STATUTORY INSTRUMENTS

1981 No. 74

LAND DRAINAGE

The Yorkshire Water Authority Transfer Order 1981

Made - - - - 19*th January* 1981

Whereas the Yorkshire Water Authority prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called the "Minister") on the 29th February 1980 for confirmation a Scheme (hereinafter called "the Scheme") under section 10(1) of the Land Drainage Act 1976(a);

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 10(3) 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 may be cited as the Yorkshire Water Authority Transfer Order 1981.

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 19th January 1981.

(L.S.)

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

(a) 1976 c. 70.

LAND DRAINAGE ACT 1976

YORKSHIRE WATER AUTHORITY

The Yorkshire Water Authority (hereinafter called "the Water Authority") have prepared the following Scheme under section 10(1) of the Land Drainage Act 1976 and submit it to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 10(3) of the said Act of 1976.

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 Winestead Drain from Grid reference: TA 3009 2344 to TA 2852 2122 (which watercourse is delineated on the main river map sent to the Water Authority under the provisions of section 9(5) and (6) of the Land Drainage Act 1976).

2. On the appointed day there shall be transferred to and be vested in or fall to be discharged by the 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

(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 Winestead Level Drainage Commissioners (hereinafter called "the Commissioners") as constituted by the Winestead Level Drainage Act 1867(a);

(*b*) all the property held by the Commissioners 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*) cut and cover rights in the Winestead Drain and land adjoining;

(*b*) the bridge known as Ings Lane Bridge at National Grid Reference TA 286 223;

(*c*) all maps, verdicts, papers, books, documents, contracts, agreements, deeds, accounts or other printed or written matter whatsoever belonging to or in the custody of the Commissioners 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.

IN WITNESS whereof the Common Seal of the Yorkshire Water Authority was hereunto affixed this 12th day of December 1979.

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

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

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

(a) 30–1 V. c. lxx.

Whereas the Scheme confirmed by the Yorkshire Water Authority Transfer 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 19th January 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 on 29th February 1980 by the Yorkshire Water 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 Water 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 Winestead Level Drainage Commissioners, and of all property held by the said Commissioners for the purpose of, or in connection with, any of the functions so transferred.