

**DEMPSTER INTERNAL DRAINAGE BOARD**

**LAND DRAINAGE ACT 1930**

**BYELAWS**

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The Dempster Internal Drainage Board 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 in their district.

- 1 These Byelaws shall come into operation immediately after the same are confirmed by the Minister of Agriculture and Fisheries.
- 2 These Byelaws shall be applicable to all such watercourses or parts thereof as are situated within the Drainage District and are maintained by the Board, except that Byelaw 9 shall apply to all such watercourses or parts thereof as are situated within the Drainage District but are not maintained by the Board.
- 3 Any person having control of any sluice floodgate 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 of for drawing water from or delivery water into any watercourse shall use such sluice flood-gate lock weir dam pump pumping machinery structure or appliance in such a manner as not to interfere with the efficient working of the drainage system of the Drainage District.
- 4 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.
- 5 No person shall without the previous consent of the board take any water from any watercourse for any purpose not being a purpose for which he would but for the passing of the Act of 1930 have been lawfully entitled to take water whether as the owner or occupier of riparian land or otherwise.
- 6 No person shall discharge or put or cause or permit to be put or discharged or to flow into any watercourse any gravel stones glass earth mud ashes dirt soil rubbish or any other matter whatsoever whether solid or liquid so as to obstruct the flow of water in into or out of the watercourse.
- 7 No person shall put or permit to fall into any watercourse any tree or trunk or branch or part of a tree or any timber or wrack 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 any watercourse and the Board may require any person so putting or permitting any tree or trunk or branch or part of a tree or any timber or wrack debris willows shrubs weeds grasses reeds rushes or vegetable growths or any matter whatsoever to fall into any watercourse at his own expense to remove the same.

8 The owner or occupier of lands through which a watercourse flows or of land abutting upon any watercourse (but not including watercourses maintained by the Drainage Board) shall cut down and keep cut down all trees willows shrubs weeds grasses reeds rushes or other vegetable growths growing in or into the watercourse and shall remove such trees willows shrubs weeds grasses reeds rushes or other vegetable growths from the watercourse immediately after the cutting thereof.

9 All persons using or causing or permitting to be used any field adjoining or abutting upon any watercourse for the purpose of grazing or keeping any animal thereon shall comply with such reasonable directions as may from time to time be given by the Board for the purpose of preventing the bank of the watercourse from being trodden down or the sides thereof deposited in the watercourse or in any other way used so as to obstruct the free flow of water at all times. The Board may in any way they think fit assist the person to whom such directions shall be given in the carrying out of the same.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as may be approved by the Board.

10 No person without the consent of the Board in writing shall plant any tree shrub willow or other growth within ten feet of the foot of the bank on the landward side or where there is no bank within ten feet of the brink of the watercourse.

11 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 other material from the bed or bank of any watercourse so as to cause damage to or endanger the stability of such bank.

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 things 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.

13 No person shall without the previous consent of the Board

(a) 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 in or over any watercourse or in over or through any bank of any watercourse.

(b) cut or pare or remove or cause or permit to be cut or pared or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone gravel clay earth timber or other material whatsoever forming part of any bank of any watercourse, or make or cause or permit to be done

anything in or upon any land adjoining any bank of any watercourse, of such a nature as to cause damage to or endanger the stability of the bank.

- (c) 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 any watercourse or in or through any bank of any watercourse.

Provided that any person may execute any temporary works as aforesaid in case of emergency subject to the subsequent consent of the Board which shall be immediately applied for.

- 14 The owner as at the time of sinking of any vessel sunken in any watercourse or part of a watercourse in such manner as to impede the flow of water in into or out of such watercourse shall upon being required by the Board by notice in writing within such reasonable time as may be therein specified remove the same.
- 15 No person shall navigate any vessel in such a matter or at such a speed as to injure the bank of any watercourse and where the Board have by notice erected at any place limited the speed of vessels passing such a place no person shall navigate a vessel at a speed greater than the speed so limited.

Provided that the Board shall not exercise their powers under this Byelaw to limit the speed of vessels in any tidal waters except after consultation with the Minister of War Transport.

- 16 No person shall moor or place any vessel to or upon the bank of a watercourse in such a manner or by such method as to cause injury to such bank.
- 17 No person shall moor any vessel in such a manner as materially to obstruct or impede the free flow of water in into or out of any watercourse.
- 18 No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in into or out of any watercourse.
- 19 No person shall trespass upon any land belonging to or in the occupation of the Board where such trespass endangers or is likely to endanger any property person or work or occurs at such a time or in such a manner as to interrupt or interfere or to be likely to interrupt or interfere with the operations of the Board.
- 20 No person shall interfere with or damage any bank or bridge or building or any structure or appliance or any other property of the Board whatsoever.
- 21 No person shall deface or remove any notice board or notice placard put up by the Board.

- 22 No person shall obstruct or interfere with any officer or agent or servant of the Board exercising any of his duties under these Byelaws.
- 23 Nothing in these Byelaws shall:
- (a) restrict prevent or 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) any authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936 or any enactment amending the same;
    - (iv) a railway company with respect to the use or maintenance of the structure of any railway bridge or any work connected with the railway or so as to interfere with the traffic thereon.
  - (b) affect any liability arising otherwise than under or by reason thereof.
- 24 Where by these Byelaws any person is required to refrain from doing any act without the previous consent of the Board, such consent shall not be unreasonably withheld and, in any event of any dispute arising between a drainage or any other Local Authority and the Board 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.
- 25 Where by these Byelaws any person is required to do any work or 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 any direction such dispute shall, in the case of a dispute between a drainage or any other Local Authority and the Board, 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.
- 26 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 War Transport or by the Commissioners of Crown Lands, as the case may be.

- 27 Notices orders and any other documents required or authorised to be served or given under or by virtue of these Byelaws may be served or given in the manner prescribed by Section 75 of the Act.

Any notice by these Byelaws required to be given to the owner or occupier of any premises may be addressed by the description of the “owner” or “occupier” of the premises (naming them) in respect of which the notice is given, without further name or description.

- 28 In these Byelaws unless the context otherwise requires the terms used shall have the same meanings as are assigned to them in the Land Drainage Act 1930, except that the expression “Local Authority” shall for the purposes hereof mean the Council of a County, County Borough, Borough, Urban or Rural District and the following words and expressions shall have the meanings respectively assigned to them – that is to say –

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

“Animal” includes any horse cattle sheep goat swine goose or poultry and the word “horse” includes all draught animals.

“Board” means the Dempster Internal Drainage Board.

“Drainage District” means the Dempster Internal Drainage District as delineated for the time being on the map sealed by the Minister of Agriculture and Fisheries in relation to the Doncaster District (Dempster) Drainage Order, 1931 and on any map sealed in relation to any scheme amending the scheme confirmed by the said order or to any order confirming any such scheme.

“Consent of the Board” means the consent of the Board in writing signed by the Clerk for the time being of the Board or other duly authorised officer.

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

“Occupier” means in the case of land not occupied by any tenant or other person the persons entitled to the occupation thereof.

“Person” includes a body corporate.

“Railway” means all railways constructed under the powers of any Act of Parliament, and intended for the conveyance of passengers and goods.

29 The Interpretation Act 1889 shall apply to these Byelaws as though they were an Act of Parliament.

Given under the Common Seal of the Dempster Internal Drainage Board the 27<sup>th</sup> day of September 1944.

THE COMMON SEAL of the DEMPSTER  
INTERNAL DRAINAGE BOARD was hereunto  
affixed in the presence of:-

Chairman:

Clerk: