

**2011 No. 814**

**LAND DRAINAGE, ENGLAND**

**The Drysides Internal Drainage District and Whittlesey Internal  
Drainage District (Amalgamation) Order 2010**

*Made* - - - - *16th November 2010*

*Coming into force in accordance with article 1*

Under section 3(1)(a) of the Land Drainage Act 1991 (“the Act”)(a), the Environment Agency has prepared a Scheme, entitled the “2009 Scheme for the Amalgamation of the Drysides and Whittlesey Internal Drainage Districts submitted by the Environment Agency”, dated 1st February 2010(b). This scheme makes provision for the amalgamation of the Drysides Internal Drainage Board and the Whittlesey Internal Drainage Board and the Internal Drainage Districts under the jurisdiction of those internal drainage boards.

In accordance with section 3(1) of the 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 (with such modifications as appear to the Secretary of State to be desirable) in accordance with paragraph 2 of Schedule 3 to the Act. No objection has been made to the draft Order.

Accordingly, the Secretary of State, in whom the powers conferred by sections 3(5) and (7) and paragraph 3(2) of Schedule 3 of the Act are now vested(c), makes the following Order in exercise of those powers:

**Citation and commencement**

1. This Order may be cited as the Drysides Internal Drainage District and the Whittlesey Internal Drainage District (Amalgamation) Order 2010 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 with modifications**

2.—(1) The Scheme, as submitted by the Environment Agency, is confirmed with modifications.

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(a) 1991 c. 59

(b) Powers to prepare and submit a scheme for the reorganisation of internal drainage districts to the relevant minister were originally exercisable by the National Rivers Authority. These powers were transferred to the Environment Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25).

(c) The “relevant Minister” is defined in section 72(1) of the Land Drainage Act 1991 as the “Minister of Agriculture, Fisheries and Food”, whose functions were transferred to the Secretary of State for Environment by virtue of of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(2) The Scheme, as modified by the Secretary of State, 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 will be borne by the Environment Agency.

16th November 2010

*Grant Horsburgh*  
A Civil Servant, for and on behalf of the  
Secretary of State for Environment, Food and Rural Affairs

## SCHEDULE

Article 2(2)

### 2009 SCHEME FOR THE AMALGAMATION OF THE DRYSIDES AND WHITTLESEY INTERNAL DRAINAGE DISTRICTS SUBMITTED BY THE ENVIRONMENT AGENCY, AS MODIFIED BY THE SECRETARY OF STATE

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 Drysides Internal Drainage Board and the Whittlesey Internal Drainage Board;

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

“the Drysides Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Great Ouse Catchment Board (Drysides Internal Drainage District) Order 1945(a) and “the Drysides 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 either 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;

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

“the Whittlesey Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Amalgamation of the Whittlesey and Whittlesey Fifth Internal Drainage Districts Order 2001(b) and “the Whittlesey Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed.

3. —(1) The Drysides Internal Drainage Board and the Whittlesey Internal Drainage Board are abolished.

(2) The Drysides Internal Drainage District and the Whittlesey Internal Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as “the Whittlesey and District Internal Drainage District”

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

4. The new Board is to consist of 15 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.

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(a) S. R. & O. 1945 No. 569.

(b) S.I. 2001/4115.

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. 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 1st February 2010

### **Confirmation of Order**

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 (“the Act”), the Secretary of State has published the foregoing Order.

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

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

*Grant Horsburgh*

A Civil Servant, for and on behalf of the

Secretary of State for Environment, Food and Rural Affairs

1st March 2011

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confirms (with modifications) a Scheme submitted by the Environment Agency entitled the “2009 Scheme for the Amalgamation of the Drysides and Whittlesey Internal Drainage Districts submitted by the Environment Agency”, dated 1st February 2010.

The scheme abolishes the Drysides Internal Drainage Board and the Whittlesey Internal Drainage Board and amalgamates the Drysides Internal Drainage District and the Whittlesey Internal Drainage District into one internal drainage district to be known as the Whittlesey and District Internal Drainage District.

A new internal drainage board to be known as “the Whittlesey and District Internal Drainage Board” is constituted for the Whittlesey and District Internal Drainage District.

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

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STATUTORY INSTRUMENTS

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£4.00