



## CHAPTER xxxv.

An Act to confirm a Provisional Order under the A.D. 1922.  
Land Drainage Act 1918 relating to an area in  
the Parishes of Appleton Roebuck Copmanthorpe  
Acaster Malbis Acaster Selby Bolton Percy  
Colton and Bishopthorpe in the West Riding  
of Yorkshire. [29th June 1922.]

**W**HEREAS the Minister of Agriculture and Fisheries  
made the Provisional Order set forth in the  
schedule hereto under the provisions of the Land  
Drainage Act 1918:

And whereas the Order was duly published and  
a memorial was duly presented by a body affected by  
the Order and having such interest as is prescribed by  
the said Act as being sufficient for the purpose praying  
that the Order should not become law without confirma-  
tion by Parliament and such memorial has not been  
withdrawn:

And whereas it is requisite that the said Order should  
be confirmed by Parliament:

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 Parliament assembled and by the authority of  
the same as follows:—

1. The Order as altered and set out in the schedule Confirmation-  
hereto shall be and the same is hereby confirmed and all tion of Order  
the provisions thereof shall have full validity and force. in schedule.

2. This Act may be cited as the Land Drainage Short title.  
Provisional Order Confirmation (No. 1) Act 1922.

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SCHEDULE.

PROVISIONAL ORDER.

*In the matter of a proposed Drainage District in the  
Parishes of Appleton Roebuck Copmanthorpe Acaster  
Malbis Acaster Selby Bolton Percy Colton and  
Bishopthorpe in the West Riding of Yorkshire.*

WHEREAS a petition has been presented to the Minister of Agriculture and Fisheries (hereinafter called "the Minister") by the proprietors of more than one-tenth of the lands coloured on the map sealed by the Minister with his official seal in relation to this Order for the constitution of such lands as a separate drainage district for the purposes of Part II. of the Land Drainage Act 1861;

And whereas a petition has been presented to the Minister by the council of the administrative county of the West Riding of Yorkshire for the alteration of the awards hereinafter referred to;

And whereas in the opinion of the Minister it is expedient that the area coloured pink dark green and light green on the said map should be constituted a separate drainage district for the purposes of Part II. of the Land Drainage Act 1861 and such incidental consequential or supplemental provisions as are hereinafter contained are necessary or proper for the purposes of this Order;

Now therefore the Minister by virtue and in exercise of the powers vested in him by the Land Drainage Act 1918 and of every other power enabling him in that behalf hereby orders as follows:—

Constitution  
of district.

1.—(1) The area coloured as aforesaid on the map is hereby constituted a separate drainage district for the purposes of Part II. of the Land Drainage Act 1861 and such area shall be known as the Appleton Roebuck and Copmanthorpe Drainage District.

(2) Where the site of a culvert under any railway or canal is coloured on the said map and the railway or canal on either side thereof is not coloured such culvert only is included in the district. Any such culvert shall be deemed to be part of the area within which it is situate or if situate between two areas to be part of the area from which water is discharged through it.



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2.—(1) The Drainage Board for the said district shall (unless and until its constitution is varied as hereinafter provided) consist of seven members and shall be styled the Appleton Roebuck and Copmanthorpe Drainage Board. Provided that the Minister may at any time after consultation with the Drainage Board by order under his seal vary the number of members constituting the Drainage Board by the addition of a member to be appointed by any local authority for the purposes of the Public Health Act 1875 or any highway authority which may hereafter in pursuance of section 5 of the Land Drainage Act 1918 contribute or undertake to contribute to the expenses of the execution or maintenance of any drainage works by the Drainage Board or by any two or more of such authorities.

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Regulations as to  
Drainage  
Board.

(2) The following persons shall be members of the first Drainage Board Ben Dawson of Nun Appleton Bolton Percy R.S.O. Fred Varley of Appleton Roebuck Bolton Percy R.S.O. John H. Coleman of Appleton Roebuck Bolton Percy R.S.O. Walter Lofthouse of Palace Farm Bishopthorpe Arthur Hall of Copmanthorpe Grange York Thomas Temple of Copmanthorpe York Sydney Pearson Hind of Bolton House Cawood Selby.

(3) The first meeting of the Drainage Board shall be summoned by the clerk to the West Riding Agricultural Committee by a notice which shall be published in one or more newspapers circulating in the said district and shall be sent to each member of the Drainage Board by registered post at least fourteen days before the date of the meeting.

(4) The members of the first Drainage Board shall vacate their offices on the first day of September nineteen hundred and twenty-two.

(5) The qualification of subsequent members of the Drainage Board shall be as follows :—

(a) Six members (hereinafter referred to as the "elected members") shall be each the proprietor of not less than ten acres of land within the said district or the occupying tenant yearly or otherwise of not less than twenty acres of land within the said district or a member officer or servant of a body corporate which is the proprietor of not less than ten acres or the occupier of not less than twenty acres of land within the said district. Provided that such member shall be nominated by such body corporate as representing their interest in such land or that such officer or servant is charged with the management of such land on behalf of such body corporate. Provided also—

(i) that three of such members shall be so qualified in respect of lands in the area coloured pink (herein-

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after called "the Appleton Roebuck area") and the remaining three in respect of lands in the area coloured dark green and light green (hereinafter called the "Copmanthorpe area") on the said map;

(ii) that any of the persons named in Article 2 (2) of this Order may be elected for any area as if he was qualified in respect of lands in that area;

(b) One member (hereinafter referred to as the "appointed member") shall be appointed in writing by the Agricultural Committee of the West Riding of Yorkshire.

(6)—(a) The elected members of subsequent drainage boards shall be elected in the manner prescribed by Part I. of the schedule to the Land Drainage Act 1861 by the persons who were during the year immediately preceding the election the owners or occupiers of any lands in respect of which the Drainage Board have power to levy rates and have paid all rates (if any) so levied and due from them at the time of such election. Provided as follows:—

(i) for the purposes of this Article no rate shall be deemed to become due until one calendar month after demand;

(ii) every elector qualified as aforesaid in respect of lands in one only of the two areas mentioned in paragraph 5 (a) of this Article shall vote only for candidates for that area:

Provided also that no elector shall be entitled to more than one vote in respect of lands in either of the said areas and the provisions of subsection (2) of section 69 of the Land Drainage Act 1861 shall not apply to any election held under this Order.

(b) Paragraph 1 of Part II. of the schedule to the Land Drainage Act 1861 respecting the proceedings of drainage boards shall apply to the proceedings of the Appleton Roebuck and Copmanthorpe Drainage Board subject to the substitution in the Condition (b) of the said paragraph 1 of the words "two hundred and fifty pounds" for the words "one hundred pounds" and of the words "at least ten days' previous notice" for the words "at least one month's previous notice."

(c) The term of office of the elected members of subsequent drainage boards shall be three years from the first day of September in the year in which they were elected. Provided that if any member shall be in arrear in respect of any rate due from him to the Drainage Board for more than one calendar month he shall cease to be a member but may be re-appointed by the Drainage Board on payment of all rates due from him to the Drainage



Board if the vacancy caused by his having ceased to be a member      A.D. 1922.  
has not already been filled.

(d) The term of office of the "appointed member" of subsequent drainage boards shall be three years but if the appointed member shall during his term of office commit an act of bankruptcy or resign or die or if his appointment is revoked by the committee which appointed him his office shall thereupon be declared vacant and the vacancy shall be filled by the committee which appointed him and the provisions of the Land Drainage Act 1861 with respect to vacating office or retiring members and casual vacancies shall not apply to appointed members.

(e) Subject to the provisions of any Act of Parliament to the contrary where a corporation aggregate or any commissioners proprietors or other undertakers are owners or occupiers of any land such corporation commissioners proprietors or undertakers respectively shall be deemed to be one owner or occupier for the purposes of this Article and may appoint a deputy to vote and such deputy shall be appointed in the case of a college either under the common seal or under the hands of the head or senior bursar or treasurer of such college and in the case of any other corporation under their common seal and in any other case under the hands of three commissioners proprietors or other undertakers professing to act for the whole.

(f) If any land is owned by joint tenants or tenants in common any one of such tenants may for the purposes of this Article be deemed to be the owner of such land.

3. The expenses of the Board shall be defrayed in accordance      Rating.  
with the following provisions:—

- (1) The Drainage Board shall allocate to specific works such part of their administrative and general expenses (other than expenses of the execution and maintenance of works) as they shall from time to time think reasonable and any expenses so allocated shall for the purposes of this Article be deemed to be expenses of the execution or maintenance of the works to which they are so allocated. The administrative and general expenses other than such portion of those expenses as may be properly attributable to any specific works shall be ascertained annually by the Drainage Board and defrayed by an equal rate levied on the lands within the whole Drainage District;

The administrative and general expenses of the first Drainage Board with respect to the preparation of the first register of electors rate books and maps or other preliminary work may be defrayed by means of a loan to be

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raised by the Drainage Board on the security of their rates subject to the approval of the Minister as to the amount of such loan and the period of repayment;

(2) All expenses incurred by the Drainage Board in respect of any works within the Appleton Roebuck area shall be defrayed by an equal rate levied on the whole of the lands within that area;

(3) All expenses incurred by the Drainage Board in respect of any works within the Copmanthorpe area shall be defrayed as follows :—

(a) Expenses in respect of works on the drains coloured dark blue on the said map shall be defrayed by an equal rate on those lands only within the Copmanthorpe area which are coloured dark green on the said map;

(b) Expenses in respect of works (other than works on the drains mentioned in the preceding paragraph) within the Copmanthorpe area shall be defrayed by an equal rate levied on the whole of the lands within that area;

(4) If the Drainage Board shall at any time levy any rate on the basis of the annual value of the lands liable to be rated the following provisions shall have effect with regard to any rate levied on such basis :—

(a) Land used only as a railway constructed under the powers of an Act of Parliament for public conveyance shall not be assessed on a basis of a higher annual value per acre than that of the agricultural lands immediately adjacent thereto;

(b) Buildings and other hereditaments not being agricultural land or land used only as aforesaid shall be rated at one-third only of the rate in the pound at which the remainder of the lands situate in the said district are rated.

Outfalls  
 into the  
 River Fleet.

4. No new outfalls shall be made into the Fleet except with the consent of the Drainage Board and in accordance with such plans and subject to such conditions as may be approved by them.

Copman-  
 thorpe  
 Award.

5. All drains and drainage works set out appointed and awarded by an award dated the twenty-first day of April eighteen hundred and forty-three and made by Edward Page Commissioner appointed in accordance with the provisions of the Inclosure Act 1836 and commonly known as the Copmanthorpe Award shall be within the view cognizance and management



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of the Drainage Board to the exclusion of any proprietor surveyor or others referred to in the Award. A.D. 1922

6. All provisions relating to drains and drainage works set out and appointed by an Award dated the thirty-first day of October eighteen hundred and four and made by Richard Clark and William Whitelock in pursuance of the Act of 37th Geo. III. for dividing allotting and enclosing certain open common fields and other lands within the parish of Bolton Percy and commonly known as the Bolton Percy Award shall on and from the date of the confirmation of this Order be null and void so far as the same may relate to drains and drainage works within the Drainage District constituted under this Order. Bolton Percy Award.

7. The expenses of the Minister and such expenses as shall be certified by the Minister to have been reasonably incurred by the petitioners in relation to the making or confirmation of this Order shall be a first charge on the rates leviable within the Drainage District and be defrayed as administrative and general expenses of the Drainage Board. Expenses of Order.

8.—(1) The Drainage Board may within twelve months after the confirmation of this Order repay to the owner or occupier of any lands within the Drainage District constituted by this Order or to a certain committee formed under resolution of a meeting of certain of the owners and occupiers of such lands held on the ninth day of April nineteen hundred and twenty the amount of any expenditure incurred or borne by him or the said committee in respect of the execution since the ninth day of April nineteen hundred and twenty of any drainage works (being in all cases such works as the Drainage Board could themselves have executed if this Order had been confirmed on or before the said date) to the extent to which the Drainage Board shall consider the execution of such works to have been necessary and proper or so much of such expenditure as the Drainage Board shall consider to have been reasonably incurred. Repayment of certain expenses.

(2) Any sums repaid by the Drainage Board pursuant to this Article in respect of any works shall in all respects and for all purposes be deemed to be expenses incurred by the Drainage Board in the execution of such works under the powers vested in them by virtue of this Order.

9.—(1) If the Minister or the Agricultural Committee of the West Riding of Yorkshire acting on his behalf shall at any time exercise under section 15 of the Land Drainage Act 1918 any of the powers of the Drainage Board the Drainage Board may on demand repay to the Minister or the said Agricultural Committee as the case may be any expenses incurred in the exercise of such powers. Provided that the aforesaid provision for repayment of the said expenses shall be without In case of default of Drainage Board.

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—      contained in the said section.

(2) Any duly appointed officer of the Ministry of Agriculture and Fisheries or the West Riding Agricultural Committee shall have access at all reasonable times to the rate books and accounts of the Drainage Board.

For protec-  
tion of rail-  
way com-  
panies,

10. For the protection of railway companies having property within the drainage district constituted under this Order or lines of railway traversing the said district (each of whom is in this Article referred to as "the company") the following provisions shall have effect (that is to say) :—

- (1) In this Article the expression "railway" means and includes any railway authorised or belonging to or worked by the company and any lands works or property authorised to be acquired or acquired or used in connection therewith :
- (2) Nothing in this Order contained shall prejudicially affect any statutory powers or authorities from time to time vested in or exerciseable by the company :
- (3) The Drainage Board shall not under the powers of this Order acquire or use any lands of the company already held or which may hereafter be held by the company for the purposes of a railway or any interest in any such lands except with the consent of the company :
- (4) Nothing in this Order shall authorise the Drainage Board to interfere with any railway so as to affect injuriously the conveyance of traffic on such railway or the use or maintenance of such railway or to interfere with the safe user of or the supply of water used for the purposes of any railway or provided by the company without the consent in writing of the company :
- (5) Whenever under the powers of this Order the Drainage Board shall require to construct alter repair maintain renew or use any works under over or upon or which may affect or interfere with any railway they shall give to the company notice in writing of their intention to commence such works accompanied by sufficient plans sections specifications and other information to show the nature of such works and such works shall be constructed and thereafter altered repaired maintained renewed and used according to the plans sections and specifications as approved by the engineer of the company or settled by an arbitrator as hereinafter mentioned and under the superintendence if given and to the reasonable satisfaction of the engineer of the company      Provided that if the said engineer fails



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within twenty-eight days after the receipt by the company of the said plans sections and specifications to signify his disapproval thereof or the conditions subject to which he approves the same he shall be deemed to have approved the same. Provided also that if the company give to the Drainage Board notice that the company desire to construct so much of the Drainage Board's work as affects the railway or to carry out any alterations repairs or renewals thereto the company may execute the works and recover the reasonable cost thereof from the Drainage Board :

- (6) The Drainage Board shall be responsible for and make good to the company all losses damage and expenses which may be sustained or incurred through or in consequence of the construction alteration repair maintenance renewal or user of the works of the Drainage Board or of any act or omission in connection with such works of the Drainage Board or their contractors or of any person in the employ of either of them :
- (7) The Drainage Board shall bear and on demand pay to the company the reasonable expense of any temporary works which may in the opinion of the company be necessary for the protection of any railway in connection with the construction alteration repair maintenance renewal or user by the Drainage Board of any works and of the employment by the company of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching the railway with reference to and during such construction alteration repair maintenance renewal or user of works :
- (8) The Drainage Board shall pay to the company any additional cost of widening altering maintaining or increasing the company's railway accommodation at places where any works of the Drainage Board shall be upon under or over the railway and which additional cost may be due to any existing or proposed works of the Drainage Board :
- (9) The Drainage Board shall not abandon any work of drainage by means of which water is conveyed to or from the railway or any defence against water which protects the railway from flooding unless or until the Drainage Board shall have provided in substitution therefor to the reasonable satisfaction of the company works for conveying water to or from the railway or for protecting the railway from flooding as efficiently as by means of the existing work or defence nor shall any rights which the company may enjoy in connection with any stream or watercourse be injuriously affected without the consent of the company :

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- (10) The Drainage Board shall not enter upon any railway of the company except (on each occasion) after reasonable notice to the company and at such times and in such manner as shall not interfere with the traffic on the railway :
- (11) Any difference which may arise between the Drainage Board and the company or their engineer with respect to any matter arising under this section shall unless otherwise agreed be determined on the application of either party by an engineer to be agreed upon by the the drainage board and the company or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

In witness whereof the Minister of Agriculture and Fisheries hereunto set his Official Seal this fifth day of November nineteen hundred and twenty-one.

(L.S.)

(Signed) A. T. A. DOBSON  
Assistant Secretary.

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