
STATUTORY INSTRUMENTS

2011 No. 436

LAND DRAINAGE, ENGLAND

**The Scotter Drainage Authority and Scotter
Internal Drainage District (Abolition) Order 2010**

Made - - - - 3rd August 2010

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991⁽¹⁾ (“the Act”), the Environment Agency has prepared a Scheme making provision for the abolition of the Scotter Drainage Authority and the Scotter Internal Drainage District, entitled “The Scotter Drainage Authority Internal Drainage District” (“the Scheme”) dated 17th December 2007.

In accordance with section 3(1) of the Act, the Environment Agency has submitted the Scheme to the Secretary of State for confirmation.

The Secretary of State has published a notice of intent to make the following Order confirming the Scheme (with modifications as appear to the Secretary of State to be desirable) in accordance with paragraph 2(1) of Schedule 3 to the Act. The Secretary of State has sent this notice to the relevant local authorities and other bodies specified in paragraph 2(2) of that Schedule.

No objection has been made to the draft Order.

Accordingly, the Secretary of State, in whom the powers conferred by section 3(5) and (7) and paragraph 3(2) of Schedule 3 to the Act are now vested⁽²⁾, makes the following Order in exercise of those powers.

Citation and commencement

1. This Order may be cited as the Scotter Drainage Authority and Scotter Internal Drainage District (Abolition) Order 2010 and, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, comes into force in accordance with that paragraph.

Confirmation of the Scheme with modifications

- 2.—(1) The Scheme, as submitted by the Environment Agency, is confirmed with modifications.
- (2) The Scheme, as modified by the Secretary of State, is set out in the Schedule to this Order.

(1) 1991 c. 59; “the relevant Minister” is defined in section 72(1). References to the National Rivers Authority were replaced with references to the Environment Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25).
(2) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Secretary of State's expenses

3. The expenses of the Secretary of State in connection with the making and confirmation of this Order will be borne by the Environment Agency.

3rd August 2010

Grant Horsburgh
A Civil Servant, duly authorised by the
Secretary of State for Environment, Food and
Rural Affairs

SCHEDULE

Article 2(2)

SCHEME SUBMITTED BY THE ENVIRONMENT
AGENCY, AS MODIFIED BY THE SECRETARY OF STATE

THE SCOTTER DRAINAGE AUTHORITY INTERNAL DRAINAGE DISTRICT

1. In this Scheme–

“the abolished board” means the Scotter Drainage Authority;

“the Agency” means the Environment Agency;

“the Commencement Date” means the date on which this Scheme comes into force;

“the map” means the map entitled “Scotter IDD Boundary Post 1940 Act” dated 18 June 2007, having been sealed by the Agency and deposited at its offices at Sapphire East 550 Streetsbrook Road Solihull West Midlands B91 1QT;

“property” means any property which is vested in the abolished board immediately before the commencement date and includes books of account, other books, deeds, maps, papers and other documents, in whatever medium held, and computer and other electronic records;

“the Scotter Drainage Authority” means the internal drainage board of the Scotter Internal Drainage District;

“the Scotter Internal Drainage District” means the drainage area comprising all those lands lying in the parish of Scotter in the District of Gainsborough in the County of Lincoln which are shown edged red on the map, being an internal drainage district⁽³⁾.

2. This Scheme comes into force on the day after the day on which the Order confirming this Scheme is confirmed.

3. The Scotter Internal Drainage District and the Scotter Drainage Authority are abolished and the property of the abolished board is transferred to the Agency.

4. The accounts of the abolished board must be made up to the commencement date and audited as if this Scheme had not come into force. Any sum certified by the abolished board’s auditors as due to the abolished board from any person must be paid to the Agency.

5. Any debts due from the abolished board immediately before the commencement date must be discharged by the Agency and any arrears of rates outstanding at the commencement date in respect of any period ending before the commencement date must be paid to, and are recoverable by, the Agency.

6. Any monies transferred to the Agency, being the balance of drainage rates levied by the abolished board or any other assets so transferred, must be applied by the Agency as if the same were the proceeds of a general drainage charge levied by the Agency under the provisions of section 134 of the Water Resources Act 1991⁽⁴⁾.

7. The Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyance or deed of transfer.

(3) The Act of 1808 (Act of 48 George III) entitled “an Act for inclosing lands in the Parish of Scotter in the County of Lincoln” appointed Commissioners in the parish of Scotter and granted various drainage works to them. In 1820, the Commissioners (John Cragg and John Burcham) made an Award (dated the 18th October 1820) which cites what they have done pursuant to the 1808 Act and orders that various drainage works be at the expense of named persons. The Award also orders that the drainage works be under the direction and management of the Constable of Scotter. At the time of the making of the River Trent Catchment Board (Gainsborough Internal Drainage District) Order 1940 (S.I. 1940/486), the Scotter Drainage Authority was in operation and is stated, in that Order, to have been constituted by the Award of the 18th October 1820. The Scotter Drainage Authority was therefore in operation prior to 1940 and has continued to operate since 1940.

(4) 1991 c. 57.

Status: This is the original version (as it was originally made).

Dated 17th December 2007

Confirmation of Order

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 (“the Act”), the Secretary of State has published the foregoing Order, in a manner complying with paragraph 4(1) of Schedule 3 to the Act, and a notice complying with paragraph 4(2) of Schedule 3 to the Act.

No memorial relating to the Order has been presented to the Secretary of State.

Paragraph 5(1) of Schedule 3 to the Act provides for the Order to come into force upon its confirmation by the appropriate Minister, being (by virtue of paragraph 1(3) of that Schedule) the Minister by whom the Order has been made;

Accordingly, the Secretary of State confirms the Order in accordance with paragraph 5(1) of Schedule 3 to the Act.

Grant Horsburgh
A Civil Servant, duly authorised by
the Secretary of State for Environment, Food and
Rural Affairs

8th February 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms (with modifications) a Scheme submitted by the Environment Agency for the abolition of the Scotter Drainage Authority and the Scotter Internal Drainage District.

The abolition will include the District shown edged red on the map entitled “Scotter IDD Boundary Post 1940 Act” dated 18th June 2007, sealed by the Agency and deposited at its offices at Sapphire East 550 Streetsbrook Road Solihull West Midlands B91 1QT.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.