

1977 No. 109

LAND DRAINAGE

**The North West Water Authority (Abolition of the
Croston Internal Drainage District) Order 1976**

Made - - - - - 19th November 1976

Coming into Operation 14th January 1977

Whereas the North West Water 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 amended and applied by the Water Act 1973(b), in relation to the Croston Internal Drainage District:

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 Act 1973, and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the North West Water Authority (Abolition of the Croston Internal Drainage District) Order 1976, 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 North West 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 November 1976.

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

(L.S.)

(a) 1930 c. 44.
(c) 1889 c. 63.

(b) 1973 c. 37.

LAND DRAINAGE ACT 1930

WATER ACT 1973

NORTH WEST WATER AUTHORITY

ABOLITION OF THE CROSTON INTERNAL DRAINAGE DISTRICT

The North West Water Authority (hereinafter referred to as "the Authority") have prepared the following Scheme under section 4(1)(b) of the Land Drainage Act 1930, as amended and applied by the Water Act 1973, and submit it to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") for confirmation under section 4(3) of the said Act of 1930.

SCHEME

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

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

"the Croston Internal Drainage District" means the internal drainage district commonly known by that name being the drainage district constituted by the Act 39 and 40 Geo. III Cap. 33 (An Act for draining, improving and preserving the Low Lands and Grounds within the Townships of Croston, Mawdesley, Rufford, Bispham, Tarleton, and Bretherton, in the County Palatine of Lancaster) (hereinafter referred to as "the Act of 1800") as altered by the Scheme confirmed by the River Douglas Catchment Board (Alteration of boundaries of the Croston Internal Drainage District) Order 1935(a), further altered by the Scheme confirmed by the River Douglas Catchment Board (Alteration of Boundaries of the Croston Internal Drainage District) Order 1949(b) and further altered by the Scheme confirmed by the Lancashire River Board (Alteration of boundaries of the Croston Internal Drainage District) Order 1954(c);

"the Croston Internal Drainage Board" means the internal drainage board re-constituted under that title by the Scheme confirmed by the Lancashire River Authority (Reconstitution of the Croston Internal Drainage Board) Order 1971(d).

2. On the appointed day the Croston Internal Drainage District and the Croston Internal Drainage Board (hereinafter referred to as "the Drainage Board") shall be abolished and all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, books of account, other books, deeds, maps, papers and other documents) as were immediately before the appointed day vested in or to be discharged by the Drainage Board shall be transferred to and be vested in or be discharged by the Authority except all rights, powers, duties, obligations and liabilities of the Drainage Board under the Act of 1800 (which became vested in or to be discharged by the Drainage Board under or by virtue of the enactments, orders and instruments specified in the Schedule hereto) other than section XXXIX of that Act (which makes provision for the construction and maintenance of certain bridges) and for the purpose of this Scheme section XXXIX of the Act of 1800 shall apply as if the references in that section to the Commissioners therein mentioned were references to the Authority.

3. The accounts of the Drainage Board shall be made up to the appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this Scheme had not been made: provided that any sum certified by a District Auditor at any such audit as due from any person shall be paid to the Authority.

4. Any monies transferred to the Authority being the balance of drainage rates levied by the Drainage Board or any other assets so transferred shall be applied by the Authority as if the same were the proceeds of a general drainage charge levied by them under the provisions of sections 1 and 1A of the Land Drainage Act 1961(e) as substituted by section 19(4) of, and paragraph 12(1) of Schedule 5 to, the Water Act 1973.

(a) S.R. & O. 1935/1098.

(c) S.I. 1954/425.

(e) 1961 c. 48.

(b) S.I. 1949/528, 529.

(d) S.I. 1971/1052.

5. Any debts due from the operations of the Drainage Board immediately before the appointed day shall be discharged by the Authority.

6. 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.

SCHEDULE

1. Paragraphs 1 and 3 of the County of Lancaster Drainage Order 1920(a).
2. Paragraph 1 of the River Douglas Catchment Board (Transfer of Powers in relation to the Croston Internal Drainage District) Order 1933(b).
3. The River Boards Act 1948(c).
4. The Lancashire River Board Constitution Order 1950(d).
5. The Water Resources Act 1963(e).
6. The Lancashire River Authority Constitution Order 1964(f).
7. The River Authorities (First Appointed Day) Order 1964(g).
8. The River Authorities (Second Appointed Day) Order 1964(h).
9. The Scheme confirmed by the Lancashire River Authority (Reconstitution of the Croston Internal Drainage Board) Order 1971.

IN WITNESS whereof the Common Seal of the North West Water Authority was hereunto affixed on the Nineteenth day of August 1976.

The Common Seal of the
NORTH WEST WATER AUTHORITY
was hereunto affixed in the
presence of:—

(L.S.)

(Sgd.) *W. H. Crackle*,
Authorised Signatory.

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 14th January 1977.

(L.S.)

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

(a) S. R. & O. 1920/251.

(c) 1948 c. 32.

(e) 1963 c. 38.

(g) S.I. 1964/1267 (1964 II, p. 2920).

(b) Not printed.

(d) S.I. 1950/1843 (1950 II, p. 701).

(f) S.I. 1964/1221.

(h) S.I. 1964/1268 (1964 II, p. 2921).

Whereas the Scheme confirmed by the North West Water Authority (Abolition of the Croston Internal Drainage District) Order 1976 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 February 1977 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th January 1977.

(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 by the North West Water Authority for the abolition, on a day to be appointed by the Minister, of the Croston Internal Drainage District (constituted by the Act 39 and 40 Geo. III Cap. 33 as altered) and the Drainage Board thereof. On the appointed day any property held by the Croston Internal Drainage Board, and any liabilities or obligations to be discharged by them, will be transferred to or be discharged by the North West Water Authority.