
STATUTORY INSTRUMENTS

2012 No. 1027

LAND DRAINAGE, ENGLAND

The Doncaster East Internal Drainage Board Order 2012

Made - - - - 10th February 2012

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991⁽¹⁾, the Environment Agency has prepared a Scheme making provision for matters specified in section 3(2)(b), (d) and (f) of that Act.

In accordance with section 3(1) of that Act, the Environment Agency has submitted the Scheme to the Secretary of State for confirmation.

The Secretary of State has published a notice of intent to make the following Order confirming the Scheme in accordance with paragraph 2(1) of Schedule 3 to that Act. The Secretary of State has sent this notice to the relevant local authorities and other bodies specified in paragraph 2(2) of that Schedule.

No objection has been made to the draft Order.

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by section 3(5) and (7) of that Act and now vested in the Secretary of State⁽²⁾.

Citation and commencement

1. This Order may be cited as the Doncaster East Internal Drainage Board Order 2012 and, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, comes into force in accordance with that paragraph.

Confirmation of the Scheme

- 2.—(1) The Scheme submitted by the Environment Agency is confirmed.
(2) The Scheme is set out in the Schedule to this Order.

Secretary of State's expenses

3. The expenses of the Secretary of State in connection with the making and confirmation of this Order must be borne by the Environment Agency.

(1) 1991 c. 59; "the relevant Minister" is defined in section 72(1). References to the National River Authority were replaced with references to the Environment Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25).
(2) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

10th February 2012

Carol Tidmarsh
A Civil Servant, for and on behalf of the
Secretary of State for Environment, Food and
Rural Affairs

SCHEDULE

Article 2(2)

2011 Scheme for the amalgamation of the Armthorpe, Ashfields and West Moor, Corporation of the Level of Hatfield Chase, Finningley, Potteric Carr, Tickhill and Tween Bridge Internal Drainage Districts submitted by the Environment Agency

1. This Scheme comes into force on the day after the day on which the Order confirming this Scheme is confirmed.

2. In this Scheme—

“the abolished boards” means the Armthorpe Internal Drainage Board, the Ashfields and West Moor Internal Drainage Board, the Corporation of the Level of Hatfield Chase Internal Drainage Board, Finningley Internal Drainage Board, the Potteric Carr Internal Drainage Board, the Tickhill Drainage Board and the Tween Bridge Internal Drainage Board;

“the Armthorpe Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Trent Catchment Board (Armthorpe Internal Drainage District) Order 1932(3) and “the Armthorpe Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed;

“the Ashfields and West Moor Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Severn-Trent Water Authority (Ashfields and West Moor Internal Drainage District) Order 1982(4) and “the Ashfields and West Moor Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed;

“the commencement date” means the date on which this Scheme comes into force;

“the Corporation of the Level of Hatfield Chase Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Level of Hatfield Chase Act 1862(5) and reconstituted by the scheme confirmed by the Severn-Trent Water Authority (Reconstitution of the Corporation of the Level of Hatfield Chase) Order 1987(6) and “the District of the Corporation of the Level of Hatfield Chase” means the internal drainage district constituted by the Level of Hatfield Chase Act 1862 scheme, as confirmed;

“the Finningley Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Trent River Board (Finningley Internal Drainage District) Order 1955(7) and “the Finningley Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed;

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

“property” means, in relation to any of the abolished boards, any property which is vested in that abolished board immediately before the commencement date and includes books of account, other books, deeds, maps, papers and other documents, in whatever medium held, and computer and other electronic records;

“the Potteric Carr Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by An Act for dividing and inclosing certain pieces or parcels of land in the parishes of Doncaster and Cantley and for draining and preserving the said lands and also several other lands and grounds in the several parishes of Rossington and Wadworth in the West Riding of the County of York (“the Act of 1765”)(8), amended by a scheme confirmed by

(3) S.R. & O. 1932/286.

(4) S.I. 1982/1758.

(5) 1862 c.cx1 (25 & 26 Vict.).

(6) S.I. 1987/1928.

(7) S.I. 1955/1136.

(8) 1765 (5 Geo 3).

Status: This is the original version (as it was originally made).

the River Trent Catchment Board (Potteric Carr Internal Drainage District) Order 1943⁽⁹⁾ and “the Potteric Carr Internal Drainage District” means the internal drainage district constituted by the Act of 1765 scheme, as confirmed;

“rights and obligations” means, in relation to any of the abolished boards, all rights, powers (including statutory powers), duties, obligations and liabilities which are vested in or which fall to be discharged by that abolished board immediately before the commencement date;

“the Tickhill Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Doncaster District (Tickhill) Drainage District Order 1931⁽¹⁰⁾ and “the Tickhill Drainage District” means the internal drainage district constituted by that scheme, as confirmed; and

“the Tween Bridge Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Trent Catchment Board (Tween Bridge Internal Drainage District) Order 1933⁽¹¹⁾ and “the Tween Bridge Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed.

3.—(1) The Armthorpe Internal Drainage Board, the Ashfields and West Moor Internal Drainage Board, the Corporation of the Level of Hatfield Chase Internal Drainage Board, the Finningley Internal Drainage Board, the Potteric Carr Internal Drainage Board, the Tickhill Drainage Board and the Tween Bridge Internal Drainage Board are abolished.

(2) The Armthorpe Internal Drainage District, the Ashfields and West Moor Internal Drainage District, the District of the Corporation of the Level of Hatfield Chase, Finningley Internal Drainage District, the Potteric Carr Internal Drainage District, the Tickhill Drainage District and the Tween Bridge Internal Drainage District are amalgamated and are reconstituted as one internal drainage district to be known as “the Doncaster East Internal Drainage District”.

(3) A new internal drainage board to be known as “the Doncaster East Internal Drainage Board” is constituted for the Doncaster East Internal Drainage District.

4. The new Board is to consist of 12 elected members elected in accordance with the provisions made by or under Schedule 1 to the Land Drainage Act 1991.

5. As from the commencement date, all property and rights and obligations of the abolished boards are transferred to and vested in, or fall to be discharged by, the new Board.

6. All arrears of rates owed to 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. This Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyance or deed of transfer.

8. The accounts of each of the abolished boards must be made up to the day before the commencement date by the new Board and audited as if this Scheme had not come into force.

Dated 21 June 2011

Confirmation of Order

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 (“the 1991 Act”), the Secretary of State has published this Order and a notice complying with paragraph 4(2) of Schedule 3 to the 1991 Act.

No memorial relating to the Order has been presented to the Secretary of State.

⁽⁹⁾ S.R. & O. 1943/665.

⁽¹⁰⁾ S.R. & O. 1931/815.

⁽¹¹⁾ S.R. & O. 1933/842.

Paragraph 5(1) of Schedule 3 to the 1991 Act 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.

Accordingly, the Secretary of State confirms the Order in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act.

31st March 2012

Lewis Baker
A Civil Servant, for and on behalf of the
Secretary of State for Environment, Food and
Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Environment Agency making provision for—

- (a) the amalgamation of the Armthorpe Internal Drainage District, the Ashfields and West Moor Internal Drainage District, the District of the Corporation of the Level of Hatfield Chase, the Finningley Internal Drainage District, the Potteric Carr Internal Drainage District, the Tickhill Drainage District and the Tween Bridge Internal Drainage District (“the former districts”);
- (b) the reconstitution of the former districts as the Doncaster East Internal Drainage District (“the reconstituted district”);
- (c) the abolition of the internal drainage boards for the former districts; and
- (d) the constitution of the Doncaster East Internal Drainage Board for the reconstituted district.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.