

MINISTRY OF AGRICULTURE AND FISHERIES

LAND DRAINAGE ACT, 1918

KIRTON AND FRAMPTON DRAINAGE DISTRICT

In the matter of a proposed Drainage District in the parishes of Kirton and Frampton in the parts of Holland in the County of Lincoln.

WHEREAS the said lands have hitherto been drained under the provisions of an award made in pursuance of an Act passed in the 11th and 12th years of the reign of Her Majesty Queen Victoria.

AND WHEREAS a petition has been presented to the Minister of Agriculture and Fisheries (hereinafter called "the Minister") by proprietors of more than one tenth of the land referred to in this Order for the constitution as a separate Drainage District of the said certain lands and that the said Award should be altered or supplemented as hereinafter appears.

AND WHEREAS the Minister after consultation with the Council of the Administrative County of the parts of Holland is of opinion that such an Order should be made.

NOW, THEREFORE, the Minister by virtue and in exercise of the powers vested in him by the Land Drainage Act, 1918, and every other power enabling him in this behalf hereby orders as follows:-

Constitution
of separate
drainage
district.

1. The lands shown in colour on a map sealed in relation to this Order with the Minister's Official Seal are hereby constituted a separate Drainage District (hereinafter called "the District") for the purposes of Part II of the Land Drainage Act, 1861, and the Land Drainage Act, 1918.

Regulations
as to Drain-
age Board.

2. (a) The Drainage Board for the District shall (unless and until its constitution is varied as is hereinafter provided) consist of 7 members and shall be called the Kirton and Frampton Drainage Board.

(b) The following persons shall be the members of the first Drainage Board:-

Ralph Tunnard, Esq., of Ivy House, Kirton, Skeldyke.
Henry Tunnard, Esq., of Blossom Hall, Kirton, Skeldyke.
Daniel Tunnard, Esq., of Sandholme, Frampton.
Frank Whitworth Dennis, Esq., of Frampton Hall, Boston.,

and one person to be appointed within three months after the confirmation of this Order, by the Council of the Administrative County of the parts of Holland, one by the Governors of Magdalen College who shall be F.E. Bowser, Esq., of Wigtoft and one by the Governors of Oundle Hospital who shall be Fred. Bett, Esq., of Kirton. 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

thereto of a member or members to be appointed by any local authority of a District 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.

(c) Pending the appointment of the members aforesaid or if any of such members shall not be appointed the remaining members shall act as if such appointment had been made

(d) The first meeting of the Drainage Board for the District shall be summoned by a notice under the hands of any two or more members of the Drainage Board which shall be published in one or more newspapers circulating in the District and shall be sent by registered post to each of the other members of the Drainage Board at least fourteen days before the day of meeting.

(e) The members of the first Drainage Board shall vacate their offices on the first Thursday in September, 1926.

(f) The qualification of subsequent members of the Drainage Board shall be as follows:-

(1) Four members (hereinafter referred to as the "elected members") shall be each the proprietor of not less than 10 acres of land within the District or occupying tenant yearly or otherwise of not less than twenty acres of land within the District or any officer or servant of any body corporate which is the proprietor of not less than 10 acres or the occupier of not less than twenty acres of land within the District; provided that such officer or servant is charged with the management of such land on behalf of such body corporate.

(2) Three members (hereinafter referred to as the "appointed members") shall be appointed in writing, one by the Council of the Administrative County of the parts of Holland, one by the Governors of Magdalen College, one by the Governors of the Oundle Hospital so long as they respectively shall continue to hold land in the District.

(g) 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 Order, and may appoint for such period as they may determine 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 the undertakers professing to act for the whole.

(h) If any land is owned by joint tenants or trustees such one of them as they may agree may for the purposes of this Order be treated as the proprietor of such land.

(3) The elected members of subsequent Boards shall be elected in the manner directed by part I of the Schedule to the Land Drainage Act, 1861, by the persons who were during the year immediately preceding the election proprietors or occupiers of all lands situate in the area and have then paid all rates (if any) levied and demanded from them at the time of election. Provided that it shall be lawful for the Drainage Board for the purposes of any election of members respectively to convene separate meetings in such places and on such days as may be convenient; and that an elector shall be entitled to have one vote in respect of each member to be elected and no more.

(4) The membership of an elected member shall terminate on his giving notice in writing to the Clerk of the Board of his resignation or if he shall cease to be qualified for election as such representative or if he becomes bankrupt.

(5) The term of office of every appointed member of the Drainage Board shall be three years unless before the expiration of such period he becomes bankrupt or resigns or his appointment is revoked by the body by which he was appointed and the provisions of Section 68 of the Land Drainage Act 1861. (Regulations as to Drainage Boards) with respect to vacating office and vacating or retiring members or casual vacancies shall not apply to the appointed members.

(6) Every member of the Drainage Board may on the expiration of his term of office if eligible for re-appointment or re-election be re-appointed or re-elected and if at the time when the appointment or election of members ought to take place the place of any retiring member is not filled up the retiring member whose place is not filled up shall continue in office until his successor is appointed or elected.

(7) Any casual vacancy occurring in the Drainage Board may in the case of an appointed member be filled by the body by which the vacating member was appointed or in the case of an elected member be filled by the Drainage Board but any person so appointed shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

(8) During any vacancy in the Drainage Board whether by failure of any body to appoint a member or otherwise the existing members may act as if such vacancy had not occurred.

(9) Any act of the Drainage Board or of any committee or sub-committee thereof shall not be invalidated by reason of any defect in the appointment or election of any member of the Drainage Board or of any such committee or sub-committee.

(10) Four members of the Drainage Board shall form a quorum for all purposes.

Rating.

(11) (1) Any expenses incurred by the Drainage Board in the execution or maintenance of drainage works in the District shall be defrayed out of rates levied on the lands coloured on the said map providing that the rate does not exceed in any one year the sum of 5s., per acre.

(2) If the Drainage Board at any time levy any rate on the basis of the annual value of the lands liable to be rated by them then in such case buildings and other hereditaments not being agricultural land shall be rated at one third only of the rate in the pound at which the remainder of the lands situate in the District are rated.

(3) No rate shall be levied on any of the lands coloured purple on the said map until such time as such land had been reclaimed for cultivation.

Borrowing

(12) The Minister hereby authorises the Drainage Board to borrow money on the security of the rates leviable in the District not exceeding the sum in the aggregate £1250.

Repayment.
expenses
on works
executed
prior to
this Order.

(13) The Drainage Board may within twelve months after the confirmation of this Order repay to any person or body the amount of any expenditure incurred or borne by such person or body in the execution since the first day of October nineteen hundred and twenty four of any drainage works for the improvement of the drainage of the Drainage District (being 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 they shall consider to have been reasonably incurred.

For the pro-
tection of
the Welland
Drainage
Board.

(14) Nothing in this Order shall in anywise take away, affect, prejudice or diminish the rights, interest, powers or jurisdiction of the Welland Drainage Board in or over the District.

Expenses
of Order.

(15) The expenses of the Minister and such expenses as shall be certified by him 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 in the District in respect of the Drainage Board's general administrative expenses.

IN WITNESS whereof the Official
Seal of the Minister of
Agriculture and Fisheries
is hereunto affixed this
eighteenth day of January
Nineteen hundred and twenty-six .

(Signed) A.T.A.Dobson.

Assistant Secretary.