

LAND DRAINAGE ACT 1976

SOUTHERN WATER AUTHORITY

ROMNEY MARSH LEVELS INTERNAL DRAINAGE DISTRICT

The Southern Water Authority (hereinafter called the “Water Authority”) in pursuance of section 11(1) of the Land Drainage Act 1976, submit to the Minister of Agriculture, Fisheries and Food for confirmation under section 11(4) of the said Act of 1976 the following Scheme for:—

- (i) the abolition of the Romney Marsh Level Internal Drainage Board and the Level of New Romney Internal Drainage Board;
- (ii) the amalgamation of the internal drainage districts under the jurisdiction of the above-mentioned internal drainage boards into one new internal drainage district;
- (iii) the constitution of a new internal drainage board for the internal drainage district formed by such amalgamation;
- (iv) the alteration of the boundaries of the new internal drainage district and of the Denge and Southbrooks Internal Drainage District by the amalgamation with the Denge and Southbrooks Internal Drainage District of a portion of the new internal drainage district;
- (v) matters supplemental thereto or consequential thereon.

Scheme

1. In this Scheme, unless the context otherwise requires:—

“the appointed day” means a day to be appointed by the Minister for the coming into operation of this Scheme;

“the Minister” means the Minister of Agriculture, Fisheries and Food; “the Romney Marsh Level Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the Romney and Denge Marsh Main Drains Catchment Board (Romney Marsh Level, Denge and Southbrooks and Level of New Romney Internal Drainage Districts) Order 1934(1) (hereinafter called “the 1934 Order”) and “the Romney Marsh Level Internal Drainage District” means the internal drainage district constituted by that Scheme;

“the Level of New Romney Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the 1934 Order and “the Level of New Romney Internal Drainage District” means internal drainage district constituted by that Scheme;

“the Denge and Southbrooks Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the 1934 Order and “the Denge and Southbrooks Internal Drainage District” means the internal drainage district constituted by that Scheme.

2. The Scheme shall come into operation on the appointed day.
3. On the appointed day:
 - (i) the Romney Marsh Level Internal Drainage Board and the Level of New Romney Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;
 - (ii) the Romney Marsh Level Internal Drainage District and the Level of New Romney Internal Drainage District shall be amalgamated into and shall constitute one internal drainage district which shall be known as “the Romney Marsh Levels Internal Drainage District”(hereinafter referred to as “the new Internal Drainage District”);

(1) S.R. & O. 1934/1053.

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- (iii) there shall be constituted for the new Internal Drainage District an internal drainage board to be known as “the Romney Marsh Levels Internal Drainage Board”(hereinafter called “the Internal Drainage Board”);
- (iv) the boundaries of the new Internal Drainage District shall be altered so as to exclude therefrom all those lands within the Parish of New Romney in the District of Shepway in the County of Kent which are shown coloured red on the map sealed by the Water Authority in relation to this Scheme (which said lands are hereinafter referred to as “the transferred area”);
- (v) the boundaries of the Denge and Southbrooks Internal Drainage District shall be altered so as to include within that internal drainage district the transferred area.

4. The map of the Level of New Romney Internal Drainage District sealed in relation to the Scheme confirmed by the 1934 Order and the map of the Denge and Southbrooks Internal Drainage District also sealed in relation to that Scheme, shall, for the purpose of securing that the effect of the alteration of boundaries is noted, be altered accordingly, and the alteration of each map shall be certified by the Minister.

5. The Internal Drainage Board shall consist of twenty members who, with the exception of the first members, shall be elected in accordance with the provisions of section 7 of, and Schedule 2 to, the Land Drainage Act 1976. The first members of the Internal Drainage Board shall be persons appointed by the Minister and shall hold office until the expiration of one year from the first day of November next following the day on which they are appointed.

6. On the appointed day there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all such property, rights, powers, duties, obligations, and liabilities (including in particular, but without prejudice to the generality of that expression, all books of accounts, other books, deeds, maps, papers and other documents) as immediately before the appointed day were vested in or fell to be discharged by the Abolished Boards or either of them respectively including (but without prejudice to the generality of the foregoing) all powers vested in or to be discharged by them under or by virtue of any local Act or Order made under statutory authority.

7. On the appointed day all property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the Internal Drainage Board under paragraph 6 of this Scheme in respect of the transferred area shall be vested in and discharged by the Denge and Southbrooks Internal Drainage Board: Provided that any dispute between the Internal Drainage Board and the Denge and Southbrooks Internal Drainage Board as to such transfer shall be referred to and decided by the Minister whose decision shall be final.

8. All arrears of rates made before the appointed day in respect of any land within the new Internal Drainage District by the Abolished Boards or either of them, in respect of any period or periods ending before the appointed day, may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.

9. All properties or liabilities transferred to the Internal Drainage Board under paragraph 6 of this Scheme in respect of which immediately before such transfer some part only of the new Internal Drainage District was entitled to receive the benefit or was liable shall, as to any income or expenditure arising therefrom (whether of a capital or of a revenue nature) be applied to the benefit of or, as the case may be, be a charge upon the rates only upon that part or parts of the new Internal Drainage District: Provided that the Internal Drainage Board may, subject to the approval of the Water Authority, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the new Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.

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10. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment, conveyance or deed of transfer whatsoever.

11. The accounts of each of the Abolished Boards shall be made up to the appointed day and copies thereof forthwith sent to the Internal Drainage Board and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not been confirmed by the Southern Water Authority (Romney Marsh Levels Internal Drainage District) Order 1987.

DATED this 24th day of February 1986