

LAND DRAINAGE ACT, 1930.

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**Manea and Welney District Drainage Commissioners**

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**BYELAWS**

1949

The Minister of Agriculture and Fisheries in exercise of the powers conferred upon him by Section 47 of the Land Drainage Act, 1930, and of all other powers enabling him in that behalf hereby confirms these Byelaws made by the Manea and Welney District Drainage Commissioners on the first day of February Nineteen hundred and forty-nine subject to the modifications set out in red and incorporated herein.

IN WITNESS whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this Seventeenth day of March Nineteen Hundred and fifty.

(Signed) HUGH GARDNER,

Assistant Secretary.

I hereby certify this to be a true copy.

HUGH GARDNER,

Assistant Secretary.



# BYELAWS

THE MANEA and WELNEY DISTRICT DRAINAGE COMMISSIONERS under and by virtue of the powers and authority vested in them by the Land Drainage Act, 1930, do make the following Byelaws which they consider necessary for securing the efficient working of the drainage system of their District:—

- Commence-  
ment of  
Byelaws. 1. These Byelaws shall come into operation immediately after they are confirmed by the Minister.
- Application of  
Byelaws. 2. These Byelaws except where otherwise specifically stated shall apply only to the watercourses which are for the time being under the control of the Commissioners.
- Water not to be  
introduced into  
District. 3. No person shall without the previous consent in writing of the Commissioners introduce any water into the District for the purpose of agriculture or industry. In giving such consent the Commissioners may attach thereto such reasonable conditions as they may think necessary.
- Control of  
Sluices,  
Slackers, etc. 4. Any person having control of any sluice slacker floodgate weir dam pump or other structure or appliance for introducing water into any watercourse in the District or for controlling or regulating or affecting the flow of water in into or out of any watercourse shall use such sluice slacker floodgate weir dam pump structure or appliance in accordance with such reasonable directions as may from time to time be given by the Commissioners with a view to the prevention of flooding or any shortage in the flow or supply of water and to the efficient working of the drainage system of the District.
- Fishing Nets. 5. No person shall without the previous consent of the Commissioners in writing set any nets or engines for the catching of fish in any watercourse.
- Diversion or  
stopping up  
watercourses. 6. No person shall stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in into or out of any watercourse without the previous consent in writing of the Commissioners.
- Detrimental  
substances not  
to be put in  
drains. 7. No person shall discharge or put or cause or permit to be put or discharged or to flow into any watercourse any gravel stones earth mud ashes dirt soil rubbish or any matter of any kind whatsoever whether solid or liquid so as to obstruct the flow of water in into or out of any watercourse.
- No trees debris  
etc., to be  
allowed to fall  
into water-  
course. 8. No person shall put or permit to fall into any watercourse any tree or trunk or branch of a tree or any timber or wreck debris willows shrubs weeds grasses reeds rushes or vegetable growths or any object or matter whatsoever so as to impede the flow of water in into or out of such watercourse.
- Notice to  
cleanse drains. 9. The occupier of land through which any watercourse flows or of land abutting on any watercourse or the person having control of any watercourse shall within fourteen days of the receipt of a notice requiring him so to do cut all trees willows shrubs weeds grasses reeds rushes or other vegetable growths growing in or into the watercourse and shall remove the same from such watercourse immediately after the cutting thereof.  
Provided that this Byelaw shall apply to such watercourses as are for the time being not under the control of the Commissioners, and shall not apply to such watercourses as are for the time being under the control of the Commissioners.
- Trees, etc.,  
not to be  
planted within  
20ft. of bank of  
watercourse. 10. No person without the consent of the Commissioners in writing shall erect any building or plant any tree shrub willow or other growth within 20 feet of the bank of any watercourse.

- To fence against stock. 11. All persons using or causing or permitting to be used any bank of any watercourse or any lands adjoining any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable to prevent such bank or the channel of such watercourse from being damaged by such use.
- Provided that nothing in this Byelaw shall be deemed to affect or prevent the use, for the purpose of enabling stock to drink at it, of any place to be made or constructed as may be approved by the Commissioners.
- Vehicles not to be driven on banks. 12. No person shall use or drive or permit or cause to be used or driven any cart or vehicle of any kind whatsoever on over or along any bank of a watercourse in such a manner as to cause damage to such bank or to the channel of such watercourse.
- Fences, excavations, pipes, etc. 13. No person shall without the previous consent in writing of the Commissioners:—
- (a) erect or construct or cause or permit to be erected or constructed any fence post pylon wall wharf jetty pier quay bridge loading stage piling groyne revetment or any other building or structure whatsoever in any watercourse or in or on any bank thereof.
  - (b) Make or cut or permit to be made or cut any excavation or any tunnel or any drain culvert or other passage for water in into or out of any watercourse or in or through any bank of any watercourse.
  - (c) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe whatsoever or any electric main or cable or wire in under or over any watercourse or in over or through any bank of a watercourse.
- Provided that any person may execute any temporary works as aforesaid in case of emergency subject to the subsequent consent of the Commissioners which shall be immediately applied for.
- Banks not to be used for storage. 14. No person shall use or cause or permit to be used any bank of a watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight volume or nature of such rubbish goods materials or things to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the right of the Commissioners to deposit spoil on the bank.
- Cutting or digging banks on adjoining land. 15. No person shall:—
- (a) cut or pare or remove or cause or permit to be cut or pared or removed any turf forming part of the bank of a watercourse.
  - (b) dig for or remove or cause or permit to be dug for or removed any stones gravel clay earth timber or any material whatsoever forming part of any bank of a watercourse.
  - (c) make or cause or permit to be made any excavations or do or cause or permit to be done anything in or upon any land adjoining the bank of a watercourse of such a nature as to cause damage to or endanger the stability of the bank.
- Weeds to be cut. 16. The occupier of a bank of a watercourse or of any part thereof shall cut down and keep cut down all weeds growing on the bank.
- Interferences with Sluices. 17. No person shall without lawful authority or excuse interfere with any sluice floodgate lock weir dam pump pumping machinery or any structure or appliance for controlling or regulating the flow of water in into or out of any watercourse.
- Trespass. 18. No unauthorised person shall enter upon any land belonging to or in the occupation of the Commissioners, if such entry is likely to endanger any person or property and there is displayed on or near the land a notice prohibiting entry.

- Damage to property of Commissioners.** 19. No person shall interfere with or damage any watercourse bank bridge or building or any structure or appliance or any other property of the Commissioners whatsoever.
- Defacement of Notice Boards.** 20. No person shall deface or remove any notice board or notice or placard or mark put up by the Commissioners.
- Obstruction of Officers.** 21. No person shall obstruct or interfere with any officer or agent or servant of the Commissioners exercising any of his duties under the Act or these Byelaws.
- Savings for other Bodies.** 22. Nothing in these Byelaws shall:—
- (a) interfere with the operation of any Byelaw made by the River Great Ouse Catchment Board or by a navigation harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence.
  - (b) restrict prevent interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:—
    - (i) any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act.
    - (ii) any undertakers for the supply of water or gas to any place.
    - (iii) the British Electricity authority or any area Electricity Board established under the Electricity Act, 1947.
    - (iv) the undertakers of any navigation harbour or conservancy authority.
    - (v) the British Transport Commission or any executive established pursuant to section 5 of the Transport Act 1947, with respect to the construction use of maintenance of any railway bridge or any other work connected with their railways or so as to interfere with the traffic thereon.
    - (vi) any local authority.
  - (c) affect any liability arising otherwise than under or by reason thereof.
- Crown Rights.** 23. Nothing in these Byelaws shall operate to prevent the removal of any substance on in or under (or the erection of any structure building or machinery or any cable wire or pipe on over or under) lands belonging to His Majesty in right of his Crown by any person thereunto authorised by the Minister of Transport or by the Commissioners of Crown Lands as the case may be.
- Arbitration.** 24. Where by these Byelaws any person is required to do any work to the satisfaction of the Commissioners, or comply with any directions of the Commissioners, and any dispute arises thereafter as to the satisfactory execution of such work or as to the compliance with any directions such dispute shall, in the case of a dispute between a drainage authority or any local authority and the Commissioners be referred to the Minister whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.
- Where by these Byelaws any person is required to refrain from doing any act without the previous consent of the Commissioners such consent shall not be unreasonably withheld and in the event of any dispute arising between a drainage or other local authority and the Commissioners as to whether such consent is unreasonably withheld such dispute shall be referred to the Minister whose decision shall be final. In any other case where a dispute arises as to whether such consent is unreasonably withheld, such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

**Definition.**

25. In these Byelaws unless the context otherwise requires the following words and expressions have the meanings hereby respectively assigned to them that is to say:—

“The Act” means the Land Drainage Act, 1930.

“Animal” includes any horse ass mule cattle sheep goat swine goose poultry.

“Commissioners” means the Manea and Welney District Drainage Commissioners.

“the District” means the Area under the jurisdiction of the Manea and Welney District Drainage Commissioners.

“Local Authority” means the Council of any County County Borough Borough or Urban or Rural District.

“Occupier” includes owner.

“Owner” includes the persons defined as such in the Public Health Act, 1875.

“Railway” means a railway constructed under the powers of any Act of Parliament and intended for the conveyance of passengers or goods.

“Vessel” includes any ship lighter keel barge tug launch house boat pleasure or other boat randan wherry skiff dinghy shallop punt yacht canoe raft float float of timber or craft whatever worked navigated or propelled by steam petrol or otherwise.

**Notices.**

26. Notices required to be given or served under these Byelaws may be served in the manner in which notices under the Act are required to be served.

27. The Interpretation Act, 1889, shall apply for the interpretation of these Byelaws as it applies for the interpretation of an Act of Parliament.

GIVEN under the Common Seal of the MANEA and WELNEY DISTRICT DRAINAGE COMMISSIONERS, the First day of February, One Thousand nine hundred and fort-nine.

THE SEAL of the Commissioners  
was affixed hereto in the presence  
of

E. G. HEADING, Chairman.

A. HAROLD RUSTON & SON,

Clerks.



**PENALTY NOTE.** By sub-section (8) of Section 47 of the Land Drainage Act, 1930, any person who acts in contravention of or fails to comply with any of the foregoing Byelaws, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and a further fine not exceeding five pounds for every day on which the offence is committed or continued.