

2005 No. 2512

LAND DRAINAGE, ENGLAND

The River Deben Internal Drainage Board Order 2005

Made - - - - *5th July 2005*

Coming into force in accordance with article 1

Whereas under section 3(1) of the Land Drainage Act 1991 (“the 1991 Act”)(a) the Environment Agency has prepared and submitted to the Secretary of State for confirmation a Scheme (a copy of which is set out in Schedule 1 hereto) making provision for the abolition of the River Deben (Upper) Internal Drainage Board and the River Deben (Lower) Internal Drainage Board, the amalgamation of their respective drainage districts and the constitution of a new internal drainage board;

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 her by sections 3(5) and (7) of the 1991 Act and now vested in her (b), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the River Deben Internal Drainage Board Order 2005 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.

Confirmation of the Scheme with modifications

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 –

(a) in paragraph 2–

(i) after the definition of “the Commencement Date” insert –

““the New Board” means the board constituted by virtue of paragraph 3(3) of this Scheme;

(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).

“the New District” means the district constituted by virtue of paragraph 3(2) of this Scheme;”;

- (ii) in the definition of “Rights and Obligations of the Abolished Boards”, for “vested in and” substitute “vested in or”; and
- (iii) at the end of the definition of the River Deben (Lower) Internal Drainage Board, for the full stop substitute a semi-colon;
- (b) in paragraph 3(1), for the semi-colon substitute a full stop;
- (c) in paragraph 3(2), delete “(hereinafter referred to as “the Internal Drainage District”)”, and for the semi-colon substitute a full stop;
- (d) in paragraph 3(3), in the first line, for “Internal Drainage” substitute “New”, delete “(hereinafter called “the Internal Drainage Board”)” and, at the end, insert a full stop;
- (e) in paragraphs 4, 5 and 6, for every reference to “Internal Drainage” substitute “New”;
- (f) in paragraph 5, for “and Property of the Abolished Boards” substitute “of the Abolished Boards, and Property.”;
- (g) in paragraph 6, delete “in relation to the Occupier of any land within the Internal Drainage District”; and
- (h) in paragraph 8, for “and copies thereof shall be sent forthwith to the Internal Drainage” substitute “by the New”.

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

Secretary of State’s expenses

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,

5th July 2005

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

SCHEDULE 1

Article 2(1)

SCHEME AS 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 Abolished Boards” means the Boards abolished by virtue of paragraph 3 (1) of this Scheme;

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

“Property” means any property vested in either of the Abolished Boards immediately before the Commencement Date and includes books of account, other books, deeds, maps, papers and other documents;

“Rights and Obligations of the Abolished Boards” means all such rights, powers (including Statutory Powers) duties, obligations and liabilities, as immediately before the Commencement Date were vested in and fell to be discharged by either of the Abolished Boards;

“Statutory Powers” includes any power arising under or by virtue of any local Act or Order made under statutory authority;

“The River Deben (Lower) Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Lower) Internal Drainage District) Order 1933(a) (“the 1933 Order No. 1136”) as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Lower) Internal Drainage Board) Order 1934(b) and “The River Deben (Lower) Internal Drainage District” means the internal drainage district constituted by the 1933 Order No. 1136.

“The River Deben (Upper) Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Upper) Internal Drainage District) Order 1933(c) (“the 1933 Order No. 1142”) as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Upper) Internal Drainage Board) Order 1934(d) and “The River Deben (Upper) Internal Drainage District” means the internal drainage district constituted by the 1933 Order No. 1142.

3.—(1) The River Deben (Upper) Internal Drainage Board and the River Deben (Lower) Internal Drainage Board shall be abolished;

(2) The River Deben (Upper) Internal Drainage District and the River Deben (Lower) Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the River Deben Internal Drainage District” (hereinafter referred to as “the Internal Drainage District”);

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “ the River Deben Internal Drainage Board” (hereinafter called “the Internal Drainage Board”)

4. The Internal Drainage Board shall consist of 14 elected members.

5. From the Commencement Date there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all Rights and Obligations and Property of the Abolished Boards

6. All arrears of rates levied by the Abolished Boards before the Commencement Date in relation to the Occupier of any land within the Internal Drainage District in respect of any period ending before the Commencement Date may be recovered by the Internal Drainage Board, in the same manner as if they had been rates levied by the Internal Drainage Board.

7. As respects any thing 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.

8. The accounts of each of the Abolished Boards shall be made up to the Commencement Date and copies thereof shall be sent forthwith 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.

Dated 18th November 2004

(a) SR&O 1933 No 1136.
(b) SR&O 1934 No. 1344.
(c) SR&O 1933 No. 1142.
(d) SR&O 1934 No. 1345.

SCHEME AS CONFIRMED

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 Abolished Boards” means the Boards abolished by virtue of paragraph 3 (1) of this Scheme;

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

“the New Board” means the board constituted by virtue of paragraph 3(3) of this Scheme;

“the New District” means the district constituted by virtue of paragraph 3(2) of this Scheme;

“Property” means any property vested in either of the Abolished Boards immediately before the Commencement Date and includes books of account, other books, deeds, maps, papers and other documents;

“Rights and Obligations of the Abolished Boards” means all such rights, powers (including Statutory Powers) duties, obligations and liabilities, as immediately before the Commencement Date were vested in or fell to be discharged by either of the Abolished Boards;

“Statutory Powers” includes any power arising under or by virtue of any local Act or Order made under statutory authority;

“The River Deben (Lower) Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Lower) Internal Drainage District) Order 1933(a) (“the 1933 Order No. 1136”) as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Lower) Internal Drainage Board) Order 1934(b) and “The River Deben (Lower) Internal Drainage District” means the internal drainage district constituted by the 1933 Order No. 1136;

“The River Deben (Upper) Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Upper) Internal Drainage District) Order 1933(c) (“the 1933 Order No. 1142”) as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Deben (Upper) Internal Drainage Board) Order 1934(d) and “The River Deben (Upper) Internal Drainage District” means the internal drainage district constituted by the 1933 Order No. 1142.

3.—(1) The River Deben (Upper) Internal Drainage Board and the River Deben (Lower) Internal Drainage Board shall be abolished.

(2) The River Deben (Upper) Internal Drainage District and the River Deben (Lower) Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the River Deben Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “the River Deben Internal Drainage Board”.

4. The New Board shall consist of 14 elected members.

5. From the Commencement Date there shall be transferred to and be vested in or fall to be discharged by the New Board all Rights and Obligations of the Abolished Boards, and Property.

(a) SR&O 1933 No 1136.

(b) SR&O 1934 No. 1344.

(c) SR&O 1933 No. 1142.

(d) SR&O 1934 No. 1345.

6. All arrears of rates levied by the Abolished Boards before the Commencement Date in respect of any period ending before the Commencement Date may be recovered by the New Board, in the same manner as if they had been rates levied by the New Board.

7. As respects any thing 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.

8. The accounts of each of the Abolished Boards shall be made up to the Commencement Date by the New 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.

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;

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,

1st September 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 date one month after the confirmation of this Order, of the River Deben (Upper) Internal Drainage Board and the River Deben (Lower) Internal Drainage Board.

A new “River Deben Internal Drainage Board” replaces these boards. The two former internal drainage districts are amalgamated to form the corresponding new internal drainage district.

Maps of the two internal drainage districts amalgamated by virtue of the Scheme are available for inspection during office hours at the offices of the Environment Agency, at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough PE2 5ZR and Cobham Road, Ipswich, Suffolk IP3 9JE.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

STATUTORY INSTRUMENTS

2005 No. 2512

LAND DRAINAGE, ENGLAND

The River Deben Internal Drainage Board Order 2005

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1328 9/2005 151328T 19585

ISBN 0-11-073345-2



9 780110 733456