

2005 No. 3601

LAND DRAINAGE, ENGLAND

The North Level Internal Drainage Board Order 2005

Made - - - - 2nd December 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 Level Internal Drainage Board and the Westside Marshes 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 to the 1991 Act;

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

Now therefore, the Secretary of State, in exercise of the powers conferred 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 Level 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 “Property”, for “account” substitute “accounts”;
 - (ii) in the definition of “Rights and Obligations of the Abolished Boards”, insert a comma after “(including Statutory Powers)”;

(a) 1991 c.59; “the relevant Minister” is defined in section 72(1). References to the National River 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 (S.I. 2002/794).

(iii) in the definition of “The North Level Internal Drainage Board”, in the first line delete the comma after “The North Level Internal Drainage Board”, and for “amended” substitute “reconstituted by the Scheme confirmed by”; and

(b) in paragraph 5, at the end, insert a full stop.

(2) Schedule 2 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,

Sarah Nason
A Senior Civil Servant

2nd December 2005

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;

“the Map” means the map dated May 2005 entitled “The North Level District Internal Drainage District: Electoral Divisions”;

“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;

“Schedule” means the schedule to this Scheme;

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

“The North Level Internal Drainage Board”, means the internal drainage board constituted by the Scheme confirmed by The Welland and Nene River Authority (North Level Internal Drainage District) Order 1972 (SI 1973 No. 481) as amended by The National Rivers Authority (Anglian Region) (Reconstitution of the North Level Internal Drainage Board) Order 1992 (SI 1993 No. 454), and “the North Level Internal Drainage District” means the internal drainage district constituted by that Scheme; and

“The Westside Marshes Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Nene Catchment Board (Westside Marshes Internal Drainage District) Order 1939 (SR & O 1939 No. 271), and “the Westside Marshes Internal Drainage District” means the internal drainage district constituted by that Scheme.

3.—(1) The North Level Internal Drainage Board and the Westside Marshes Internal Drainage Board shall be abolished.

(2) The North Level Internal Drainage District and the Westside Marshes Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the North Level District Internal Drainage District”.

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

4.—(1) The New Board shall consist of 14 elected members who, with the exception of the first members, shall be elected in accordance with the provisions of section 1 of, and Schedule 1 to, the Land Drainage Act 1991. The first members of the New Board shall be persons appointed by the Secretary of State and shall hold office until the expiration of one year from the first day of November next following the day on which they are appointed.

(2) The New District shall be divided into three Electoral Divisions as specified in the first column of the Schedule and as defined in the second column by reference to the Map and the number of members by which each such division shall be represented shall be as provided in the third column of the Schedule.

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

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.

Dated 26th May 2005

THE SCHEDULE

Electoral Divisions	Defined on the Map	Number of Members
North Level Western District	In red	7
North Level Eastern District	In yellow	6
Westside Marshes District	In blue	1

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 Map” means the map dated May 2005 entitled “The North Level District Internal Drainage District: Electoral Divisions”;

“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 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 and liabilities as immediately before the Commencement Date were vested in or fell to be discharged by either of the Abolished Boards;

“Schedule” means the schedule to this Scheme;

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

“The North Level Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by The Welland and Nene River Authority (North Level Internal Drainage District) Order 1972 (SI 1973 No. 481) as reconstituted by the Scheme confirmed by The National Rivers Authority (Anglian Region) (Reconstitution of the North Level Internal Drainage Board) Order 1992 (SI 1993 No. 454), and “the North Level Internal Drainage District” means the internal drainage district constituted by that Scheme; and

“The Westside Marshes Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Nene Catchment Board (Westside Marshes Internal Drainage District) Order 1939 (SR & O 1939 No. 271), and “the Westside Marshes Internal Drainage District” means the internal drainage district constituted by that Scheme.

3.—(1) The North Level Internal Drainage Board and the Westside Marshes Internal Drainage Board shall be abolished.

(2) The North Level Internal Drainage District and the Westside Marshes Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the North Level District Internal Drainage District”.

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

4.—(1) The New Board shall consist of 14 elected members who, with the exception of the first members, shall be elected in accordance with the provisions of section 1 of, and Schedule 1 to, the Land Drainage Act 1991. The first members of the New Board shall be persons appointed by the Secretary of State and shall hold office until the expiration of one year from the first day of November next following the day on which they are appointed.

(2) The New District shall be divided into three Electoral Divisions as specified in the first column of the Schedule and as defined in the second column by reference to the Map and the number of members by which each such division shall be represented shall be as provided in the third column of the Schedule.

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

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.

Dated 26th May 2005

THE SCHEDULE

Electoral Divisions	Defined on the Map	Number of Members
North Level Western District	In red	7
North Level Eastern District	In yellow	6
Westside Marshes District	In blue	1

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,

10th January 2006

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 Level Internal Drainage Board and the Westside Marshes Internal Drainage Board.

A new board, known as “the North Level District Internal Drainage Board” replaces these boards. The two former drainage districts are amalgamated to form the corresponding new internal drainage district.

A map of the two internal drainage districts amalgamated by virtue of the Scheme is available for inspection during office hours at the offices of the Environment Agency at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, Cambridgeshire PE2 5ZR and Waterside House, Waterside North, Lincoln, Lincolnshire LN2 5HA.

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

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LAND DRAINAGE, ENGLAND

The North Level Internal Drainage Board Order 2005

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