

1974 No. 1537

LAND DRAINAGE

The Severn-Trent and the Anglian Water Authorities (Newark Area and Upper Witham Internal Drainage Districts) Order 1974

Made - - - - - 8th July 1974

Coming into Operation 29th August 1974

Whereas before 1st April 1974 the Trent and the Lincolnshire River Authorities 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 applied by the Water Resources Act 1963(b), in relation to the Newark Area and the Upper Witham Internal Drainage Districts:

And whereas, as from 1st April 1974, under section 254(3) of the Local Government Act 1972(c) as applied by the Water Act 1973(d), the Scheme is treated as having been prepared, and submitted to the Minister for confirmation, by the Severn-Trent and the Anglian Water Authorities:

And whereas the Minister has decided to confirm the Scheme subject to the amendments and modifications set out in Article 3 of this Order:

And whereas a copy of the Scheme with the said amendments and modifications incorporated therein 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 Article 22(3) of the Local Authorities etc. (Miscellaneous Provision) Order 1974(e), and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Severn-Trent and the Anglian Water Authorities (Newark Area and Upper Witham Internal Drainage Districts) Order 1974, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Interpretation Act 1889(f) 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 subject to the following amendments and modifications:—

- (1) in the heading, after "Land Drainage Act 1930" there shall be inserted the words "and Water Act 1973" and immediately below "Lincolnshire River Authority" there shall be inserted the words "Severn-Trent Water Authority and Anglian Water Authority";

(a) 1930 c. 44.

(b) 1963 c. 38.

(c) 1972 c. 70.

(d) 1973 c. 37.

(e) S.I. 1974/482 (1974 I, p. 1690).

(f) 1889 c. 63.

- (2) in the third recital of the preamble, immediately after "Trent River Authority" where it first occurs, there shall be inserted the following, namely, "(but as from 1st April 1974 will be situated in the area of the Severn-Trent Water Authority)";
- (3) in paragraph 1 of the Scheme, —
- (a) for the words from "by the Scheme" to "Order 1972" there shall be substituted the words "under the Land Drainage Act 1930 immediately before the appointed day"; and
- (b) for the words "Trent River Authority" there shall be substituted the words "Severn-Trent Water Authority"; and
- (4) in paragraph 5, in the proviso, for the word "Authority" there shall be substituted the words "Severn-Trent Water Authority".

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Severn-Trent 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 8th July 1974.

(L.S.)

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

LAND DRAINAGE ACT 1930 AND WATER ACT 1973
TRENT RIVER AUTHORITY
LINCOLNSHIRE RIVER AUTHORITY
SEVERN-TRENT WATER AUTHORITY AND ANGLIAN
WATER AUTHORITY
UPPER WITHAM INTERNAL DRAINAGE DISTRICT
NEWARK AREA INTERNAL DRAINAGE DISTRICT

Whereas the Scheme set out below has been prepared by the Trent and the Lincolnshire River Authorities in pursuance of section 4(1)(b) of the Land Drainage Act 1930 as applied by the Water Resources Act 1963 jointly in so far as the said Scheme relates to or touches upon the Upper Witham Internal Drainage District or any part thereof or the Upper Witham Internal Drainage Board and, save as aforesaid, by the Trent River Authority alone;

AND WHEREAS the Upper Witham Internal Drainage District is situated principally within the area of the Lincolnshire River Authority and as to a small part only within the area of the Trent River Authority;

AND WHEREAS in consequence of surveys carried out by the Trent and the Lincolnshire River Authorities the said River Authorities have made provision in paragraph 1 of the said Scheme for altering the boundaries of the said Internal Drainage District by removing therefrom all the land forming part of the said Internal Drainage District now situated in the area of the Trent River Authority (but as from 1st April 1974 will be situated in the area of the Severn-Trent Water Authority), and in paragraph 2 of the said Scheme the Trent River Authority have made provision (inter alia) for the inclusion of part of the said land in the Newark Area Internal Drainage District;

AND WHEREAS in consequence of the surveys carried out by them the Trent River Authority have made provision in paragraph 2 of the said Scheme for alteration of the boundaries of the Newark Area Internal Drainage District;

AND WHEREAS the said Scheme contains provision for matters supplemental to or consequential upon the before-mentioned provisions;

NOW, therefore, the Trent and the Lincolnshire River Authorities submit the said Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the said Act of 1930.

SCHEME

On a day (hereinafter called "the appointed day") to be appointed by the Minister the following provisions shall have effect:—

1. The boundaries of the Upper Witham Internal Drainage District as constituted under the Land Drainage Act 1930 immediately before the appointed day shall be altered so as to exclude from the Upper Witham Internal Drainage District all the land comprised therein which is now situate within the area of the Severn-Trent Water Authority, which said land is, for the purpose of identification and not of limitation, shown in green colour and edged with a green line on the map sealed by the Lincolnshire and the Trent River Authorities respectively in relation to this paragraph of this Scheme.

2. The boundaries of the Newark Area Internal Drainage District (constituted by the Scheme confirmed by the River Trent Catchment Board (Newark Area Internal Drainage District) Order 1949^(a)) shall be altered so that the Newark Area Internal Drainage District shall henceforth consist of the land shown in pink colour and edged with a red line on the map (in ten parts) sealed by the Trent River Authority in relation to this paragraph of this Scheme.

3. Any 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 Upper Witham Internal Drainage Board in relation to any part of the land referred to in paragraph 1 hereof which by virtue of paragraph 2 forms part of the Newark Area Internal Drainage District shall be transferred to and be vested in or be discharged by the Newark Area Internal Drainage Board:

(a) S.I. 1949/1173, 1174.

Provided that in the event of any asset or liability being applicable only partially in relation to the said land an equitable adjustment shall be made and only the due proportion shall be transferred to and vested in the Newark Area Internal Drainage Board and in the event of a dispute arising in this connection between the Newark Area Internal Drainage Board and the Upper Witham Internal Drainage Board the same shall be referred to and decided by the Minister whose decision shall be final.

4. All arrears of rates made before the appointed day in respect of any part of the land mentioned in paragraph 3 hereof by the Upper Witham Internal Drainage Board in respect of any period or periods, ending before the appointed day, together with any penalties in respect thereof, may be recovered by the Newark Area Internal Drainage Board in the same manner as if they had been rates made by the Newark Area Internal Drainage Board.

5. All property and liabilities transferred to the Newark Area Internal Drainage Board under paragraph 3 hereof in respect of which immediately before such transfer some part only of the land mentioned in paragraph 3 hereof was entitled to receive the benefit or was liable shall, as to both capital money and income or interest, be applied to the benefit of, or be payable out of rates levied only upon, that part of the said land, as the case may be:

Provided that the Newark Area Internal Drainage Board may, subject to the approval of the Severn-Trent Water Authority, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the Newark Area Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.

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.

IN WITNESS whereof the Trent River Authority and the Lincolnshire River Authority have caused their respective Common Seals to be hereunto affixed this ninth day of November One thousand nine hundred and seventy-two.

THE COMMON SEAL of THE
TRENT RIVER AUTHORITY
was hereunto affixed in the
presence of:—

(L.S.)

(Sgd.) *William Dugdale*,
Chairman of the Authority.

(Sgd.) *Ian Drummond*,
Clerk of the Authority.

THE COMMON SEAL of THE
LINCOLNSHIRE RIVER AUTHORITY
was hereunto affixed in the
presence of:—

(L.S.)

(Sgd.) *J. W. Cottingham*,
Vice-Chairman of the Authority.

(Sgd.) *G. E. Phillippo*,
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 29th August 1974.

(L.S.)

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

Whereas the Scheme confirmed by the Severn-Trent and the Anglian Water Authorities (Newark Area and Upper Witham Internal Drainage Districts) Order 1974 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 September 1974 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th August 1974.

(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 with amendments and modifications a Scheme submitted to him before 1st April 1974 by the Trent and the Lincolnshire River Authorities for the alteration of the boundaries of the Newark Area Internal Drainage District and the Upper Witham Internal Drainage District. These Drainage Districts were constituted by the Schemes confirmed by the River Trent Catchment Board (Newark Area Internal Drainage District) Order 1949 and the Witham and Steeping Rivers Catchment Board (Upper Witham Internal Drainage District) Order 1933 (S.R. & O. 1933/218), as amended by the Lincolnshire River Authority (Alteration of the Boundaries of the Upper Witham Internal Drainage District) Order 1967 (S.I. 1968/56), the Lincolnshire River Authority (Upper Witham Internal Drainage District) (No. 1) Order 1972 (S.I. 1972/546) and the Lincolnshire River Authority (Upper Witham Internal Drainage District) (No. 2) Order 1972 (S.I. 1973/126). The Trent and the

Lincolnshire River Authorities were abolished on 1st April 1974 by the Water Act 1973 and, under Section 254(3) of the Local Government Act 1972 as applied by the Water Act 1973, as from 1st April 1974 the Scheme is treated as having been prepared and submitted by the Severn-Trent and Anglian Water Authorities.

The main effect of the Order is that that part of the Upper Witham Internal Drainage District situate within the area of the Severn-Trent Water Authority is excluded from the area of the said Internal Drainage District and that a part of such excluded area is included in the area of the Newark Area Internal Drainage District. This Order should be read in conjunction with the Anglian and the Severn-Trent Water Authorities (Upper Witham and Newark Area Internal Drainage Districts) Order 1974 (S.I. 1974/1536). The joint effect of these Orders is that the Upper Witham Internal Drainage District is now situate entirely within the area of the Anglian Water Authority and that the Newark Area Internal Drainage District is now situate entirely within the area of the Severn-Trent Water Authority.

The maps mentioned in paragraphs 1 and 2 of the Scheme are 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 a certified copy of the map mentioned in paragraph 1 of the Scheme may be inspected during office hours at the offices of the Upper Witham Internal Drainage Board, 39 St. Catherines, Lincoln, and a certified copy of the map mentioned in paragraph 2 of the Scheme may be inspected during office hours at the offices of the Severn-Trent Water Authority, 206 Derby Road, Nottingham NG7 1NT, and at the offices of the Newark Area Internal Drainage Board, 31 Castlegate, Newark, Notts.