STATUTORY INSTRUMENTS

1976 No. 913

LAND DRAINAGE

The South West Water Authority (Abolition of the River Clyst Drainage District and the River Exe (Lower) Internal Drainage District) Order 1976

Made - - - - *2nd February* 1976
Coming into Operation *3rd June* 1976

Whereas the South West 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 4(1)(*b*) of the Land Drainage Act 1930(a), as amended and applied by the Water Act 1973(b), in relation to the River Clyst Drainage District and the River Exe (Lower) 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 4(3) and 14 of the Land Drainage Act 1930, as applied by the Water Act 1973, and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the South West Water Authority (Abolition of the River Clyst Drainage District and the River Exe (Lower) Internal Drainage District) Order 1976, 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.

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the South West 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 2nd February 1976.

(L.S.)

(Sgd.) *A. F. Longworth*,
Assistant Secretary.

(a) 1930 c. 44. (b) 1973 c. 37. (c) 1889 c. 63.

LAND DRAINAGE ACT 1930
WATER ACT 1973
SOUTH WEST WATER AUTHORITY
ABOLITION OF THE RIVER CLYST DRAINAGE DISTRICT
AND
THE RIVER EXE (LOWER) INTERNAL DRAINAGE DISTRICT

The South West Water Authority (hereinafter called "the Authority") have prepared the following Scheme under section 4(1)(*b*) of the Land Drainage Act 1930, as amended and applied by the Water Act 1973, and submit it 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 to be appointed by the Minister (which day is hereinafter referred to as "the appointed day") the following provisions shall have effect:—

1. The River Clyst Drainage District (constituted by the Scheme confirmed by the River Clyst Drainage District Order 1944(a)) and the River Exe (Lower) Internal Drainage District (constituted by the Scheme confirmed by the Devon River Board (River Exe (Lower) Internal Drainage District) Order 1961(b)) and the respective drainage boards thereof (together hereinafter called "the Drainage Boards") shall be abolished and the 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) of the Drainage Boards shall be transferred to the Authority.

2. The accounts of the Drainage Boards shall be made up to the appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this Scheme had not been made; provided that any sum certified by a District Auditor at any such audit as due from any person shall be paid to the Authority.

3. Any monies transferred to the Authority being the balance of the drainage rates levied by the Drainage Boards or any other assets so transferred shall be applied by the Authority as if the same were the proceeds of a general drainage charge levied by them under the provisions of sections 1 and 1A of the Land Drainage Act 1961(c) as substituted by section 19(4) of, and paragraph 12(1) of Schedule 5 to, the Water Act 1973.

4. Any debts due from the operations of the Drainage Boards or either of them respectively immediately before the appointed day shall be discharged by the Authority.

5. The Local Government (Compensation) Regulations 1974(d) shall apply, with any necessary modifications, for the payment by the Authority of compensation to, or in respect of, persons who are the holders of any office or employment under either of the Drainage Boards and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Scheme as they apply for the payment of compensation to, or in respect of, an officer of a local authority, other than a civil defence worker, who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision of, or any instrument made under, the Local Government Act 1972(e); and for the purpose of such application:—

(a) S.R.&O. 1944/1330. (b) S.I. 1961/2515. (c) 1961 c. 48.
(d) S.I. 1974/463 (1974 I, p. 1563). (e) 1972 c. 70.

(1) any reference in the said Regulations to:—

(*a*) "compensating authority" shall be treated as including, in relation to any such person as aforesaid, the Authority;

(*b*) "local authority" shall be treated as including each of the Drainage Boards;

(*c*) "material date" shall mean the appointed day; and

(*d*) a person employed by or under, and for the purpose of the functions of, any person who is an officer of a local authority shall be treated as including a person employed by or under, and for the purpose of the functions of, an officer of either of the Drainage Boards and, in relation to any such person, the compensating authority shall be the Authority;

(2) the holder of any office, appointment, place, situation or employment shall be regarded as an officer employed in that office, appointment, place, situation or employment and the expressions "officer" and "employment" in such regulations as applied as aforesaid shall be construed accordingly; and

(3) (*a*) in Regulation 2(1), in the definition of "relevant employment", at the end of paragraph (*c*) there shall be added the words "or any internal drainage board";

(*b*) in Regulations 7(1)(*a*) and 11(1)(*a*), for the words "which is specified in column 1 of Schedule 3 to these Regulations" in each place where they occur there shall be substituted the words "of the Scheme made under section 4(1)(*b*) of the Land Drainage Act 1930, as amended and applied by the Water Act 1973, by the South West Water Authority on the 1 October 1975 and confirmed by the South West Water Authority (Abolition of the River Clyst Drainage District and the River Exe (Lower) Internal Drainage District) Order 1976"; and

(*c*) in Regulation 12(1), the words from "but, subject" to the end shall have no effect.

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 Common Seal of the South West Water Authority was hereunto affixed on 1 October 1975.

THE COMMON SEAL of the SOUTH WEST WATER AUTHORITY was hereunto affixed in the presence of: } (L.S.)

(Sgd.) *H. R. Slocombe,*
Managing Director.

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 3rd June 1976.

(L.S.)

(Sgd.) *W. R. Small,*
Assistant Secretary.

Whereas the Scheme confirmed by the South West Water Authority (Abolition of the River Clyst Drainage District and the River Exe (Lower) Internal Drainage District) Order 1976 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 4th June 1976 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd June 1976.

(L.S.)

(Sgd.) *W. R. Small,*
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 South West Water Authority for the abolition of the River Clyst Drainage District (constituted by the Scheme confirmed by the River Clyst Drainage Order 1944) and the River Exe (Lower) Internal Drainage District (constituted by the Scheme confirmed by the Devon River Board (River Exe (Lower) Internal Drainage District) Order 1961) and the Drainage Boards thereof. The Scheme also applies the Local Government (Compensation) Regulations 1974 for the payment of compensation to employees made redundant by or suffering diminution of emoluments due to any provision of the Scheme.

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