



**THORNTREE
INTERNAL DRAINAGE BOARD**

LAND DRAINAGE ACT 1991

BYELAWS
**for securing the efficient working of the drainage
system in the Thorntree Internal Drainage District**

**4 Belgravia
Goole
East Yorkshire
DN14 5BU**

**M J Townend
Clerk to the Board**

THORNTREE INTERNAL DRAINAGE BOARD BYLAWS

The Thorntree Internal Drainage Board under and by virtue of the powers and authority vested in them by Section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for securing the efficient working of the drainage system in their District:

1. Commencement of Bylaws

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

2. Application of Byelaws

- (i) These Byelaws shall have effect within the District:
- (ii) The watercourses referred to in Byelaws 5 to 8 and 10 to 19 are watercourses which are for the time being vested in or under the control of the Board.

3. Control of Introduction of Water and Increase in Flow or Volume of Water

No person shall, without the previous consent of the Board, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the District.

4. Control of Sluices etc

Any person having control of any sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery 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 and maintain such sluice, slacker, floodgate, lock, weir, dam, plump, pumping machinery, structure or appliance in accordance with such reasonable directions as may from time to time be given 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

5. Fishing Nets and Angling

No person shall angle or set any net or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this byelaw 'nets' includes:

- (a) A stake net, bag or keep net
- (b) Any net secured by anchors and any net, or other implement, for taking fish fixed to the soil or made stationary in any other way;

- (c) Any net placed or suspended in any inland and tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspended such a net or maintaining it in working order or making it stationary.

6. Diversion or Stopping up of Watercourses

No person shall, without the previous consent of the Board, take any action, or knowingly permit or aid or abet any person or take any action to stop up any watercourse or divert or impede or alter the level of or the direction of the flow of water in, into or out of any watercourse.

7. Detrimental Substances not to be put into Watercourses

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank:

- (a) Discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) Allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. Lighting of Fires

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any trees, willows, shrubs, weeds, grasses or any other vegetable growths growing on land forming the banks of the watercourse.

9. Notice to cut Vegetable Growths

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Board requiring him to do so, cut down and keep cut down all trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growths growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growth from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. No Obstructions within 6 metres of the edge of the Watercourse

No person, without the previous consent of the Board, shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth

within 6 metres of the landward toe of the bank where there is an embankment or wall or within 6 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 6 metres of the enclosing structure.

11. Repairs to Buildings

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair:

- (i) The building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or
- (ii) The building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse.

Carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. Control of Vermin

The occupier of any bank of a watercourse, or any part thereof, shall, upon being required by the Board by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. Damage by Animals to Banks

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Board to prevent the bank or the channel of the watercourse from being damaged by such use.

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 approved by the Board.

14. Vehicles not to be Driven on Banks

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.

15. Banks not to be used for Storage

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 a manner as by reason of the weight, volume or nature of such

rubbish, goods, materials or things causing or likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Board the right of the Board to deposit spoil on the bank of the watercourse.

16. Not to Dredge or Raise Gravel, Sand etc

No person shall without the previous consent of the Board dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other materials from the bed or bank of any watercourse.

17. Fences, Excavations, Pipes etc

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 or appliance whatsoever or any electrical main or cable or wire in or over any watercourse or in, over or through any bank of any watercourse;
- (b) Cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be removed for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage or to endanger the stability of the bank;
- (c) 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;
- (d) 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, over or across any watercourse or in or on any bank thereof;
- (e) Place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank or any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary 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 execution and of the circumstances in which it was executed and comply with any directions the Board may give with regard thereto.

18. Tidal Outfalls

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones,

soil, wire, rubbish or other object or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

19. Interference with Sluices

No person shall without lawful authority interfere with any sluice, slacker, floodgate, lock, weir, dam, plump, pumping machinery or any other structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

20. Damage to Property of the Board

No person shall interfere with or damage any bank, bride, building, structure, appliance, or other property of or under the control of the Board.

21. Defacement of Notice Boards

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

22. Obstruction of the Board and Officers

No person shall obstruct or interfere with any member, officer, agent or servant of the Board exercising any of his functions under the Act of these Bylaws.

23. Savings for Other Bodies

Nothing in these Bylaws shall:

- (a) Conflict with or interfere with the operation of any Byelaw made by the Environment Agency or 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 bested 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) The undertaking of the Environment Agency and of any water undertaker or sewerage undertaker;
 - (iii) British Gas Plc
 - (iv) Any navigation, harbour or conservancy authority;
 - (v) The British Railways Board with respect to the construction, use or maintenance and repair of any railway property or so as to interfere with the

free, uninterrupted and safe use of any railway of the British Railways Board and the traffic thereon and the use by passengers of railway property;

- (vi) Any local authority;
 - (vii) Any highway authority for the purpose of the Highway Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (viii) the Post Office
 - (ix) Any undertaking engaged in the operation of a telecommunications system;
 - (x) The British Airports Authority
 - (xi) The Civil Aviation Authority;
 - (xii) The British Waterways Board;
 - (xiii) The British Coal Corporation
- (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) Restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
 - (e) Affect any liability arising otherwise than under or by reason of these Bylaws;

24. Saving for Crown Lands

Nothing in these Bylaws shall operate to prevent the removal of any substances 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 the right of the Crown by any person thereunto authorised by the Crown Estates Commissioners.

25. Arbitration

- (a) Where by or under Byelaws 4, 9, 11, 12, 13 or 17 any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or comply with any directions of the Board, he may within 21 days after the service of such notice on him give to the Board a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Board the dispute shall, when the person upon whom such notice was served is a drainage or local authority 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 part. Where such a counter-notice has been given to the Board the operation of the notice

shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;

- (b) Where by or under these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Board shall 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;
- (c) Where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Board such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Board may consider appropriate and where any dispute arises as to whether in such a case the consent of the Board is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or 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. Notices

Notices and any other documents required or authorised to be serviced or given or by virtue of these Byelaws shall be served or given in the manner prescribed by section 71 of the Land Drainage Act 1991

27. Limitations

- (a) 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 workings of the drainage system of the District or to refrain from doing any act, the doing of which does not adversely affect the efficient working of the drainage system of the District;
- (b) If any conflict arises between these Byelaws and
 - (i) The Land Drainage Act 1994 (which relates to the Board's duties with respect to the environment), or
 - ii) The Conservation (Natural Habitats, etc) Regulations 1994 (a)

the said Act and the said Regulations shall prevail

- (a) S.I. 1994/2716

28. Interpretation

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

‘the Act’ means the Land Drainage Act 1991;

‘Animal@ include any horse, cattle, sheep, deer, goat, swine, goose or poultry;

‘Bank’ includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

‘Board’ means the Thorntree Internal Drainage Board;

‘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;

‘District’ means the area under the jurisdiction of the Board;

‘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 person defined as such in the Public Health Act 1936;

‘Railway Property’ means any railway of the British Railways Board and any bridges and works connected therewith or forming part thereof for the maintenance or operation of which the said Board are responsible and includes any land held or used by the Board for the purpose of such railway bridges or works; and other expressions shall have the same meanings as in the Act.

(a) S.I. 1994/2716

PENALTY NOTE

By Section 66(6) of the Act every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 37 of the Criminal Justice Act 1982 and a further fine not exceeding forty pounds for every day on which the contravention or failure is continued after conviction. By section 66(7) 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 66(6) 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 COMMON SEAL OF THE

**INTERNAL DRAINAGE BOARD was hereunto affixed on the 9th February 1996
in the presence of:**

Norman E Hinchliffe

Chairman

Michael J Townend

Clerk

The Minister of Agriculture, Fisheries and Food, in pursuance of the powers conferred by Section 66 of, and paragraph 2 of Schedule 5 to the Land Drainage Act 1991 HEREBY CONFIRMS these Byelaws

IN WITNESS whereof the Official Seal of the
Minister of Agriculture, Fisheries and Food is
hereunto affixed on 13th August 1996

J R Park
Authorised by the Minister