

2004 No. 1657

LAND DRAINAGE

**The Amalgamation of the West of Ouse, Gaywood,
Magdalen, Marshland Smeeth and Fen, and Wingland
Internal Drainage Districts Order 2004**

Made - - - - - 24th May 2004

Coming into force in accordance with article 1

Whereas under section 3(1) of the Land Drainage Act 1991 (hereinafter called “the 1991 Act”)(a) the Environment Agency has prepared and submitted to the Secretary of State for confirmation a Scheme (hereinafter called “the Scheme”) in relation to West of Ouse Internal Drainage District, the Gaywood Internal Drainage District, the Magdalen Internal Drainage District, the Marshland Smeeth and Fen Internal Drainage District and the Wingland Internal Drainage District, a copy of which is set out in the Schedule hereto;

And whereas, in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act, the Secretary of State has caused a notice of her intention to make the following Order confirming the Scheme and notice of the other matters mentioned in that paragraph to be published, and to be sent to local authorities and other bodies specified in paragraph 2(2) of Schedule 3;

And whereas no objection has been made to the draft Order;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon by sections 3(5), (6) and (7) of and Schedule 3 to the 1991 Act and now vested in her(b), hereby makes the following Order:

1. This Order may be cited as the Amalgamation of the West of Ouse, Gaywood, Magdalen, Marshland Smeeth and Fen, and Wingland Internal Drainage Districts Order 2004 and shall, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, come into force in accordance with that paragraph.
2. The Scheme is hereby confirmed, subject to the following modifications:—
 - (i) in the seventh paragraph, after the words “to the benefit of” and the words “the rates levied only upon”, insert a comma; and
 - (ii) in the eighth paragraph, for “any matter” substitute “anything”.
3. The expenses of the Secretary of State in connection with the making and confirmation of this Order shall be borne by the Environment Agency.

Signed by the authority of the Secretary of State,

24th May 2004

Sarah Nason
A Senior Civil Servant in the
Department for Environment, Food and Rural Affairs

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

SCHEDULE

SCHEME SUBMITTED BY THE ENVIRONMENT AGENCY

1. This Scheme shall come into force one month after the date of confirmation of the Order confirming this Scheme.
2. In this Scheme:—

“The West of Ouse Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Great Ouse Catchment Board (West of Ouse Internal Drainage District) Order 1944(a) (“the 1944 Order”) and “The West of Ouse Internal Drainage District” means the internal drainage district constituted by the 1944 Order, the boundaries of which were altered by the Scheme confirmed by the Anglian Water Authority (Alteration of Boundaries of the West of Ouse Internal Drainage District) Order 1982(b).

“The Gaywood Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the Anglian Water Authority (Gaywood Internal Drainage District) Order 1985(c) (“the 1985 Order”) and “The Gaywood Internal Drainage District” means the internal drainage district constituted by the 1985 Order.

“The Magdalen Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Great Ouse Catchment Board (Magdalen Internal Drainage District) Order 1937(d) (“the 1937 Order”) and “The Magdalen Internal Drainage District” means the internal drainage district constituted by the 1937 Order, the boundaries of which were altered by the Scheme confirmed by the Great Ouse River Board (Alteration of Boundaries of the Magdalen Internal Drainage District) Order 1962(e).

“The Marshland Smeeth and Fen Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Great Ouse Catchment Board (Marshland Smeeth and Fen Internal Drainage District) Order 1937(f) (“the 1937 Order”) and “The Marshland Smeeth and Fen Internal Drainage District” means the internal drainage district constituted by the 1937 Order.

“The Wingland Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Nene Catchment Board (Wingland Internal Drainage District) Order 1938(g) (“the 1938 Order”) and “The Wingland Internal Drainage District” means the internal drainage district constituted by the 1938 Order, the boundaries of which were altered by the Schemes confirmed by the Orders set out in the Annex hereto.
3. (i) The West of Ouse Internal Drainage Board, the Gaywood Internal Drainage Board the Magdalen Internal Drainage Board, the Marshland Smeeth and Fen Internal Drainage Board and the Wingland Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;
- (ii) The West of Ouse Internal Drainage District, the Gaywood Internal Drainage District, the Magdalen Internal Drainage District, the Marshland Smeeth and Fen Internal Drainage District and the Wingland Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Kings Lynn Internal Drainage District” (hereinafter referred to as “the Internal Drainage District”);
- (iii) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Kings Lynn Internal Drainage Board” (hereinafter called “the Internal Drainage Board”)
4. The Internal Drainage Board shall consist of 15 elected members.
5. From the date of coming into force of the Scheme there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, all books of account, other books, deeds, maps, papers and other documents) as immediately before the date of coming into force of the Scheme were vested in or fell to be discharged by the Abolished Boards or any of them 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.

(a) S R & O 1944/ 638.

(b) S.I. 1982/501.

(c) S.I. 1985/505.

(d) S R & O 1937/852.

(e) S.I. 1962/454.

(f) S R & O 1937/853.

(g) S R & O 1938/314.

6. All arrears of rates made before the date of coming into force of the Scheme in respect of any land within the Internal Drainage District by the Abolished Boards or any of them, in respect of any periods ending before the coming into force of this scheme, may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.
7. All property and liabilities transferred to the Internal Drainage Board under paragraph 5 of this Scheme in respect of which immediately before such transfer some part only of the 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 levied only upon that part or parts of the Internal Drainage District; Provided that the Internal Drainage Board may, subject to the approval of the Environment Agency, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.
8. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignments, conveyance or deed of transfer whatsoever.
9. The accounts of each of the Abolished Boards shall be made up to the date of coming into force of this Scheme 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 come into force.

Annex

- (i) the Nene River Board (Alteration of Boundaries of the Wingland Internal Drainage District) Order 1953(a)
- (ii) the Nene River Board (Alteration of Boundaries of the Wingland Internal Drainage District) Order 1956(b)
- (iii) the Welland and Nene River Authority (Alteration of Boundaries of the Hundred of Wisbech and the Wingland Internal Drainage Districts) Order 1971(c)

DATED 26th day of November 2003

In witness whereof the Common Seal of the Environment Agency was hereunto affixed in the presence of:



R. C Navarro

Confirmation of Order

Whereas the foregoing Order has been published by the Secretary of State in accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991;

And whereas no memorial relating to the Order has been presented to the Secretary of State;

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

Signed by the authority of the Secretary of State,

Sarah Nason
A Senior Civil Servant in the

28th June 2004

Department for Environment, Food and Rural Affairs

(a) S.I. 1953/374.
(b) S.I. 1956/455.
(c) S.I. 1971/935.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms (with modification) a Scheme submitted by the Environment Agency for the abolition, on a day appointed by the Secretary of State, of the West of Ouse, Gaywood, Magdalen, Marshland Smeeth and Fen, and Wingland Internal Drainage Boards.

A new “King’s Lynn Internal Drainage Board” replaces these boards. The five former internal drainage districts are amalgamated to form the corresponding new internal drainage district.

Maps of the five internal drainage districts amalgamated by virtue of the Scheme are available for inspection during office hours at the offices of the King’s Lynn Consortium of Internal Drainage Boards, Kettlewell Lane, Kings Lynn, Norfolk PE30 1PW.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E0878 8/2004 140878 19585

ISBN 0-11-049452-0



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