

1974 No. 1209

LAND DRAINAGE

The Anglian Water Authority (South Holland Internal
Drainage District) Order 1974

Made - - - 4th June 1974

Coming into Operation 16th July 1974

Whereas before 1st April 1974 the Welland and Nene River 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 modified and applied by the Water Resources Act 1963(b), in relation to the South Holland Internal Drainage District:

And whereas, as from 1st April 1974, under section 254(3) of the Local Government Act 1972(c) as applied by the Water Act 1973(d), the Scheme is treated as having been prepared, and submitted to the Minister for confirmation, by the Anglian 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 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(e) and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Anglian Water Authority (South Holland Internal Drainage District) Order 1974, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Interpretation Act 1889(f) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 1930 c. 44.

(b) 1963 c. 38.

(c) 1972 c. 70.

(d) 1973 c. 37.

(e) S.I. 1974/482 (1974 I, p.1690).

(f) 1889 c. 63.

3. The Scheme is hereby confirmed subject to the following amendments and modifications:—

- (1) in the heading, immediately below “Welland and Nene River Authority”, there shall be inserted the words “Anglian Water Authority” and after “Water Resources Act 1963” there shall be inserted the words “and Water Act 1973”;
- (2) in paragraph 2(i),—
 - (a) for the word “lying” there shall be substituted the words “which immediately before 1st April 1974 lay”; and
 - (b) for the words “which are” there shall be substituted the words “and are”;
- (3) in paragraph 6, in the proviso, for the words “River Authority” there shall be substituted the words “Anglian Water Authority”;
- (4) after paragraph 6 of the Scheme the following paragraph shall be inserted and the subsequent paragraphs shall be renumbered accordingly:—

“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;
- (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

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

- (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 Regulation 7(1)(a), for the words "which is specified in column 1 of Schedule 3" there shall be substituted the words "of the Scheme made under section 4(1)(b) of the Land Drainage Act 1930, as modified and applied by the Water Resources Act 1963, by the Welland and Nene River Authority on the 8th March 1973 as confirmed (with amendments and modifications) by the Anglian Water Authority (South Holland Internal Drainage District) Order 1974"; and
- (c) in Regulation 12(1), the words from "but, subject" to the end shall have no effect."

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Anglian 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 4th June 1974.

(L.S.)

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

WELLAND AND NENE RIVER AUTHORITY
ANGLIAN WATER AUTHORITY
LAND DRAINAGE ACT 1930
WATER RESOURCES ACT 1963 AND WATER ACT 1973
SOUTH HOLLAND INTERNAL DRAINAGE DISTRICT

THE WELLAND AND NENE RIVER AUTHORITY (hereinafter referred to as "the River Authority") pursuant to section 4(1)(b) of the Land Drainage Act 1930, as modified and applied by the Water Resources Act 1963, hereby make the following Scheme providing for certain matters referred to in the said section, namely:—

- (a) the constitution of the land hereinafter mentioned as an Internal Drainage District, and of the Drainage Board thereof;
- (b) the abolition of the South Welland Internal Drainage Board, the South Holland Internal Drainage Board, the South Holland Embankment Drainage Board, the Holland Elloe Internal Drainage Board, and the Sutton Bridge Internal Drainage Board and the abrogation of the powers of the Welland Outfall Trustees so far as such powers are exercisable within the said Internal Drainage District;
- (c) the abolition of the drainage districts under the jurisdiction of the South Welland Internal Drainage Board, the South Holland Internal Drainage Board, the South Holland Embankment Drainage Board, the Holland Elloe Internal Drainage Board, and the Sutton Bridge Internal Drainage Board;
- (d) matters supplemental thereto or consequential thereon;

AND the River Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") for confirmation under section 4(3) of the Land Drainage Act 1930.

S C H E M E

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

"the Sealed Map" means the map sealed by the River Authority in relation to this Scheme;

"the Appointed Day" means a day to be appointed by the Minister for the coming into operation of this Scheme;

"the South Welland Internal Drainage Board" means the Board constituted by the River Welland Catchment Board (South Welland Internal Drainage District) Order 1938(a), and "the South Welland Internal Drainage District" means the District under their jurisdiction;

"the South Holland Internal Drainage Board" means the Board constituted by the Welland and Nene River Authority (South Holland Internal Drainage District) Order 1970(b), and "the South Holland Internal Drainage District" means the District under their jurisdiction;

"the South Holland Embankment Drainage Board" means the Board reconstituted by the South Holland Embankment Drainage District Order 1940(c), and "the South Holland Embankment Drainage District" means the District under their jurisdiction as defined by that Order and altered by the South

(a) S.R. & O. 1938/320.

(b) S.I. 1970/450.

(c) S.R. & O. 1940/470.

Holland Embankment Drainage District (Alteration of Boundaries) Order 1950(a);

“the Holland Elloe Internal Drainage Board” means the Board constituted by the River Nene Catchment Board (Holland Elloe Internal Drainage District) Order 1940(b), and “the Holland Elloe Internal Drainage District” means the District under their jurisdiction as defined by that Order and altered by the Nene River Board (Alteration of Boundaries of the Holland Elloe Internal Drainage District) Order 1955(c);

“the Sutton Bridge Internal Drainage Board” means the Board constituted by the River Nene Catchment Board (Sutton Bridge Internal Drainage Board) Order 1936(d) as amended by the River Nene Catchment Board (Sutton Bridge Internal Drainage Board) Order 1938(e), and “the Sutton Bridge Internal Drainage District” means the District under their jurisdiction;

“the Trustees” means the Welland Outfall Trustees constituted and appointed under the provisions of the Act 30 and 31 Vict. c.cxcv (hereinafter referred to as “the Act of 1867”).

2. On the Appointed Day:

- (i) all those lands which immediately before 1st April 1974 lay in the Parishes of Algarkirk, Cowbit, Fleet, Fleet Fen, Fosdyke, Gedney, Gedney Hill, Holbeach, Holbeach Drove, Little Sutton, Long Sutton, Lutton, Moulton, Spalding, Surfleet, Sutton Bridge, Sutton St. James, Tydd St. Mary, Weston, Whaplode, Whaplode Drove, in the County of Lincoln (Parts of Holland) and are shown coloured pink and edged with a red line on the Sealed Map shall be constituted an Internal Drainage District to be known as “the South Holland Internal Drainage District” (hereinafter referred to as “the Internal Drainage District”);
- (ii) the South Welland Internal Drainage Board, the South Holland Internal Drainage Board, the South Holland Embankment Drainage Board, the Holland Elloe Internal Drainage Board and the Sutton Bridge Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished and the powers of the Trustees so far as such powers are exercisable within the Internal Drainage District and relate to or affect land drainage shall be abrogated;
- (iii) the South Welland Internal Drainage District, the South Holland Internal Drainage District, the South Holland Embankment Drainage District, the Holland Elloe Internal Drainage District and the Sutton Bridge Internal Drainage District shall be abolished;
- (iv) there shall be constituted for the Internal Drainage District an internal drainage board to be known as “the South Holland Internal Drainage Board” (hereinafter referred to as “the Internal Drainage Board”).

3. (i) The Internal Drainage Board shall consist of twenty-five 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(f);

(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;

(a) S.I. 1951/246 & 247.

(b) S.R. & O. 1940/1692.

(c) S.I. 1955/1975.

(d) S.R. & O. 1936/1090.

(e) S.R. & O. 1938/674.

(f) 1961 c. 48.

(iii) the Internal Drainage District shall be divided into nine Electoral Divisions as specified in the first column of the Schedule hereto and as defined in the second column thereof by reference to the Sealed Map and the number of members by which each such division shall be represented shall be as respectively provided in the third column thereof.

4. On the Appointed Day there shall be transferred to and be vested in or be discharged by the Internal Drainage Board all such property, rights, powers, duties, obligations, and liabilities as were immediately before the Appointed Day vested in or to be discharged by:

(i) the Abolished Boards or any of them respectively, including (but without prejudice to the generality of the foregoing) all powers and duties vested in or to be discharged by them under or by virtue of any local Act or Order made under statutory authority;

(ii) the Trustees by virtue of the Act of 1867 in relation to the land within the Internal Drainage District and affect or relate to land drainage.

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 the Trustees, 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 both capital money and income or interest be applied to the benefit of or be payable out of the rates levied only upon that part of the Internal Drainage District as the case may be:

Provided that the Internal Drainage Board may subject to the approval of the Anglian 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 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;
- (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 Regulation 7(1)(a), for the words "which is specified in column 1 of Schedule 3" there shall be substituted the words "of the Scheme made under section 4(1)(b) of the Land Drainage Act 1930, as modified and applied by the Water Resources Act 1963, by the Welland and Nene River Authority on the 8th March 1973 as confirmed (with amendments and modifications) by the Anglian Water Authority (South Holland Internal Drainage District) Order 1974"; 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.

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.

THE SCHEDULE

Electoral Divisions	Numbered on the Sealed Map	Number of Members
First Division	I	2
Second Division	II	1
Third Division	III	1
Fourth Division	IV	1
Fifth Division	V	4
Sixth Division	VI	3
Seventh Division	VII	3
Eighth Division	VIII	5
Ninth Division	IX	5

IN WITNESS whereof the Common Seal of the Welland and Nene River Authority was hereunto affixed this eighth day of March one thousand nine hundred and seventy-three.

(Sgd.) *T. R. Pick,*

Chairman.

(L.s.)

(Sgd.) *D. S. Akroyd,*

Clerk of the Authority.

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 16th July 1974.

(L.s.)

(Sgd.) *H. Pease,*

Assistant Secretary.

Whereas the Scheme confirmed by the Anglian Water Authority (South Holland Internal Drainage District) 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 the 1st August 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 16th July 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 before 1st April 1974 by the Welland and Nene River Authority for the abolition of the South Holland Embankment Drainage District and the Holland Elloe, the South Holland, the South Welland and the Sutton Bridge Internal Drainage Districts and the existing Boards thereof and for the constitution of the South Holland Internal Drainage District and the South Holland Internal Drainage Board. The Scheme also provides for the abrogation of the functions of the Welland Outfall Trustees (acting under the authority of the local Act of Parliament of 1867 referred to in paragraph 1 of the Scheme) in so far as they affect or relate to land drainage within the South Holland Internal Drainage District. The Scheme, as amended and modified, 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.

The Welland and Nene 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 Anglian Water Authority.

The map mentioned in the Scheme is 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 a certified copy thereof may be inspected during office hours at the offices of the Anglian Water Authority, North Street, Oundle, Peterborough, Northamptonshire, and at the offices of the South Holland Internal Drainage Board.