

DRAINAGE.

County Council Schemes.

To the Council of each Administrative County in Northern Ireland ; and

To all others whom it may concern :

MADE BY THE MINISTRY OF HOME AFFAIRS FOR NORTHERN IRELAND IN EXERCISE OF THE POWERS VESTED IN IT BY THE DRAINAGE ACT (NORTHERN IRELAND), 1925, AFTER CONSULTATION WITH THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND IN RESPECT OF THE PROVISIONS CONTAINED IN PART IV. HEREOF.

1926. No. 66.

PRELIMINARY.

1.—(1) These Regulations may be cited as the Drainage (County Councils Schemes) Regulations' (Northern Ireland), 1926.

(2) In these Regulations unless the context otherwise requires :—

- (a) The expression "the Ministry" means the Ministry of Home Affairs for Northern Ireland.
- (b) The expression "the Act" means the Drainage Act (Northern Ireland), 1925.
- (c) The expression "Watercourse" includes all rivers, streams, drains and passages through which water flows except drains or sewers within the meaning of Section 2 of the Public Health (Ireland) Act, 1878.
- (d) The expression "Fishery Conservators" means the Board of Conservators of Fisheries for any district formed under and for the purposes of the Fisheries (Ireland) Acts, 1842 to 1921.

(3) The Ministry may from time to time assent to any departure from these Regulations except in respect of any matter which is required to be performed by the Act.

PART I.

MINOR SCHEMES.

2. Every minor scheme presented to the Ministry for confirmation under the Act shall be sealed with the seal of the County Council presenting the scheme and shall be supported by—

- (a) Certified copy of the resolution of the County Council approving the scheme.
- (b) Report of the County Surveyor or any other duly authorised officer of the County Council on the proposals in the scheme and accompanied by—

- (i) 1 inch Ordnance map showing thereon the rainfall catchments of the district.
- (ii) 6 inch Ordnance map showing the area generally affected by the scheme. The flooded and injured lands which it is proposed to drain or improve to be defined on this map and coloured blue. The boundaries of the holdings of the several occupiers of land within the said area to be marked in brown lines and to be numbered consecutively in black figures and to correspond with the numbers in Column 3 of the Schedule to the Agreement. The works proposed to be shown in red on the said maps.
- (iii) Longitudinal sections—horizontal scale—not less than 6 inches to the mile and vertical, 10 feet to 1 inch. Cross sections to be given where necessary, showing the proposed works, the present winter and summer water levels and also the proposed winter and summer water levels, with the level of lowest land adjoining. All spot levels must be expressed in terms of feet and decimals of same in relation to Ordnance datum; the data employed for longitudinal and cross sections must bear a definitely stated relation (in terms of feet and decimals of same) to Ordnance datum. The Ordnance Bench marks employed for such computations must be clearly indicated on plan both as to position and as to level above Ordnance datum.
- (iv) Detailed estimate of the cost of the scheme (in duplicate) and abstract estimate (also in duplicate).
- (v) An agreement duly completed by every occupier of lands comprised in the scheme, such agreement to be in the form set out in the Second Schedule to these Regulations or to the like effect.

3. *Deposit of a scheme for public inspection:*

The County Council shall cause to be made copies of the reports, schedules, maps, plans and sections referred to in Article 2 of these Regulations, and shall cause such copies, together with a copy of the scheme, as proposed, to be kept at their offices and there to remain open for inspection at all reasonable times for a period of not less than twenty-one days prior to the date on which it is proposed to apply to the Ministry for confirmation of the scheme. Every ratepayer within the County may at all reasonable times without payment take copies of, and extracts from, all such reports, schedules, maps, plans and sections.

4. *Notice of a Minor Scheme :*

On deposit of a minor scheme at the offices of the County

Council for public inspection, notice thereof shall be published at least once in each of two consecutive weeks in some newspaper or newspapers circulating within the district in which the lands affected by the scheme are situate, and such notice shall specify the date on and after which (not being less than twenty-one days from date of deposit of the scheme for inspection) the County Council propose to apply to the Ministry for confirmation of the scheme. The first of such publications in a newspaper or newspapers shall be made not more than seven days after deposit of the scheme for public inspection at the offices of the County Council. Where any of the lands affected by a minor scheme are subject to Land Purchase Annuities (or are vested in the Land Purchase Commission) a copy of such notice shall forthwith be forwarded to the Ministry of Finance for Northern Ireland.

5. *Objections to a Minor Scheme :*

All objections by any parties claiming to be injured or injuriously affected by a Minor Scheme must be made in writing stating the reasons or grounds of such objection and must be lodged with the Secretary to the County Council on or before the date on and after which the County Council shall have notified their intention to apply for confirmation of the said Scheme.

6. All objections to a Minor Scheme shall be considered by the County Council before the Scheme is submitted to the Ministry for confirmation. A memorandum setting forth the objections to the Scheme lodged with the Council, and the manner in which the several objections have been dealt with, shall be forwarded to the Ministry with the scheme when submitted for confirmation.

PART II.

MAJOR SCHEMES.

7. Every major scheme presented to the Ministry under the Act shall be sealed with the seal of the County Council, and in addition to the particulars required to be furnished by Article 1 and Article 2 of Part I. Second Schedule to the Act shall be accompanied by certified copy resolution, reports, maps, plans and estimates on the lines of those referred to in Article 2 (a), (b) (i), (ii), (iii), (iv) of these Regulations and in addition the following :—

- (i) Valuation Schedule (A) of the lands to be drained or improved in the form set out in Part I. of the First Schedule to this Order.
- (ii) Compensation Schedule (B) in the form set out in Part II. of the First Schedule to this Order ; land and any other property to be taken or likely to be injured by the said works must be fully described in this Schedule and should be indicated on the map by a red marginal tint.
- (iii) Plans and elevations on a scale of 10 feet to 1 inch of any bridges or culverts which are to be rebuilt or under-

pinned or which will be otherwise affected by the proposed works. Similar plans and elevations of any Mills or other buildings which may be affected by the proposed works must also be furnished.

8. Deposit of a Major Scheme for public inspection :

The County Council shall cause to be made copies of the resolution, reports, schedules, maps, plans and sections referred to in the preceding Article of these Regulations, and shall cause such copies, together with a copy of the scheme, to be kept at their offices and there to remain open for inspection at all reasonable times during the period within which objections to the scheme may be sent to the Ministry pursuant to the provisions of Article 3 of Part I. of the Second Schedule to the Act.

9. Notice of a scheme and objections :

Notice of a scheme and of the time (not being less than twenty-one days) within which objections to the scheme must be sent to the Ministry shall be given pursuant to Article 3 of Part I. of the Second Schedule to the Act to every owner, lessee and occupier of the lands affected by the scheme, and to every District Council within whose district any portion of the land affected by the scheme is situated, and such notice shall state the place where and the time during which the scheme as presented to the Ministry can be inspected. A copy of the said notice shall be published at least once in each of two consecutive weeks in some newspaper or newspapers circulating within the district, and the first of such publications in a newspaper or newspapers shall be made not more than seven days after deposit of the scheme for public inspection at the offices of the County Council. Where any of the lands affected by a scheme are subject to Land Purchase Annuities or are vested in the Land Purchase Commission, a copy of the said notice shall be forwarded to the Ministry of Finance for Northern Ireland not later than seven days after publication of the same for the first time as herein provided.

10. Service of Notice of a Major Scheme on Owners, Lessees, etc. :

Notice shall be given in the following manner to every owner, lessee, occupier or District Council :—

- (a) By delivery of the same personally to the person to whom such notice is required to be given, or if such person is absent abroad or cannot be found, to his agent, or if no agent can be found, then by leaving same on the premises ; or
- (b) By leaving the same at the usual or last-known place of abode of such person as aforesaid or his agent ; or
- (c) By forwarding the same by post in a pre-paid and registered letter addressed to the usual or last known place of abode of such person or his agent ; or
- (d) In the case of a notice required to be served on a Local Authority, corporate body or company, by delivering

the same to their Clerk or Secretary or leaving the same at his office with some person employed there or by forwarding the same by post in a pre-paid and registered letter addressed to such Clerk or Secretary at his Office.

Provided always that in the case of any such owner, lessee, or occupier who cannot be found, a notice sent by registered post to his last known place of abode shall be sufficient service of notice.

Provided also that if the owner, lessee, or occupier of any such land cannot reasonably be ascertained, a notice to such person may be served by posting a copy of the notice on the door of the dwelling house or to some other conspicuous part of the land.

11. *Drainage Rate :*

Before making any drainage rate under the Act, the County Council shall cause the rate books prepared for the purpose to be deposited for inspection of ratepayers in the same manner as rate books relative to poor rate are required to be deposited and shall publish notice of such deposit, and notice of the rate having been made in the same manner and at the same time as notice of the deposit of the rate books relative to poor rate and notice of the poor rate having been made are required to be published, and the drainage rate shall be collected with the poor rate.

12. *Accounts of Drainage Committees :*

Where any Drainage Committee or Joint Committee has been constituted in pursuance of a Major Scheme under the Act, the Public Bodies Order, 1904, or any Order amending the same, and the appropriate forms contained in the said Order shall, subject to any further directions which the Ministry may give be applicable and shall apply with the necessary modifications as to the manner and form in which the accounts of the receipts and payments of such Committees shall be kept and made up, and the said accounts shall be made up half-yearly to the 30th day of September and the 31st day of March in each year.

13. *Bye-Laws:*

The County Council shall, not less than one month before submitting any Bye-Law for confirmation by the Ministry, publish in one or more of the local newspapers circulating within the district in which the drainage works or watercourses to which such Bye-Law relates, are situated, notice of the deposit of the draft copy of the proposed Bye-Law at the offices of the County Council for inspection by any ratepayer, and of the intention to apply for confirmation of the proposed Bye-Law.

14. Part II. of these Regulations shall with the necessary adaptations apply to any Joint Major Scheme made under Section 8 (2) of the Act by two or more County Councils.

PART III.

COMPULSORY ACQUISITION OF LAND.

15. An Order (hereinafter referred to as a Compulsory Order)

made by the County Council pursuant to Article 1 of Part II. of the Second Schedule to the Act shall be in the form set forth in Part III. of the First Schedule hereto or in a form to the like effect.

16. The County Council, on submission of a Compulsory Order to the Ministry for Confirmation, shall publish once at least in each of two consecutive weeks in some newspaper or newspapers circulating in the districts in which the lands to which the Compulsory Order relates are situated, a notice containing a copy of the Compulsory Order with a statement that any objection to the issue of such Order must be presented to the Ministry within one month after the publication of the notice of the Compulsory Order, and naming a place where the plan referred to in the Schedule to the Compulsory Order may be inspected at all reasonable hours by or on behalf of any person interested in the land to which the Compulsory Order relates.

17. The County Council shall, not later than the seventh day after the submission of such Compulsory Order to the Ministry for confirmation, cause a copy of the last-mentioned notice to be served upon every owner, lessee and occupier of the land to which the Compulsory Order relates in the same manner as notices are required to be served under Article 10 (Part II.) of these Regulations, Where any of the lands affected by a Compulsory Order are subject to Land Purchase Annuities or are vested in the Land Purchase Commission, a further copy of such notice shall be forwarded to the Ministry of Finance for Northern Ireland.

18. Any objection to the confirmation of a Compulsory Order by persons interested in the lands which it is proposed to acquire under such Order must be made in writing to the Ministry, and shall state the reasons and grounds for such objection.

PART IV.

NOTICE TO FISHERY CONSERVATORS, ETC.

19. Where any scheme or work involves the construction alteration or remodelling of any dams, weirs or other works in the bed of any watercourse, or affects in any way the flow of water over or through any such works as aforesaid, the County Council shall within seven days from the deposit of the scheme at the offices of the County Council or not less than twenty-one days before commencing the other works as aforesaid as the case may be send notice thereof by post in a prepaid and registered envelope to the Clerk of the Board of Fishery Conservators for the district or districts in which the lands or watercourses affected by the scheme or work are situate and in like manner to the Ministry of Commerce for Northern Ireland.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this 29th day of June in the year One thousand nine hundred and twenty-six.

Geo. A. Harris,
Assistant Secretary.

(L.S.)

FIRST SCHEDULE. PART I.

Regulation 7 (i).

DRAINAGE ACT (NORTHERN IRELAND), 1925.

VALUATION SCHEDULE (A) (MAJOR SCHEMES).

COUNTY OF.....

1. No. of Sheet of Ordnance Map on which lot is represented.	2. Serial No. of lot on Map designating lands belonging to each proprietor to be drained or improved.	3. Reputed Proprietors	4. Townlands (as named on Ordnance Map).	5. District Electoral Division.	6. County District.	7. Area of each holding owned by each proprietor in area to be drained.	8. Area of the portion of each holding which will be improved.	9. Present Annual Value of the lands which it is proposed to drain or improve.	10. Estimated increase in the original value of lands to be drained or improved.	11. Proportion of the estimated total cost of the Scheme to be charged on the several parcels or portions of land drained or improved.	12. Remarks.
(Example). 2430	1.	Smith, John	Glendun	Glendun	Ballycastle Rural.	A. R. P. 10 2 37	A. R. P. 5 3 20	£ s. d. 2 2 8	£ s. d. 0 19 8	(Decimals). .002416	£ s. d. 20 6 8

County Council Schemes

FIRST SCHEDULE. PART II.

Regulation 7 (ii).

DRAINAGE ACT (NORTHERN IRELAND), 1925.

COMPENSATION SCHEDULE (B) (MAJOR SCHEMES).

COUNTY OF.....

Land or other property required to be taken or likely to be injured by proposed drainage works.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
No. of Sheet of Ordnance Map on which lot is represented.	How indicated on Map, i.e., by letters or Nos. or other reference.	Reputed Proprietor.	Townland.	District Electoral Division.	County District.	Area (Statute Measure).	Description of Property other than land, required to be taken or likely to be injured in any way.	Estimated extent of the injury or depreciation in value.	Remarks.
(Example) 30	Letter A. Red Marginal Tint	Jno. Smith	Glendun (part of)	Glendun	Ballycastle Rural.	A. R. P. /	Beetling Mill (Disused) Acquisition of Water and other rights.	£ s. d. 150 0 0	Proprietor willing to accept compensation £150 in full settlement.

FIRST SCHEDULE

PART III.

COMPULSORY PURCHASE ORDER.

Drainage Act (Northern Ireland), 1925, Second Schedule, Part II.

The Council of the Administrative County of..... hereby make the following Order.

1. The provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement are subject to the terms of the Drainage Act (Northern Ireland), 1925, and of the enactments applied thereby and of this Order hereby put in force as respects the purchase by the Council of the Administrative County of.....of the lands of.....more particularly described in the Schedule hereto for the purposes of a major scheme pursuant to the Drainage Act (Northern Ireland), 1925.

2. The Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, and the Acquisition of Land (Assessment of Compensation) Act, 1919, are subject to the necessary adaptations incorporated with this Order, and the provisions of those Acts shall apply accordingly.

3. This Order shall come into operation from and after the date of its confirmation by the Ministry of Home Affairs for Northern Ireland.

4. This Order may be cited as*..... Order, 19 ..

Given under the Seal of the Council of the County of..... this.....day of.....19.....

.....Chairman.

.....Secretary.

*Here insert a suitable short title.

SCHEDULE TO THE ORDER.

COUNTY OF.....

District Electoral Division and No. of Ordnance Map on which the land is shown. (1)	Numbers on plan deposited by the County Council. (to correspond with markings shown in Column 2 Compensa- tion Schedule). (2)	Quantity, description and situation of the lands proposed to be taken. (3)	Owners or reputed Owners. (4)	Lessees or reputed Lessees. (5)	Occupiers. (6)

SECOND SCHEDULE.

DRAINAGE ACT (NORTHERN IRELAND), 1925.

MINOR SCHEMES.

FORM OF PETITION AND AGREEMENT.

To the Council of the Administrative County of.....

(1) County or Counties.

(2) River or Lake the drainage of which is capable of being improved.

(3) Flooded by water or injured by water.

We, the undersigned, being persons interested in land situate in the (1)

extending along or adjacent to (2)

liable to be (3)

hereby request the Council of the Administrative County of..... to submit a Minor Scheme consisting of the work of Drainage, more particularly described in Schedule "A" hereto to the Ministry of Home Affairs for confirmation in pursuance of the Drainage Act (Northern Ireland), 1925; and in the event of the said Scheme being confirmed by the Ministry and in consideration of the Drainage Works in accordance with the Scheme as confirmed being carried out by the said Council of the Administrative County of.....

We agree to pay to the said Council the cost of the execution and the maintenance thereof in the respective proportions set out opposite our names in the Schedule "B" hereto. We further agree to pay the said costs of the execution of the said works of drainage within a period of three months from the date of completion thereof and to pay the said expenses of maintenance in two half-yearly instalments on the first day of April and the first day of October in each year. Provided always and it is hereby agreed that the County Council may enter into an agreement with any of us for the execution by such person within a time to be agreed upon of that portion of this Scheme affecting his lands under the supervision of and to the satisfaction of the County Surveyor or other duly authorised officer of the County Council at a cost not exceeding the proportion of the cost of the execution of this Scheme set opposite his name in Schedule "B" hereto and on completion by him to the satisfaction of the County Surveyor or other duly authorised officer as aforesaid within such time agreed upon as aforesaid the sum set opposite his name in said Schedule "B" as his proportionate part of the execution of this Scheme shall be deemed to have been paid and discharged and he shall thereupon cease to be liable for such cost of execution or any part thereof but such person shall, however, remain liable for the proportionate cost of maintenance set opposite his name in said Schedule "B."

(1)	(2)	(3)	(4)	(5)
Signatures.	Address.	Lands held in County.	Area.	Nature of title i.e., whether owner, lessee, Tenant Purchaser, if the latter, give Act.

This agreement must be duly stamped before submission to the Ministry of Home Affairs.

SCHEDULE "A."

N.B. An Ordnance Map on 6 inch scale, with the flooded and injured lands which it is proposed to drain or improve defined thereon and coloured blue, must accompany this petition and memorandum of agreement. The works proposed should be shown in red on this map. When completing this Schedule particular attention should be paid to the requirements set out in Article 2 (b) (11) of the Regulations.

DESCRIPTION OF THE DRAINAGE WORKS.

SCHEDULE " B. "

Name. (1)	Lands held in County which will be drained or improved by this Scheme.		How indicated on Map, i.e., by letters or numbers or other reference. (3)	State whether owner, lessee, or Tenant, Purchaser. If Tenant Purchaser give Act under which purchased. (4)	Proportion of total cost of this Scheme which you agree to pay. (5)	£ s. d. (6)
	Townland. (2)	Area.				