

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(1) (“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(2) 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(3) (“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(4) 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.

(1) SR&O 1933 No 1136.
(2) SR&O 1934 No. 1344.
(3) SR&O 1933 No. 1142.
(4) SR&O 1934 No. 1345.

Changes to legislation: There are currently no known outstanding effects for the The River Deben Internal Drainage Board Order 2005. (See end of Document for details)

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

SCHEDULE 2

Article 2(2)

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(5) (“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(6) and “The River Deben (Lower) Internal Drainage District” means the internal drainage district constituted by the [1933 Order No. 1136](#);

(5) [SR&O 1933 No 1136](#).

(6) [SR&O 1934 No. 1344](#).

“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(7) (“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(8) 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.

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.

(7) SR&O 1933 No. 1142.

(8) SR&O 1934 No. 1345.

Changes to legislation: There are currently no known outstanding effects for the The River Deben Internal Drainage Board Order 2005. (See end of Document for details)

Signed by the authority of the Secretary of State,

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

1st September 2005

Changes to legislation:

There are currently no known outstanding effects for the The River Deben Internal Drainage Board Order 2005.