

BYELAWS

MADE BY THE

NEWARK AREA INTERNAL DRAINAGE BOARD

**UNDER THE POWERS VESTED IN THEM
BY**

THE LAND DRAINAGE ACTS 1930 AND 1961

**SINCE THE ORIGINAL PRINTING OF THE BYELAWS THE 1930 AND
1961 ACTS REFERRED TO ABOVE HAVE BEEN SUPERSEDED BY THE
LAND DRAINAGE ACTS 1976, 1991 AND 1994.**

BYELAWS

The Newark Area Internal Drainage Board under and by virtue of the powers vested in them by Section 47 (1) of the Land Drainage Act 1930, as amended by the Land Drainage Act 1961, hereby make the following Byelaws which they consider necessary for SECURING THE EFFICIENT WORKING OF THE DRAINAGE SYSTEM IN THEIR DISTRICT.

Interpretation

1. 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 as amended by the Land Drainage Act 1961:

"**Animal**" includes any horse, ass, mule, cattle, sheep, goat, goose, swine, or poultry:

"**Bank**" means bank, wall, or embankment adjoining or confining, or constructed for the purposes of or in connection with, any channel or sea front, and includes all land between the bank and low-water mark.

"**The Board**" means the Newark Area Internal Drainage Board.

"**Consent**" means consent in writing signed by an Officer of the Board.

"**District**" means the Newark Area Internal Drainage District.

"**Highway Authority**" means the Authority which is responsible for a highway whether maintainable at the public expense or not:

"**Local Authority**" means the Council of any County, County Borough, Borough, or Urban or Rural District.

"**The Minister**" means the Minister of Agriculture, Fisheries and Food.

"**Occupier**" means, in the case of land not occupied by any tenant or other person, the person entitled to the occupation thereof.

"**Owner**" includes the persons defined as such in the Public Health Act 1936.

"**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, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float, float of timber or any other craft whatever, worked, navigated or propelled by steam, petrol, oil or otherwise: and other expressions shall have the same meaning as in the Act.

2. The Interpretation act 1889 shall apply to the interpretation of these Byelaws as it, applies to the interpretation of an Act of Parliament.

Date of Commencement

3. These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Minister.

Saving Clause

4. Nothing in these Byelaws shall authorise the Board to require any person to do any act the doing of which is not necessary for securing the efficient working of the drainage system in the District or to refrain from doing any act the doing which does not adversely affect the efficient working of the drainage system in the District.

Application of Byelaws

5. These Byelaws shall be applicable to all watercourses and the banks thereof for the time being vested in or under the control of the Board and Byelaws 7, 13 and 17 (a) shall also apply to all other watercourses and banks situated within the District.

Injury by animals to banks

6. ***All persons***

- (a) using or causing or permitting to be used the bank of any watercourse for the purpose of grazing or keeping any animal thereon or for the purpose of access by any animal to any watercourse or
- (b) Using or causing or permitting to be used any bank or any watercourse for the purpose of retaining any animal upon any land:

shall comply with such reasonable directions as may from time to time be given in writing by the Board for the purposes of preventing the bank of the watercourse from being damaged by such use:

Provided that nothing in this Byelaw shall prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes at any place made or constructed with the approval of the Board.

Control of Sluices, etc.

7. Any person having control of any sluice, slacker, flood-gate, lock, weir, dam, pump, pumping machinery or any other structure or appliance for controlling or regulating or affecting the flow of water in into or out of any watercourse shall use such sluice, slacker flood-gate, lock, weir, dam, pump, pumping machinery, structure, or appliance in accordance with such reasonable directions as may from time to time be given in writing by the Board 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 in the District.

Interference with Sluices, etc., the property of the Board.

8. No person shall without lawful authority or excuse interfere with any sluice, slacker, flood-gate, lock, weir, dam, pump, pumping machinery, plant or other structure or appliance for the time being vested in or controlled by the Board for controlling or regulating the flow of water in or into or out of any watercourse or for drawing water from or delivering water into any watercourse.

Diversion of Watercourses.

9. No person shall divert or alter the level of or direction of the flow of water in into or out of any watercourse without the previous consent of the Board.

Removal of gravel, etc.

10. No person shall dredge or raise or take or cause or permit to be, dredged or raised or taken any, gravel, sand, ballast, clay, or any material from the bed or bank of any watercourse so as to cause damage to or to endanger the stability of the bank except with the previous consent of the Board.

Tipping of rubbish, etc.

11. No person shall discharge or put or cause or permit to be discharged or put cause or permit to flow or to fall into any watercourse any gravel, stones, mud, ashes, dirt, soil, rubbish or any matter of any kind whatsoever whether solid or liquid so as to obstruct the flow of the water in into or out of such watercourse.

Stacking of rubbish, etc.

12. No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or thing thereon in such manner as by reason of the weight, volume or nature of such rubbish, goods, material or things to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations of the Board, or the right of the Board to deposit spoil on the bank of the watercourse.

Cutting of Trees if not done by the Board.

13. The occupier of land through which a watercourse flows or of land abutting on any watercourse or the person having control of any watercourse shall, upon being required by the Board by notice in writing within such reasonable time as may be therein specified, cut all trees, willows, hedges, shrubs, weeds, grasses, reeds, rushes or other vegetable growths growing in or on the bank of the watercourse and shall remove the same from the watercourse immediately after cutting thereof.

Removal of trees, dams, debris, etc.

14. No person shall put or permit to be put or to fall into or to remain in any watercourse, any tree or trunk or branch or part of a tree or any timber, wire, fencing, dam or debris or any other object or matter whatsoever in such a way as to impede or be likely to impede the flow of the water in into or out of any watercourse.

15. No person without the previous consent of the Board shall erect any building or other structure or plant any tree, shrub, willow or other growth within thirty feet of the foot of the bank on the landward side or where there is no bank within thirty feet of the brink of the watercourse.

Removal of sunken boats.

16. No person who is the owner of any sunken vessel in the watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day, on which the Board serves on him notice in writing that the vessel is causing obstruction, permit that vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in into or out of the watercourse.

Prohibition of erection of structures and laying of pipes under banks. etc..

17. No person shall without previous consent of the Board:
- (a) Erect or construct or cause or permit to be erected or constructed any, fence, post, pylon, wall, wharf, jetty, pier, quay, 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 cause 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 or over any watercourse or in over or through any bank thereof;

Provided that this Byelaw shall not apply to any work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the executing and of the circumstances in which it was executed.

Injurious acts to banks.

18. No person shall:
- (a) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of the bank of any 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 any watercourse;
 - (c) make or cause or permit to be made any excavation or do or cause or permit to be done anything in or upon any land adjoining the bank of any watercourse of such nature as to cause damage to or endanger the stability of the bank.

Saving for Planting of land.

19. Without the previous consent of the Board no occupier of any land through which any watercourse flows or of land abutting on any watercourse, after receipt of a Notice from the Board in writing that they have arranged for the watercourse to be cleaned out or improved within three months, shall sow or plant any land within such distance not exceeding thirty feet from the edge of such watercourse during that period.

Vehicles not to be driven on banks.

20. No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on over or along any bank of a watercourse in such manner as to cause damage to such bank.

Mooring of vessels.

21. No person shall without lawful authority or excuse moor any vessel in such manner as to obstruct or impede the free flow of water in into or out of any watercourse.

Trespass

22. No unauthorised person shall enter upon any land belonging to or in the occupation of the Board 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 Board.

23. No person shall without lawful authority or excuse interfere with or damage any watercourse bank or bridge or building or any structure or appliance or any other property of the Board whatsoever.

Defacing of notice boards.

24. No person shall deface or remove any notice board, notice, placard or mark put up by the Board.

Obstruction of Officers

- 25 No person shall obstruct or interfere with any officer or agent or servant of the Board exercising any of his functions under the Act or these Byelaws.

Saving for other bodies.

26. Nothing in these Byelaws shall:
- (a) conflict with or interfere with the operation of any Byelaw of the Trent River Authority or of any 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 to any place;
 - (iii) any Area Board established under the Gas Act 1948;
 - (iv) the Central Electricity Generating Board or any Area Board established under the Electricity Acts 1947 and 1957;
 - (v) any navigation, harbour or conservancy authority;
 - (vi) the British Railways Board or any Regional Railways Board established under the Transport Act 1962 with respect to the construction, use or maintenance of any railway bridge or any other work connected with their railways or so as to interfere with the traffic thereon;
 - (vii) any local authority or highway authority;
 - (viii) The Trent River Authority.
 - (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
 - (d) affect any liability arising otherwise than under and by reason of these Byelaws.

27. Where by these Byelaws any person is required to do any work to the satisfaction of the Board, or to comply with any directions of the Board, and any dispute arises thereafter as to the satisfactory execution of such work or as to the compliance with or the reasonableness of any such directions such dispute shall, in the case of a dispute between a drainage authority or any local authority and the Board, be referred to the Minister whose decision shall be final and in any other case 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.

28. Where by these Byelaws any person is required to refrain from doing an act without the previous consent of the Board such consent shall not be unreasonably withheld but the Board may attach thereto such reasonable conditions as they may consider necessary. Any dispute as to whether such consent is unreasonably withheld or as to whether any conditions imposed are reasonable shall, if it arises between a drainage authority or a local authority and the Board, be referred to the Minister whose decision shall be final, and in any other case 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.

Crown Lands.

29. 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 Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

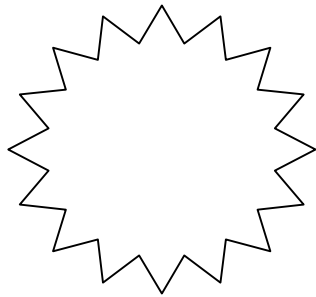
Notices.

30. Notices required or authorised to be served under these Byelaws may be served in the manner in which notices under the Act may be served.
31. The Byelaws made by the Board on 14th September, 1949, are hereby revoked.

The foregoing Byelaws were made, adopted, and passed by the Newark Area Internal Drainage Board, and their Common Seal affixed thereto at their Meeting held on the 28th day of February, One Thousand Nine Hundred and Sixty-Eight, in the presence of

(Sgd.) STANLEY J. BUXTON, Chairman.

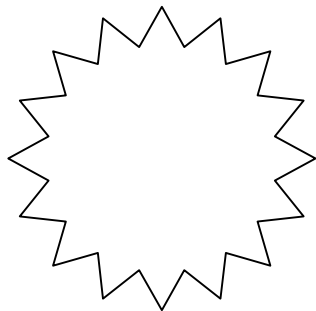
(Sgd.) H. TALLENTS, Clerk.



Note- By Section 47 (8) of the Act, 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 Fifty Pounds and a further fine not exceeding Five Pounds for every day on which the contravention or failure is continued after conviction.

BY Section 47 (8) (a) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Board may without prejudice to any proceedings under Section 47 (8) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

The Minister of Agriculture, Fisheries and Food hereby confirm these Byelaws.



IN WITNESS whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this Twenty-Ninth day of July, One Thousand Nine Hundred and Sixty-Eight

(Sgd.) G.E. MYERS
Assistant Secretary

I hereby certify this to be a true copy

G.E. MYERS
Assistant Secretary