Order 1921 as altered by the Scheme confirmed by the 1967 Order.

2. On the Appointed Day:

(i) the Selby Internal Drainage Board, the Selby Dam Internal Drainage Board, the Wistow Cawood and Selby Internal Drainage Board, the West Haddlesey Internal Drainage Board, and the Lower Aire Internal Drainage Board (hereinafter referred to collectively as "the Abolished Boards") shall be abolished;

(ii) the Selby Internal Drainage District, the Selby Dam Internal Drainage District, the Wistow Cawood and Selby Internal Drainage District, the West Haddlesey Internal Drainage District, and the Lower Aire Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the Selby Area 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 Selby Area 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(e);

(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 five 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 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.

(a) S.I. 1973/1906. (b) S.R. & O. 1935/189. (c) S.R. & O. 1921/372. (d) S.I. 1954/128. (e) 1961 c. 48.

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 any 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 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 any 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 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 Yorkshire 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 any of the Abolished Boards and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Scheme as they apply for the payment of compensation to, 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; 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 any of the Abolished Boards and, in relation to any such person, the compensating authority shall be the Internal Drainage Board;

(a) S.I. 1974/463 (1974 I, p. 1563).

(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 twenty-eighth day of November 1975 as confirmed by the Yorkshire Water Authority (Selby Area Internal Drainage District) Order 1976" (a); and

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

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 or deed of transfer or conveyance.

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 had not been made.

THE SCHEDULE

Electoral Divisions	Area	Number of Members
First Division	Selby Internal Drainage District	2
Second Division	Selby Dam Internal Drainage District	8
Third Division	Wistow Cawood and Selby Internal Drainage District	4
Fourth Division	West Haddlesey Internal Drainage District	3
Fifth Division	Lower Aire Drainage District	9

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

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

(L.S.)

(Sgd.) *A. B. Baldwin,*
Chief Executive.

(a) S.I. 1976/568

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 (Selby Area 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 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.

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 Lower Aire Internal Drainage Board, the Selby Internal Drainage Board, the Selby Dam Internal Drainage Board, the West Haddlesey Internal Drainage Board, and the Wistow Cawood and Selby Internal Drainage Board and for the amalgamation of the respective internal drainage districts thereof into, and to constitute, one internal drainage district to be known as the Selby Area 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 Selby Area Internal Drainage Board. 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 showing the various internal drainage districts which are to be 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 Selby Internal Drainage Board.