

1973 No. 689

LAND DRAINAGE

The Lincolnshire River Authority (Transfer of Powers to the Ancholme Internal Drainage Board) Order 1973

Made - - - - - 22nd February 1973

Coming into Operation 4th April 1973

Whereas the Lincolnshire 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) in relation to the Ancholme Internal Drainage Board:

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 Resources Act 1963(b), and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Lincolnshire River Authority (Transfer of Powers to the Ancholme Internal Drainage Board) Order 1973, 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 Lincolnshire River 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 22nd February 1973.

(L.S.)

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

(a) 1930 c. 44.

(b) 1963 c. 38.

(c) 1889 c. 63.

LAND DRAINAGE ACT 1930

LINCOLNSHIRE RIVER AUTHORITY

ANCHOLME INTERNAL DRAINAGE BOARD

The Lincolnshire River Authority (hereinafter called "the River Authority") in pursuance of section 4(1)(b)(viii) and (ix) of the Land Drainage Act 1930 (hereinafter called "the Act of 1930") as applied by the Water Resources Act 1963 (hereinafter called "the Act of 1963") submit to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the Act of 1930 the following Scheme for:—

- (1) the making of alterations in the provisions of the Acts 7 Geo. III C. xcvi (1767), 42 Geo. III C. cxvi (1802), 6 Geo. IV C. clxv (1825) and 3 and 4 Will. IV C. cxi (1833) (hereinafter called "the Ancholme Drainage Acts") insofar as they relate to such part of the West Drain as is described in the First Schedule hereto (the said part including the banks thereof and drainage works in connection therewith being hereinafter called "the watercourse") which ceased to be main river within the meaning of the Act of 1930 in consequence of the variation made to the statutory main river map of the River Authority by the Minister under section 11(6) of the Act of 1963 on the 24th day of October 1969 and which for the purposes of the Act of 1930 is now maintained by the Ancholme Internal Drainage Board (hereinafter called "the Drainage Board");
- (2) the transfer from the River Authority to the Drainage Board of all such rights powers duties obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the watercourse as were immediately before the date of the submission of this Scheme vested in or to be discharged by the River Authority and of any property held by the River Authority for the purposes of or in connection with any functions so to be transferred;
- (3) matters supplemental thereto or consequential thereon.

SCHEME

1. This Scheme (which includes the Schedules hereto) may be cited as the Lincolnshire River Authority (Transfer of Powers to the Ancholme Internal Drainage Board) Scheme 1972.

2. This Scheme shall come into operation on a day to be appointed by the Minister (hereinafter called "the appointed day").

3. On the appointed day the following provisions shall have effect:—

- (a) the provisions of the Act 42 Geo. III C. cxvi (1802) which as modified are set out in the Schedule to the Scheme of the River Ancholme and Winterton Beck Catchment Board confirmed by the Lincolnshire River Board (Ancholme Internal Drainage District) Order 1951(a) and the Lincolnshire River Board (Ancholme Internal Drainage District) (Appointed Day) Order 1951(b) (together hereinafter referred to as "the 1951 Order") shall apply to the watercourse but all other provisions of the Ancholme Drainage Acts which at present apply to the watercourse shall cease to have effect in relation thereto and in relation to the rights powers duties obligations and liabilities of the River Authority with regard to the watercourse;

(a) S.I. 1951/936.

(b) S.I. 1951/937.

(b) save as aforesaid all such rights powers duties obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the watercourse as were immediately before the date of the submission of this Scheme vested in or to be discharged by the River Authority shall be transferred to the Drainage Board together with all property held by the River Authority for the purposes of or in connection with any functions so transferred.

4. Subject to the provisions of the preceding paragraph the rights powers duties obligations liabilities and property set out and referred to in detail hereunder and in the Schedules hereto are included in the transfer under the provisions of this Scheme and are set out and referred to for convenience only and the specification of these matters shall not derogate from the generality of the transfer under the foregoing provisions or in any way affect the full operation thereof:—

(a) all rights powers duties obligations and liabilities conferred or imposed by or arising under the enactment and Order specified in the third column of the First Schedule hereto;

(b) all the property set out in the Second Schedule;

(c) 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 River Authority and used by them solely in connection with the watercourse.

5. 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 FIRST SCHEDULE

<i>No. on Map sealed in pursuance of sub-section 2 of section 11 of the Act of 1963</i>	<i>Watercourse</i>	<i>Acts and Orders</i>
89	That part of the West Drain from the confluence of the Ella Beck at a point east of Appleby Lodge Farm upstream to the boundary between Fields O.S. Nos. 551 and 518 in the Parish of Broughton (Ordnance Survey Sheet XIX. 11 for Lincolnshire-Parts of Lindsey, Second Edition 1907).	The Act 42 Geo. III C. cxvi as modified by the 1951 Order and applied by this Scheme. The River Ancholme and Winterton Beck Transfer Order 1933(a).

(a) S.R. & O. 1933/57.

THE SECOND SCHEDULE

PARTICULARS OF PROPERTIES

<i>Name of Watercourse</i>	<i>Nature of Property</i>	<i>Situation National Grid Reference</i>
West Drain	Broughton Decoy Bridge	SE 9736 1091
	Broughton Road Bridge	SE 9814 1039
	Coulbecks (or Brickhills) Bridge	SE 9860 0930
	Castlethorpe Lane Bridge	SE 9877 0874
	Castlethorpe Hall Bridge	SE 9896 0799

IN WITNESS whereof the River Authority have caused their Common Seal to be hereunto affixed this Twenty first day of September One thousand nine hundred and seventy two.

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

(Sgd.) *J. L. Roughton,*
Chairman.

(Sgd.) *B. O. Stattersfield,*
Deputy 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 4th April 1973.

(L.S.)

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

Whereas the Scheme confirmed by the Lincolnshire River Authority (Transfer of Powers to the Ancholme Internal Drainage Board) Order 1973 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 May 1973 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th April 1973.

(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 a Scheme submitted to him by the Lincolnshire River Authority for altering the provisions of local Acts of Parliament of 1767, 1802, 1825 and 1833 in so far as they relate to that part of the West Drain in the Parish of Broughton as is specified in the First Schedule to the Scheme.

The Scheme provides for the transfer to the Ancholme Internal Drainage Board of all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the said watercourse as were, immediately before the 1st May 1973, vested in or to be discharged by the Authority and of all property held by the Authority for the purposes of, or in connection with, any functions so transferred.

STATUTORY INSTRUMENTS

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