

1974 No. 589

LAND DRAINAGE

Great Ouse River Authority (Over and Willingham Internal
Drainage District) Order 1974

Made - - - - 18th February 1974

Coming into Operation 26th March 1974

Whereas the Great Ouse River 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 modified and applied by the Water Resources Act 1963(b), in relation to the Over and Willingham Internal Drainage District:

And whereas the Minister has decided to confirm the Scheme subject to the modifications set out in Article 3 of this Order and a copy of the Scheme with the said 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 Resources Act 1963, and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Great Ouse River Authority (Over and Willingham Internal Drainage District) 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(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 subject to the following modifications:—

In paragraph 2(1) of the Scheme after the words "Internal Drainage District" where they first appear there shall be inserted the words "constituted by," and after the words "and altered by" there shall be inserted the words "the Scheme confirmed by".

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Great Ouse River Authority and shall be part of the administrative expenses of that Authority.

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

(b) 1963 c. 38.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th February 1974.

(L.S.)

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

LAND DRAINAGE ACT 1930
WATER RESOURCES ACT 1963

GREAT OUSE RIVER AUTHORITY

Over and Willingham Internal Drainage District

The Great Ouse River Authority (hereinafter called "the River Authority") in pursuance of section 4(1)(b) of the Land Drainage Act 1930 (hereinafter called "the Act of 1930"), as modified and applied by the Water Resources Act 1963, have prepared the following Scheme making provision for certain matters mentioned in the said section, viz:—

- (i) the abolition of the Over Internal Drainage District and the Drainage Board thereof and of the Willingham Fen District and the Commissioners for the drainage of Willingham Fen;
- (ii) the constitution of the lands hereinafter mentioned as an Internal Drainage District and of the Drainage Board thereof;
- (iii) matters supplemental thereto or consequential thereon.

And the River Authority submit the Scheme to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the Act of 1930.

SCHEME

1. This Scheme shall come into operation on a day to be appointed by the Minister and such day is hereinafter called "the appointed day".

2. On the appointed day:

- (i) the Over Internal Drainage District constituted by, and the Drainage Board thereof (hereinafter called "the existing Board") constituted by, and elected under the provisions of, the Scheme confirmed by the Great Ouse River Board (Over Internal Drainage District) Order 1955(a) and altered by the Scheme confirmed by the Great Ouse River Board (Alteration of Boundaries of the Over Internal Drainage District) Order 1964(b) shall be abolished;
- (ii) the Willingham Fen District constituted by, and the Commissioners for the drainage of Willingham Fen (hereinafter called "the Commissioners")

(a) S.I. 1955/519.

(b) S.I. 1964/1408.

constituted by and appointed or elected under or by virtue of the provisions of the Act 9 Vic. C. ix (An Act for inclosing Lands in the Parish of Willingham in the County of Cambridge, and for draining and embanking certain Fen Lands and Low Grounds in the said Parish) (hereinafter called "the Act of 1846") shall be abolished.

3. On the appointed day all those lands at the date of this Scheme lying in the Parishes of Over, Swavesey, and Willingham in the County of Cambridgeshire and Isle of Ely which are shown coloured pink on the map sealed by the River Authority in relation to this Scheme shall be constituted an internal drainage district under the Act of 1930 under the name of "the Over and Willingham Internal Drainage District" (hereinafter called "the Internal Drainage District").

4. There shall be constituted a drainage board for the Internal Drainage District under the name of "the Over and Willingham Internal Drainage Board" (hereinafter called "the Internal Drainage Board") consisting of ten members who, with the exception of the first members, shall be elected in accordance with the provisions of section 33 of, and the Third Schedule to, the Act of 1930, as amended by the Land Drainage Act 1961(a). The first members of the Internal Drainage Board shall be 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 be discharged by the Internal Drainage Board all such property, rights, powers, duties and liabilities as were immediately before the appointed day vested in or to be discharged by the existing Board and the Commissioners in relation to the Over Internal Drainage District and the Willingham Fen District respectively except, but subject to paragraphs 6 and 7 of this Scheme, all rights, powers, duties and liabilities of the Commissioners under the sections of the Act of 1846 which are specified in the Schedule hereto.

6. All arrears of rates made before the appointed day in respect of any land within the Internal Drainage District by the existing Board and the Commissioners or either of them 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 both capital money and income or interest, be applied to the benefit of, or be payable out of the rates levied only upon, that part of the Internal Drainage District, as the case may be:

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

9. The accounts of the existing Board and the Commissioners shall be made up to the appointed day and copies thereof forthwith sent to the Internal Drainage Board.

10. Copies of the minutes of each meeting of the Internal Drainage Board shall be delivered to the River Authority within 28 days after such meeting.

(a) 1961 c. 48.

SCHEDULE

Sections of the Act of 1846 referred to in Paragraph 5 of this Scheme

Sections CXLIII to CLV

Sections CLVIII to CLXXX

Section CLXXX

Sections CLXXXVI to CCVI

Section CCX

Dated 22nd November 1973.

(L.S.)

**{ THE COMMON SEAL of THE GREAT
OUSE RIVER AUTHORITY was hereunto
affixed in the presence of:—**

(L.S.)

**(Sgd.) L. Childs,
Chairman.**

(L.S.)

**(Sgd.) J. S. Bissett,
Clerk.**

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 26th March 1974.

(L.S.)

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

Whereas the Scheme confirmed by the Great Ouse River Authority (Over and Willingham Internal Drainage District) 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 April 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 26th March 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 a Scheme submitted to him by the Great Ouse River Authority for the constitution of the Over and Willingham Internal Drainage District and the Over and Willingham Internal Drainage Board.

The Scheme also provides for the abolition of the Over Internal Drainage District and the Willingham Fen District and the Board and Commissioners thereof respectively, which Districts, Board and Commissioners were constituted by and appointed or elected under the Statutory Orders and the Act of Parliament mentioned in the Scheme.

The map mentioned in the Scheme is available for inspection during office hours at the Office of the Minister of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, and a certified copy thereof may be inspected during office hours at the Office of the Anglian Water Authority, Great Ouse House, Clarendon Road, Cambridge CB2 2BL, [the said Anglian Water Authority taking over the functions of the Great Ouse River Authority on 1st April 1974 in pursuance of the provisions of the Water Act 1973 (1973 c. 37)] and at the Office of the Over and Willingham Internal Drainage Board.