

2012 No. 1032

LAND DRAINAGE, ENGLAND

The Trent Valley 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(a), 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(b).

Citation and commencement

1. This Order may be cited as the Trent Valley 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).

Carol Tidmarsh

A civil servant, for and on behalf of the

Secretary of State for Environment, Food and Rural Affairs

10th February 2012

SCHEDULE

Article 2(2)

2011 Scheme for the amalgamation of the Fairham Brook, Kingston Brook, Laneham and Newark Area 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 Fairham Brook Internal Drainage Board, the Kingston Brook Internal Drainage Board, Laneham Internal Drainage Board and the Newark Area Internal Drainage Board;

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

“the Fairham Brook Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Trent Catchment Board (Fairham Brook Internal Drainage District) Order 1937 (“the 1937 Order”)(a) and “the Fairham Brook Internal Drainage District” means the internal drainage district constituted by the 1937 Order and the boundaries of which were altered by the scheme confirmed by the Trent River Authority (Alteration of Boundaries of the Fairham Brook Internal Drainage District) Order 1967(b), as confirmed;

“the Kingston Brook Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Trent Catchment Board (Kingston Brook Internal Drainage District) Order 1948(c) and “the Kingston Brook Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed;

“the Laneham Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by An Act for embanking drainage and preserving certain Low Grounds in the Parishes or Townships of Laneham, Rampton, Treswell, South Leverton, North Leverton, Hablesthorpe otherwise Apesthorpe, Littlebrough, Sturton, Fenton, and West Burton in the County of Nottingham (“the Act of 1769”)(d), as amended by the scheme confirmed by An Act for amending and rendering more effectual an Act, of the ninth year of His present Majesty for embanking draining and preserving certain Low Grounds in the Parish of Laneham, and other Parishes and Places therein mentioned in the County of Nottingham(e), as amended by the scheme confirmed by the River Trent Catchment Board (Laneham Internal Drainage District) Order 1934(f) and reconstituted by the scheme confirmed by the River Trent Catchment Board (Laneham Internal Drainage District) Order 1936 (“the 1936 Order”)(g) and “the Laneham Internal Drainage District” means the internal drainage district constituted by the Act of 1769 and the boundaries of which were altered by the scheme confirmed by the 1936 Order, as confirmed;

(a) S.R. & O. 1937/1050.

(b) S.I. 1967/1415.

(c) S.I. 1948/2278 and 1948/2279.

(d) 1769 c. civ (9 Geo 3).

(e) 1810 c. xxxi (50 Geo 3).

(f) S.R. & O. 1934/565.

(g) S.R. & O. 1936/260.

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

“the Newark Area Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Trent Catchment Board (Newark Area Internal Drainage District) Order 1949 (“the 1949 Order”)(a) and reconstituted by the National Rivers Authority (Severn-Trent Region) (Reconstitution of the Newark Area Internal Drainage Board) Order 1993(b) and “the Newark Area Internal Drainage District” means the internal drainage district constituted by the 1949 Order, as confirmed;

“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; and

“rights and obligations” means, in relation to any 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 board immediately before the commencement date.

3.—(1) The Fairham Brook Internal Drainage Board, the Kingston Brook Internal Drainage Board, the Laneham Internal Drainage Board and the Newark Area Internal Drainage Board are abolished.

(2) The Fairham Brook Internal Drainage District, the Kingston Brook Internal Drainage District, the Laneham Internal Drainage District and the Newark Area Internal Drainage District are amalgamated and reconstituted as one internal drainage district to be known as “the Trent Valley Internal Drainage District”.

(3) A new internal drainage board to be known as “the Trent Valley Internal Drainage Board” is constituted for the Trent Valley 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 18 August 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.

(a) S.I. 1949/1173 and 1949/1174, amended by S.I. 1974/1536, 1974/1537, 1980/1229 and 1986/1919.

(b) S.I. 1993/829.

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 Fairham Brook Internal Drainage District, the Kingston Brook Internal Drainage District, the Laneham Internal Drainage District and the Newark Area Internal Drainage District (“the former districts”);
- (b) the reconstitution of the former districts as the Trent Valley Internal Drainage District (“the reconstituted district”);
- (c) the abolition of the internal drainage boards for the former districts; and
- (d) the constitution of the Trent Valley 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.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00

E3187 04/2012 123187T 19585

