



CHAPTER x.

An Act to make provision for the better drainage of the Doncaster Drainage District, to provide for the dissolution of the Doncaster District Drainage Board and the transfer of certain property, rights, functions and liabilities of that Board to certain Catchment Boards, and for objects connected with the purposes aforesaid.

A.D. 1933.

[13th April 1933.]

WHEREAS it is expedient to make provision for the better drainage of the Doncaster Drainage District, to provide for the dissolution of the Doncaster District Drainage Board (hereafter in this Act referred to as "the Doncaster Board") and the distribution of certain property, rights, functions and liabilities of that Board between the Catchment Board of the River Ouse (Yorks) Catchment Area and the Catchment Board of the River Trent Catchment Area (which Boards and Areas are hereafter in this Act referred to as "the Ouse Board," "the Ouse Area," "the Trent Board" and "the Trent Area" respectively), and to make such other provision in connection with the matters aforesaid as is contained in this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

A.D. 1933. Parliament assembled, and by the authority of the same,
— as follows:—

Transfer of
jurisdiction
over certain
channels to
Ouse Board
and Trent
Board.
20 & 21
Geo. 5. c. 44.

1.—(1) As from the commencement of this Act and unless and until other provision is made under the Land Drainage Act, 1930, the channels specified in Part I of the Schedule to this Act shall be deemed to be part of the main river of the Ouse Area, and the channels specified in Part II of that Schedule shall be deemed to be part of the main river of the Trent Area, and the said Act of 1930 shall have effect accordingly.

(2) If any part of the channels specified in Part I of the Schedule to this Act or of the banks thereof was immediately before the commencement of this Act vested in the Doncaster Board it shall by virtue of this Act vest in the Ouse Board and if any part of the channels specified in Part II of that Schedule or of the banks thereof was immediately before the commencement of this Act vested in the Doncaster Board it shall by virtue of this Act vest in the Trent Board.

(3) All such powers, obligations and liabilities with respect to drainage over or in connection with any of the channels specified in the Schedule to this Act as were immediately before the commencement of this Act vested in or to be discharged by any drainage board (other than the Doncaster Board) or by any railway company, navigation authority, or other drainage authority within the meaning of the Land Drainage Act, 1930, and any property held by the board, company or authority for the purpose of or in connection with any such functions as aforesaid, shall by virtue of this Act be transferred, as respects channels specified in Part I of the said Schedule, to the Ouse Board, and as respects channels specified in Part II of the said Schedule, to the Trent Board:

Provided that notwithstanding anything in this subsection, the Ouse Board and the Trent Board respectively may take such steps as are specified in section nine of the Land Drainage Act, 1930 (as amended by this Act), for the commutation of any such obligations and liabilities as aforesaid as if the transfer thereof to the Board had been postponed until their commutation.

(4) The Minister shall vary the maps of the Ouse Area and the Trent Area in such manner as appears to

him to be necessary to give effect to the provisions of this section. A.D. 1933.

2.—(1) So soon as may be after the commencement of this Act, the Minister, after consulting the Ouse Board and the Trent Board, shall by order provide for the dissolution of the Doncaster Board, and the distribution of their property (including their rights in any fund established under section ten of the Doncaster Area Drainage Act, 1929) and liabilities between the Ouse Board and the Trent Board.

Dissolution
of Doncaster
Board and
transfer of
property
and func-
tions
thereof.
19 & 20 Geo.
5. c. xvii.

(2) Subject as hereinafter provided, the Doncaster Area Drainage Act, 1929, except the following provisions thereof, that is to say, so much of section one as defines the Doncaster Drainage District, Part II, sections twenty-five, twenty-seven and twenty-eight, so much of section thirty as relates to the undertakers of the Aire and Calder Navigation or the Sheffield and South Yorkshire Navigation Company, sections thirty-one and thirty-two, so much of section thirty-three as has any application to the other unrepealed provisions of the Act, and subsection (1) of section thirty-four, is hereby repealed :

Provided that—

(a) notwithstanding this repeal, the Doncaster Board may continue to exercise any power vested in them by or under the said Act of 1929 so far as the continued exercise by them of that power is necessary or convenient in connection with the winding up of their affairs and the transfer of their property and liabilities ;

(b) without prejudice to the generality of the provisions of the Interpretation Act, 1889, with respect to repeals, nothing in this subsection shall affect any order made and approved before the commencement of this Act under section seven of the said Act of 1929 or any scheme prepared, submitted and approved before the commencement of this Act under section eight of the said Act of 1929.

52 & 53
Vict. c. 63.

(3) The provisions of Part II of the Doncaster Area Drainage Act, 1929, as amended by this Act, such of the provisions of Part III of that Act as are not repealed by the last preceding subsection, and the provisions of

A.D. 1933. — any such order or scheme as aforesaid shall have effect and be deemed always to have had effect subject to the following modifications:—

- (a) the said provisions shall be treated as if, instead of being made with respect to the whole of the Doncaster Drainage District, they had been made separately in relation to so much of the said district as is within the Ouse Area and in relation to so much of the said district as is within the Trent Area;
- (b) references to the said district shall be construed as references to so much thereof as is within the Ouse Area or so much thereof as is within the Trent Area, as the case may be, and references to the Doncaster Board shall be construed as references to the Ouse Board or the Trent Board, as the case may be;

and anything done under any of the said provisions by or to the Doncaster Board shall so far as it would under those provisions as so modified have fallen to be done by or to the Ouse Board be deemed to have been done by or to the Ouse Board, and so far as it would under those provisions as so modified have fallen to have been done by or to the Trent Board, be deemed to have been done by or to the Trent Board, and any proceedings pending at the commencement of this Act by or against the Doncaster Board under the said provisions may be continued by or against the Ouse Board, the Trent Board, or both those Boards, as the case may require:

Provided that nothing in this section shall render illegal or invalid anything legally or validly done before the commencement of this Act.

(4) Section nine of the Land Drainage Act, 1930 (which relates to the commutation of obligations imposed on persons by reason of tenure, custom, prescription or otherwise, to do work in connection with any main river) shall have effect as if every obligation to do any such work in connection with any of the channels mentioned in the Schedule to this Act, however arising, were an obligation imposed by reason of tenure, custom, prescription or otherwise, within the meaning of that section, but nothing in the said section shall be construed as requiring a Catchment Board to commute

any obligation imposed upon a drainage board, unless in the opinion of the Catchment Board, it is expedient that that obligation should be commuted:

A.D. 1933.

Provided that this subsection shall not apply as respects any obligation to repair any banks which are not within the Doncaster Drainage District.

(5) Section sixty-five of the Land Drainage Act, 1930, which provides for certain modifications of that Act in its application to the Doncaster Drainage District, is hereby repealed.

3.—(1) Notwithstanding anything in section ten of the Doncaster Area Drainage Act, 1929—

Amendment
of s. 10 of
Doncaster
Area Drain-
age Act,
1929.

(a) the question of the sufficiency or otherwise from time to time for the purposes mentioned in paragraph (a) of subsection (1) of that section of any fund to be established and maintained under that paragraph shall in the absence of agreement between the Board and the mineowner be decided by the Railway and Canal Commission;

(b) if at any time after such a fund has been established it is agreed or decided as aforesaid that the fund is insufficient or more than sufficient for the said purposes such a transfer of assets shall be made by the mineowner to the fund or from the fund to the mineowner as may be necessary to render the fund sufficient and no more than sufficient for the said purposes:

Provided that no claim that any such fund is insufficient or more than sufficient for the said purposes shall be entertained if it is made after the expiration of one month from the mine permanently ceasing to be worked.

(2) In this section the expression “the Board” means the Ouse Board or the Trent Board as the case may be, and the provisions of subsection (3) of section eleven of the Doncaster Area Drainage Act, 1929, shall apply in relation to the determination by the Railway and Canal Commission of disputes under this section as they apply in relation to the determination of other disputes under Part II of the said Act.

4.—(1) Two members shall be added to the Ouse Board and two members shall be added to the Trent

Increased
membership
of Ouse

A.D. 1933.
—
Board and
Trent
Board.

Board, and of those additional members one shall in each case be appointed by the Mineral Owners Association of Great Britain or their successors, and one in each case by the South Yorkshire Coal Trade Association or their successors.

(2) The first members appointed by the said Associations shall hold office until the first day of November, nineteen hundred and thirty-four, but, save as aforesaid, and as hereinafter in this section provided, the Land Drainage Act, 1930, shall, with any necessary modifications, apply in relation to, and in relation to the appointment of, members representing the said Associations as it applies in relation to, and in relation to the appointment of, other members of the Boards.

(3) Each of the members representing the said Associations or their successors may authorise another person to attend in his stead at meetings of the Board or any Committee thereof and to exercise on his behalf all or any of his rights as a member of the Board or the Committee. Any such authority shall be in writing and may be given in respect of a particular meeting or in respect of all meetings until the authority expires or is revoked.

Provisions
as to rating.

5. For the purposes of any rate levied by any drainage board on land which is used in connection with the working of minerals and is within the Doncaster Drainage District, the value of that land shall be computed without taking into account any special value attributable solely to the fact that it is, or is capable of being, so used.

Compensa-
tion to
officers of
Doncaster
Board.

6.—(1) Every officer or servant of the Doncaster Board who immediately before the commencement of this Act had held office under that Board for a period of not less than two years shall, if by virtue of this Act or of anything done in pursuance or in consequence thereof he suffers any direct pecuniary loss by abolition of office or determination of his appointment, be entitled to compensation under this Act for that loss.

(2) An application by an officer or servant for compensation under this Act shall be made to the Ouse Board and the Trent Board jointly and shall be considered by a joint committee of those Boards, consisting

of six members, of whom three shall be appointed by each Board, and any compensation found to be payable shall be paid by those Boards in such proportions as may be agreed between them, or in default of agreement decided by the Minister.

A.D. 1933.

(3) The provisions contained in the Eighth Schedule to the Local Government Act, 1929, shall apply to the determination and payment of compensation under this Act as they apply to the determination and payment of compensation under that Act, subject to the following modifications:—

19 Geo. 5.
c. 17.

- (a) for the reference in sub-paragraph (e) of paragraph one to any council acting under that Act there shall be substituted a reference to any local authority as defined in the said Schedule, for the reference in paragraph six to the determination of an appointment by the council there shall be substituted a reference to any determination of an appointment in pursuance or in consequence of this Act, and other references to the council or to a council shall be construed as references to the Ouse Board and the Trent Board acting jointly or to the said joint committee, as the context requires;
- (b) references to this Act shall be substituted for references to that Act;
- (c) references to the commencement of this Act shall be substituted for references to the appointed day.

7. Nothing in this Act, in the Land Drainage Act, 1930, or in any scheme or order under the last-mentioned Act shall render any of the unrepealed provisions of the Doncaster Area Drainage Act, 1929, applicable in relation to any land which was not, immediately before the commencement of this Act, within the Doncaster Drainage District.

Saving pro-
vision as to
land outside
Doncaster
District.

8.—(1) This Act may be cited as the Doncaster Area Drainage Act, 1933.

Short title
and inter-
pretation.

(2) In this Act "the Minister" means the Minister of Agriculture and Fisheries.

A.D. 1933.

SCHEDULE.

Sections
& 2.

CHANNELS WHICH ARE TO BE DEEMED TO FORM PART
OF CERTAIN MAIN RIVERS.

PART I.

River Ouse (Yorks) Catchment Area.

Dutch River.

River Don (so far as within the Doncaster Drainage District).

PART II.

River Trent Catchment Area.

Gravel or Highland Water Drain, Ancient Deeps Drain and Snow Sewer (including Warping Drain).

River Torne (so far as within the Doncaster Drainage District).

Hatfield Waste Drain.

South Level Engine Pumping Discharge Drain.

North Level Engine Pumping Discharge Drain.

South Soak Drain.

North Soak Drain.

Printed by EYRE and SPOTTISWOODE LIMITED,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.