

2012 No. 1029

LAND DRAINAGE, ENGLAND

**The North Level District (2010) 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 Wash Lands and the North Level District Internal 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 (with modifications) 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 North Level District (2010) 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 with modifications

- 2.—(1) The Scheme submitted by the Environment Agency is confirmed with modifications.
(2) The Scheme, as modified by the Secretary of State, is set out in the Schedule to this Order.

(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).

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.

Carol Tidmarsh

A Civil Servant, for and on behalf of the

Secretary of State for Environment, Food and Rural Affairs

10th January 2012

SCHEDULE

Article 2(2)

SCHEME 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 Commissioners of the Nene Wash Lands and the North Level District Internal Drainage Board;

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

“the Map” means the map dated 12 August 2010 entitled “The North Level District (2010) Internal Drainage District: Electoral Divisions”;

“The Commissioners of the Nene Wash Lands” means the commissioners incorporated under section 40 of the Nene Valley Act 1862(a);

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

“the North Level District Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the North Level Internal Drainage Board Order 2005(b) and “the North Level District Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed, the boundaries of which were altered by the scheme confirmed by the North Level District Internal Drainage District and the South Holland Internal Drainage District (Alteration of Boundaries) Order 2009(c);

“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 (including statutory powers and 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 Wash Lands” means the internal drainage board distinguished “as the Wash Lands” in section 84 of the Nene Valley Drainage and Navigation Improvement Act 1852(d), and amended by article 5 and article 6 of the River Nene Catchment Board (Transfer of Main

(a) 25 & 26 VICT. Cap clxiv.

(b) S.I. 2005/3601.

(c) S.I. 2009/1170.

(d) 15 & 16 VICT. Cap. cxxvii.

River) Scheme, 1932 confirmed by the Order made by the Minister of Agriculture and Fisheries dated the 24th October 1932.

3.—(1) The Commissioners of the Nene Wash Lands and the North Level District Internal Drainage Board are abolished.

(2) The Wash Lands and the North Level District Internal Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as “the North Level District (2010) Internal Drainage District”.

(3) A new internal drainage board to be known as “the North Level District (2010) Internal Drainage Board” is constituted for the North Level District (2010) Internal Drainage District.

4.—(1) The new Board is to consist of 14 elected members elected in accordance with the provisions made by or under Schedule 1 to the Land Drainage Act 1991.

(2) The North Level District (2010) Internal Drainage District is divided into 2 Electoral Divisions as specified in the first column of the table below and as defined in the second column by reference to the Map, and the number of members by which each Electoral Division is to be represented is provided in the third column of the table.

Electoral Divisions	Defined on the Map	Number of Members
North Level Western District	In Pink	8
North Level Eastern District	In Blue	6

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 1 September 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 Wash Lands and the North Level District Internal Drainage District into one new internal drainage district (“the North Level District (2010) Internal Drainage District”). The Commissioners of the Nene Wash Lands and the North Level District Internal Drainage Board are abolished and a new internal drainage board (“the North Level District (2010) 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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£4.00

E3193 04/2012 123193T 19585

ISBN 978-0-11-152348-3



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