STATUTORY INSTRUMENTS

1974 No. 1980

LAND DRAINAGE

The Yorkshire Water Authority Transfer Order 1974

Made - - - - 20*th November* 1974

Whereas the Yorkshire River Authority prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") on the 29th March 1974 for confirmation a Scheme (hereinafter called "the Scheme") under section 4(1)(*a*) of the Land Drainage Act 1930**(a)**:

And whereas, as from 1st April 1974, under section 254(3) of the Local Government Act 1972**(b)** as applied by the Water Act 1973**(c)**, the Scheme is treated as having been prepared, and submitted to the Minister for confirmation, by the Yorkshire Water Authority:

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

And whereas a copy of the Scheme with the said amendments and modifications 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 Act 1973, and Article 22(3) of the Local Authorities etc. (Miscellaneous Provision) Order 1974**(d)** and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order may be cited as the Yorkshire Water Authority Transfer Order 1974.

2. The Interpretation Act 1889**(e)** 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 amendments and modifications:—

(1) in the heading, after the words "Water Resources Act 1963" there shall be inserted the words "and Water Act 1973" and immediately below the words "Yorkshire River Authority" there shall be inserted the words "Yorkshire Water Authority";

(2) in paragraph 1(*b*),—

(*a*) after the words "Parish of Leven" there shall be inserted the words ", which immediately before 1st April 1974 lay";

(a) 1930 c. 44.
(b) 1972 c. 70.
(c) 1973 c. 37.
(d) S.I. 1974/482 (1974 I, p. 1690).
(e) 1889 c. 63.

(*b*) immediately after the words "York-East Riding" there shall be inserted a comma; and

(*c*) after the words "Alexandra Dock" there shall be inserted the words ", which immediately before 1st April 1974 lay"; and

(3) in paragraph 2, for the words "River Authority" there shall be substituted the words "Yorkshire Water Authority".

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 20th November 1974.

(L.S.)

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

LAND DRAINAGE ACT 1930

WATER RESOURCES ACT 1963 AND WATER ACT 1973

YORKSHIRE RIVER AUTHORITY

YORKSHIRE WATER AUTHORITY

The Yorkshire River Authority (hereinafter called "the River Authority") have prepared the following Scheme under section 4(1)(*a*) of the Land Drainage Act 1930, as modified and applied by the Water Resources Act 1963**(a)**, and submit it to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the Land Drainage Act 1930.

SCHEME

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

(*a*) "the appointed day" means a day to be appointed by the Minister;

(*b*) "main river" means that part of the watercourse known as the Holderness Drain from a point near Far Fox Aqueduct (National Grid Reference TA 0799 4500) in the Parish of Leven, which immediately before 1st April 1974 lay in the County of York—East Riding, to its outfall to the River Humber adjoining Alexandra Dock, which immediately before 1st April 1974 lay in the County Borough of Kingston upon Hull (which watercourse is delineated on the main river map sent to the River Authority under the provisions of section 11(2) of the Water Resources Act 1963).

2. On the appointed day there shall be transferred to and be vested in or be discharged by the Yorkshire Water Authority—

(*a*) all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river as shall

(a) 1963 c. 38.

(i) immediately before the date of submission of this Scheme be, or

(ii) between that date and the appointed day become, vested in or dischargeable by the Beverley and Holderness Internal Drainage Board (hereinafter called "the Drainage Board") as constituted by the Scheme confirmed by the Yorkshire River Authority (Beverley and Holderness Internal Drainage District) Order 1973(a);

(*b*) all the property held by the Drainage Board for the purpose of or in connection with any such rights, powers, duties, obligations and liabilities so transferred.

3. Without prejudice to the generality of the provisions of paragraph 2(*b*) of this Scheme, the property thereby transferred includes the property set out in detail in the following provisions of this paragraph, namely:—

(*a*) the lands described in the documents listed in Part I of the Schedule hereto;

(*b*) cut and cover rights in the Holderness Drain and land adjoining;

(*c*) Marfleet Clough at National Grid Reference TA 1310 2926;

(*d*) the bridges listed in Part II of the Schedule hereto;

(*e*) the right to receive the benefit of and the annual acknowledgements and payments under the Agreements, Licences and other documents listed in Part III of the Schedule hereto;

(*f*) all maps, plans, verdicts, papers, books, documents, contracts, agreements, deeds, accounts or other printed or written matter whatsoever belonging to or in the custody of the Drainage Board and used by them solely in connection with the main river or drainage works in connection therewith.

4. 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.

THE SCHEDULE BEFORE REFERRED TO

PART I

Party concerned	*Date of Document*	*Nature of Document*
The Mayor and Burgesses of of Kingston upon Hull	24th December 1835	Bargain and Sale of land in Southcoates and Sutton
Matthias North	29th March 1836	Bargain and Sale of land in Sutton
Trustees of John Broadley deceased	24th May 1836	Bargain and Sale of land in Sutton
Samuel Tuke and others	23rd August 1836	Bargain and Sale of land in Sutton
Edward Rheam and Thomas Priestman	4th October 1836	Bargain and Sale of land in Sutton
Henry Broadley	31st December 1836	Bargain and Sale of land in Southcoates and Marfleet
Edward Rheam and Thomas Priestman	11th January 1837	Bargain and Sale of land in Sutton
The Master Fellows and Scholars of St John's College, Cambridge	13th January 1837	Bargain and Sale of land in Marfleet

(a) S.I. 1973/1235.

Party concerned	*Date of Document*	*Nature of Document*
The Lord Mayor Aldermen and Citizens of the City and County of Kingston upon Hull	22nd April 1929	Deed of Release and Conveyance of land between Maybury Road and Marfleet Lane, Hull
The Hull Estates Company Limited	25th April 1936	Deed of Release and Conveyance of land between Saltshouse Road and Holderness Road, Hull
The Hull Estates Company Limited	25th April 1936	Deed of Release and Conveyance of land between Maybury Road and Portobello Street, Hull
John Douglas	30th April 1948	Conveyance and Release of land in Maybury Road, Hull
Hull Corporation	29th June 1928	Counterpart Agreement as to erection of a bridge at Portobello Street, Hull
Hull Corporation	29th June 1928	Counterpart Agreement as to erection of a bridge at St. John's Grove, Hull
Hull Corporation	27th January 1937	Duplicate Agreement as to the reconstruction of Holderness Road Bridge, Hull
Postmaster General	20th August 1942	Undertaking as to telegraph cable through Saltshouse Bridge, Hull
Postmaster General	16th December 1942	Acknowledgement as to submarine cable approximately 100 yards north of Saltshouse Bridge, Hull
Hull Corporation	22nd April 1958	Counterpart Agreement as to the widening and reconstruction of Marfleet Lane Bridge, Hull
Hull Corporation	17th November 1959	Counterpart Deed of Dedication as to land on the north side of Holderness Road, Hull
Hull Corporation	8th December 1960	Counterpart Agreement as to the maintenance of North's Bridge, Wawne
Hull Maternity Hospital	7th February 1898	Wayleave for pipe in the bank of Holderness Drain at Marfleet
Rediffusion (Yorkshire) Limited	22nd July 1932	Wayleave for two poles on the banks of Holderness Drain near Preston Road Bridge, Hull
Rediffusion (Yorkshire) Limited	16th October 1934	Agreement relating to the erection of poles on the banks of Holderness Drain
Yorkshire Electricity Board	18th December 1941	Wayleave for cable through arch of Saltshouse Bridge, Hull

Party concerned	*Date of Document*	*Nature of Document*
Hull Corporation	27th March 1946	Agreement as to construction and maintenance of a sewer under Holderness Drain at Hedon Road, Hull
R. A. Robinson	12th February 1948	Agreement as to encroachment on the bank of Holderness Drain at Routh
Yorkshire Electricity Board	20th July 1949	Wayleave for underground cable between Maybury Road and Preston Road, Hull
The Lord Mayor Aldermen and Citizens of the City and County of Kingston upon Hull	18th March 1958	Deed of Release and Conveyance of land near Maybury Road, Hull
The Lord Mayor Aldermen and Citizens of the City and County of Kingston upon Hull	25th August 1958	Deed of Exchange and Release of land adjoining Hedon Road, Hull

PART II

Name of Bridge	*National Grid Reference*
Gold Dike Stock Bridge	TA 1353 3312
Castle Hill Bridge	TA 1245 3430
Bransholme Road Bridge	TA 1167 3520
Carlam Hill Bridge	TA 1088 3667
Wawne Common Bridge	TA 1050 3750
Whiting's Occupation Bridge	TA 1030 3838
Stephensons Occupation Bridge	TA 1017 3896
Dumble Pitts Wood Bridge	TA 0740 4091
Leven West Culvert	TA 0799 4498

PART III

Party concerned	*Date of Document*	*Nature of Document*
J. W. Bowyer	9th October 1799	Agreement for drainage of Wawne Common
The North Eastern Railway Company	24th June 1905	Counterpart Conveyance and Grant of Easement in the Parish of Sculcoates
Hull Corporation	10th July 1908	Duplicate Conveyance and Grant of Easement for the erection of Hedon Road Bridge, Hull
Hull Corporation	28th May 1924	Counterpart Agreement as to the erection of a bridge at Maybury Road, Hull

Party concerned	*Date of Document*	*Nature of Document*
Hull Corporation	20th November 1925	Counterpart Agreement as to erection of a bridge and sewer at Preston Road, Hull
Yorkshire Electricity Board	10th July 1952	Wayleave for underground cable near Clough Cottage, Hedon Road, Hull
Yorkshire Electricity Board	11th September 1952	Wayleave for cable through arch of Saltshouse Bridge, Hull
Yorkshire Electricity Board	13th January 1955	Wayleave for overhead line at High Bransholme Road Bridge, Bransholme
Yorkshire Electricity Board	14th January 1955	Wayleave for overhead line at Meaux Bridge, Meaux
North Eastern Gas Board	12th January 1956	Agreement as to gas main crossing Holderness Drain at Saltshouse Road, Hull
Yorkshire Electricity Board	1st April 1957	Wayleave for overhead line at North's Bridge, Wawne
Yorkshire Electricity Board	8th September 1960	Wayleave for overhead line across Kelwell Drain, Swine
Yorkshire Electricity Board	15th November 1961	Wayleave for underground cable Kingeo to East House, Hull
Yorkshire Electricity Board	23rd May 1962	Wayleave for underground cable at Hedon Road, Hull
C. L. Cullington	23rd October 1962	Agreement as to erection of pumps and laying of pipes at Routh
Yorkshire Electricity Board	10th June 1964	Agreement as to erection of a sub-station adjoining Holderness Road, Hull
Halls Farm (Routh) Limited	15th April 1965	Agreement as to the erection of a bridge over the Holderness Drain at Routh
Hedon Timber and Trading Company Limited	21st April 1972	Lease of 1880 square yards of land at Hedon Road, Marfleet.

DATED 27th March 1974.

THE COMMON SEAL of the YORKSHIRE RIVER AUTHORITY was hereunto affixed in the presence of:— } (L.S.)

(Sgd.) *R. H. Coulman,*
Chairman.

(Sgd.) *D. C. North,*
Clerk of the Authority.

Whereas the Scheme confirmed by the Yorkshire Water Authority Transfer Order 1974 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 25th November 1974 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th November 1974.

(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 with amendments and modifications a Scheme submitted to him on 29th March 1974 by the Yorkshire River Authority for the transfer to the Authority of all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with a defined part of the main river of the Yorkshire River Authority Area as were, immediately before the date of submission of the Scheme or between that date and the appointed day, vested in or to be discharged by the Beverley and Holderness Internal Drainage Board, and of all property held by the said Board for the purpose of, or in connection with, any of the functions so transferred.

The Yorkshire River Authority was abolished on 1st April 1974 by the Water Act 1973 and, under section 254(3) of the Local Government Act 1972 as applied by the Water Act 1973, as from 1st April 1974 the Scheme is treated as having been prepared and submitted by the Yorkshire Water Authority.

STATUTORY INSTRUMENTS

1974 No. 1980

LAND DRAINAGE

The Yorkshire Water Authority Transfer Order 1974

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