

2005 No. 2725

LAND DRAINAGE, ENGLAND

The North Somerset Internal Drainage Board Order 2005

Made - - - - *8th August 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 North Somerset Internal Drainage Board and the Gordano Valley 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, and paragraph 3(2) of Schedule 3 to, 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 North Somerset 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) in the definition of “the New District”, for “scheme” substitute “Scheme”; and
 - (ii) in the definition of “the 1933 Order”, after “Order 1933” insert a footnote reference “(a)” with a corresponding footnote at the bottom of the page stating “(a) SR&O 1933 No. 34.”;

(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).

- (b) in paragraph 3(1), after “Gordano Valley Internal Drainage Board”, insert “shall”, and at the end, for the semi-colon, substitute a full stop;
- (c) in paragraph 3(2), at the end, for the semi-colon, substitute a full stop;
- (d) in paragraph 3(3), at the end, insert a full stop;
- (e) in paragraph 6, delete “in relation to the occupier of any land within the New District” and, after “levied”, insert a comma; and
- (f) in paragraph 8, for “and copies thereof shall be sent forthwith to” substitute “by”.

(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,

8th August 2005

Sarah Nason
A Senior Civil Servant
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 the 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 this 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” includes books of accounts, 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, liabilities and property as immediately before the commencement date were vested in or fell to be discharged by any 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 1933 Order” means the Somerset Rivers Catchment Board (Gordano Valley, North Somerset, West Mendip, Upper Axe, Lower Axe and Upper Brue Internal Drainage District) Order 1933;

“The North Somerset Internal Drainage Board” except when referred to in clause 3(3) below means the internal drainage board constituted by the Scheme confirmed by the 1933 Order and “The North Somerset Internal Drainage District” means the internal drainage district constituted by that Scheme;

“The Gordano Valley Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed in the 1933 Order and “The Gordano Valley Internal Drainage District” means the internal drainage district constituted by that Scheme.

3.—(1) The North Somerset Internal Drainage Board and the Gordano Valley Internal Drainage Board be abolished;

(2) The North Somerset Internal Drainage District and the Gordano Valley Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the North Somerset (2005) Internal Drainage District”;

(3) There shall be constituted for the New District an internal drainage board to be known as “the North Somerset (2005) Internal Drainage Board”

4. The New Board shall consist of 15 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 to the appropriate extent all such rights, and obligations of the Abolished Boards; and for this purpose “the appropriate extent”, in relation to the New Board, means in so far as such rights and obligations specifically relate to or (in the case of land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the New Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the New District in respect of any period ending before the commencement date may, in so far as levied in relation to an occupier of land within the New District be recovered by the New Board in the same manner as if they had been rates levied by the Internal Drainage Board in question.

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 date of commencement and copies thereof shall be sent forthwith to 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.

DATED 22nd day of December 2004

SCHEME AS CONFIRMED

1. This Scheme shall come into force one month after the date of confirmation of the Order confirming the 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 this 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” includes books of accounts, 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, liabilities and property as immediately before the commencement date were vested in or fell to be discharged by any 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 1933 Order” means the Somerset Rivers Catchment Board (Gordano Valley, North Somerset, West Mendip, Upper Axe, Lower Axe and Upper Brue Internal Drainage District) Order 1933(a);

“The North Somerset Internal Drainage Board” except when referred to in clause 3(3) below means the internal drainage board constituted by the Scheme confirmed by the 1933 Order and “The North Somerset Internal Drainage District” means the internal drainage district constituted by that Scheme;

“The Gordano Valley Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed in the 1933 Order and “The Gordano Valley Internal Drainage District” means the internal drainage district constituted by that Scheme.

3.—(1) The North Somerset Internal Drainage Board and the Gordano Valley Internal Drainage Board shall be abolished.

(2) The North Somerset Internal Drainage District and the Gordano Valley Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the North Somerset (2005) Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “the North Somerset (2005) Internal Drainage Board”.

4. The New Board shall consist of 15 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 to the appropriate extent all such rights, and obligations of the Abolished Boards and property; and for this purpose “the appropriate extent”, in relation to the New Board, means in so far as such rights and obligations specifically relate to or (in the case of

(a) SR&O 1933 No. 34.

land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the New Board.

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, in so far as levied, be recovered by the New Board in the same manner as if they had been rates levied by the Internal Drainage Board in question.

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 date of commencement 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.

DATED 22nd day of December 2004

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 October 2005

Sarah Nason
A Senior Civil Servant
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 North Somerset Internal Drainage Board and the Gordano Valley Internal Drainage Board.

A new board, known as “the North Somerset (2005) Internal Drainage Board” replaces these boards. The two former 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 North Somerset and Gordano Valley Internal Drainage Boards, Mendip View Farm, Kingston Seymour, Clevedon, Somerset BS21 6XH, and The Environment Agency, Exminster House, Miller Way, Exeter, Devon EX6 8AS.

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

2005 No. 2725

LAND DRAINAGE, ENGLAND

The North Somerset Internal Drainage Board Order 2005

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