

2012 No. 1024

LAND DRAINAGE, ENGLAND

The Axe Brue Internal Drainage Board Order 2012

Made - - - - *10th January 2012*

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991(a), the Environment Agency has prepared a Scheme making provision for the amalgamation of the Lower Axe Drainage District, the Upper Axe Drainage District, the Lower Brue Drainage District and the Upper Brue Drainage District.

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(b):

Citation and commencement

1. This Order may be cited as the Axe Brue 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.

(a) 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).

(b) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

10th January 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)

SCHEME 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 Lower Axe District Board, the Upper Axe District Board, the Lower Brue District Board and the Upper Brue District Board;

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

“the Lower Axe District Board” means the internal drainage board constituted by the Order of the Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877(a) and “the Lower Axe Drainage District” means the internal drainage district constituted by that Order;

“the Lower Brue District Board” means the internal drainage board constituted by the Order of the Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and “the Lower Brue Drainage District” means the internal drainage district constituted by that Order;

“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;

“rights and obligations” means, in relation to any 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;

“the Upper Axe District Board” means the internal drainage board constituted by the Order of the Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and “the Upper Axe Drainage District” means the internal drainage district constituted by that Order; and

“the Upper Brue District Board” means the internal drainage board constituted by the Order of the Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and “the Upper Brue Drainage District” means the internal drainage district constituted by that Order.

3.—(1) The Lower Axe District Board, the Upper Axe District Board, the Lower Brue District Board and the Upper Brue District Board are abolished.

(2) The Lower Axe Drainage District, the Upper Axe Drainage District, the Lower Brue Drainage District and the Upper Brue Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as “the Axe Brue Internal Drainage District”.

(a) dated 9th March 1881.

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

4. The new Board is to consist of 28 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 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 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 24 August 2010

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 the foregoing 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.

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 for the amalgamation of the Lower Axe Drainage District, the Upper Axe Drainage District, the Lower Brue Drainage District and the Upper Brue Drainage District into one new internal drainage district (“the Axe Brue Internal Drainage District”). The Lower Axe District Board, the Upper Axe District Board, the Lower Brue District Board and the Upper Brue District Board are abolished and a new internal drainage board (“the Axe Brue Internal Drainage Board”) is constituted for the new internal drainage district.

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

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