

2004 No. 3423

LAND DRAINAGE

**The Abolition of the Houghton and Wyton Internal Drainage
District Order 2004**

Made - - - - - *25th October 2004*

Coming into force in accordance with article 1

Whereas the Environment Agency has prepared and submitted to the Secretary of State for confirmation under section 3(1) of the Land Drainage Act 1991 (hereinafter called “the 1991 Act”)(**a**) a Scheme (hereinafter called “the Scheme”) in relation to Houghton and Wyton Internal Drainage District, a copy of which is set out in Schedule 1 to this Order;

And whereas, in accordance with paragraph 2 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 the matters specified in paragraph 2(1)(b) and (c) of Schedule 3 to the 1991 Act to be published, and to be sent to the bodies mentioned in para 2(2) of Schedule 3 to the 1991 Act;

And whereas no objection has been made to the draft Order described in the notice of intention;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 3(5) and (7) of, and paragraph 3(2) of 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 Abolition of the Houghton and Wyton Internal Drainage District Order 2004 and shall, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act, come into force in accordance with that paragraph.

2.—(1) The Scheme as submitted by the Environment Agency (the provisions of which appear in Schedule 1 to this Order) is hereby confirmed, subject to the following modifications —

- (i) in the first paragraph, for the words “continuation” and “continuing” substitute the words “confirmation” and “confirming”, and insert a full stop at the end;
- (ii) in the second paragraph, after the words “constituted by the” insert the words “scheme confirmed by the”, and after “River” insert “Great”, and delete the comma after the words “referred to as “the Board””);
- (iii) in the third paragraph, after “due”, insert “to the Board”;
- (iv) in the fourth paragraph, after “coming into force”, insert “of this Scheme”;

(a) 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). See also section 3(4) for the duty of the Environment Agency to publish a notice stating that the Scheme has been submitted to the relevant Minister.

(b) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

- (v) in the fifth paragraph, after the words “to the Agency” and after the words “so transferred”, insert a comma; and
- (vi) in the sixth paragraph, for “any matter” substitute “anything”, and insert a comma after “this Scheme”.

(2) Schedule 2 to this Order sets out the Scheme as it has effect by virtue of paragraph (1) on its coming into force.

(3) The Houghton and Wyton Internal Drainage District constituted by the River Ouse Catchment Board (Houghton and Wyton Internal Drainage District) Order 1941(a) is revoked.

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,

Sarah Nason

A Senior Civil Servant in the

Department for Environment, Food and Rural Affairs

25th October 2004

SCHEDULE 1

Article 2(1)

SCHEME AS SUBMITTED BY THE ENVIRONMENT AGENCY

1. This Scheme shall come into force one month after the continuation of the Order continuing this Scheme.

2. The Houghton and Wyton Internal Drainage District constituted by the River Ouse Catchment Board (Houghton and Wyton Internal Drainage District) Order 1941 and the Drainage Board thereof (hereinafter referred to as “the Board”), shall be abolished and the rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of the foregoing, books of account, other books, deeds, maps and other documents) of the Board shall be transferred to the Agency.

3. The Accounts of the Board shall be made up to the date of coming into force of this Scheme and shall be audited in like manner and subject to the like incidents and consequences as if this Scheme had not come into force: provided that any sum certified by the Board’s auditors at any such audit as due from any person shall be paid to the Agency.

4. Any debts due from the Board immediately before the date of coming into force shall be discharged by the Agency and any arrears of rates outstanding at the date of coming into force shall be paid to, and be recoverable by, the Agency.

5. Any monies transferred to the Agency being the balance of drainage rates levied by the Board or any other assets so transferred shall be applied by the Agency as if the same were the proceeds of a general drainage charge levied by them under the provisions of Section 134 of the Water Resources Act 1991.

6. 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 or deed of transfer.

(a) SR & O 1941/1384.

DATED 31st day of December 2002

SCHEDULE 2

Article 2(2)

SCHEME AS CONFIRMED

1. This Scheme shall come into force one month after the confirmation of the Order confirming this Scheme.

2. The Houghton and Wyton Internal Drainage District constituted by the scheme confirmed by the River Great Ouse Catchment Board (Houghton and Wyton Internal Drainage District) Order 1941 and the Drainage Board thereof (hereinafter referred to as “the Board”) shall be abolished and the rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of the foregoing, books of account, other books, deeds, maps and other documents) of the Board shall be transferred to the Agency.

3. The Accounts of the Board shall be made up to the date of coming into force of this Scheme and shall be audited in like manner and subject to the like incidents and consequences as if this Scheme had not come into force: provided that any sum certified by the Board’s auditors at any such audit as due to the Board from any person shall be paid to the Agency.

4. Any debts due from the Board immediately before the date of coming into force of this Scheme shall be discharged by the Agency and any arrears of rates outstanding at the date of coming into force shall be paid to, and be recoverable by, the Agency.

5. Any monies transferred to the Agency, being the balance of drainage rates levied by the Board or any other assets so transferred, shall be applied by the Agency as if the same were the proceeds of a general drainage charge levied by them under the provisions of Section 134 of the Water Resources Act 1991.

6. As respects anything transferred under this Scheme, the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment or deed of transfer.

Confirmation of Order

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

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

And whereas paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991 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;

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,

4th January 2005

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

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, on a day appointed by the Secretary of State, of the Houghton and Wyton Internal Drainage District constituted by the River Ouse Catchment Board (Houghton and Wyton Internal Drainage District) Order 1941(SR & O 1941 No.1384) (“the 1941 Order”) and the drainage board thereof. With effect from the date on which it comes into force, the Scheme transfers all rights, property and obligations of the Houghton and Wyton Internal Drainage Board to the Environment Agency. This Order also revokes the 1941 Order.

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LAND DRAINAGE

**The Abolition of the Houghton and Wyton Internal Drainage
District Order 2004**

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