
STATUTORY INSTRUMENTS

1985 No. 1393

LAND DRAINAGE

**The Anglian Water Authority (Hilgay Great West Fen Internal
Drainage District) Order 1985**

Made - - - - - 24th April 1985

Coming into Operation 23rd July 1985

Whereas the Anglian 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 11(1) of the Land Drainage Act 1976(a) in relation to the Hilgay Great West Fen 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 11(4) and 109(6) of the Land Drainage Act 1976, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Anglian Water Authority (Hilgay Great West Fen Internal Drainage District) Order 1985 and shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

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 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 24th April 1985.

L.S.

(Sgd.) R. C. McIvor,
Assistant Secretary.

LAND DRAINAGE ACT 1976

ANGLIAN WATER AUTHORITY HILGAY GREAT WEST FEN INTERNAL DRAINAGE DISTRICT

The Anglian Water Authority (hereinafter referred to as "the Water Authority") pursuant to section 11(1) of the Land Drainage Act 1976 hereby make the following Scheme providing for certain matters referred to in the said section, namely:—

- (i) the abolition of Hilgay Great West Fen Drainage District and of the Commissioners thereof;
- (ii) the constitution of the lands hereinafter mentioned as an Internal Drainage District and of the Internal Drainage Board thereof;
- (iii) matters supplemental thereto or consequential thereon;

And the Water Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister") for confirmation under section 11(4) of the said Act of 1976.

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 map" means the map sealed by the Water Authority in relation to this Scheme.

2. The Scheme shall come into operation on the appointed day.

3. On the appointed day:

- (i) the Hilgay Great West Fen Drainage District and the Commissioners thereof (hereinafter called "the Commissioners") constituted and appointed under the provisions of the Hilgay Great West Fen Drainage Act 1854(a) shall be abolished;
- (ii) all those lands lying in the Parish of Hilgay in the Borough of King's Lynn and West Norfolk in the County of Norfolk coloured red and edged red on the map shall be constituted an internal drainage district under the name of "the Hilgay Great West Fen Internal Drainage District" (hereinafter called "the Internal Drainage District");
- (iii) there shall be constituted for the Internal Drainage District an internal drainage board to be known as "the Hilgay Great West Fen Internal Drainage Board" (hereinafter called "the Internal Drainage Board").

4. The Internal Drainage Board shall consist of nine members who, with the exception of the first members, shall be elected in accordance with the provisions of section 7 of, and Schedule 2 to, the Land Drainage Act 1976. The first members

(a) 1854 c.clxxii.

of the Internal Drainage Board shall be persons appointed by the Minister 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.

5. On the appointed day there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all such property, rights, powers, duties, obligations and liabilities (including in particular, but without prejudice to the generality of that expression, all books of account, other books, deeds, maps, papers and other documents) as immediately before the appointed day were vested in or fell to be discharged by the Commissioners.

6. All arrears of rates made before the appointed day in respect of any land within the Internal Drainage District by the Commissioners 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.

7. All property and liabilities transferred to the Internal Drainage Board under paragraph 5 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 any income or expenditure arising therefrom (whether of a capital or of a revenue nature), be applied to the benefit of or, as the case may be, be a charge upon the rates levied only upon that part or parts of the Internal Drainage District:

Provided that the Internal Drainage Board may, subject to the approval of the 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.

8. As respect any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment, conveyance or deed of transfer whatsoever.

9. The accounts of the Commissioners shall be made up to the appointed day and copies thereof forthwith sent to the Internal Drainage Board and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not been confirmed by the Anglian Water Authority (Hilgay Great West Fen Internal Drainage District) Order 1985.

DATED this 4th day of December 1984.

THE COMMON SEAL of the ANGLIAN
WATER AUTHORITY was hereunto
affixed in the presence of:—

L.S.

(Sgd.) *F. J. Wild*,
Authority Secretary.

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 1976;

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 23rd July 1985.

L.S.

(Sgd.) *R. C. McIvor*,
Assistant Secretary.

Whereas the Scheme confirmed by the Anglian Water Authority (Hilgay Great West Fen Internal Drainage District) Order 1985 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 1986 to be the said appointed day.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1985.

L.S.

(Sgd.) *R. C. McIvor*,
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 Anglian Water Authority for the constitution of the Hilgay Great West Fen Internal Drainage District and the Hilgay Great West Fen Internal Drainage Board. The Scheme also provides for the abolition of the Hilgay Great West Fen Drainage District and the Commissioners thereof.

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 certified copies thereof may be inspected during office hours at the offices of the Anglian Water Authority, Great Ouse House, Clarendon Road, Cambridge CB2 2BL, and at the offices of the Hilgay Great West Fen Internal Drainage Board.