

1999 No. 497

LAND DRAINAGE

**The Amalgamation of the Hilgay Great West Fen and
Southery and District Internal Drainage Districts Order 1998**

Made - - - - 19th November 1998

Coming into force 26th February 1999

Whereas the Environment Agency has prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called “the Minister”) under section 3(1) of the Land Drainage Act 1991 (hereinafter called “the 1991 Act”)(a) a Scheme (hereinafter called “the Scheme”) in relation to the Hilgay Great West Fen Internal Drainage District, the Southery and District Internal Drainage District and the Internal Drainage Boards for these Districts, a copy of which is set out in the Schedule hereto;

And whereas the Minister has caused a notice of his intention to make the following Order confirming the Scheme and the places where copies of the draft Order may be inspected and obtained to be published, and to be sent to local authorities and other bodies, in accordance with paragraph 2 of Schedule 3 to the 1991 Act;

And whereas no objection has been made to the draft Order;

Now, therefore, the Minister, in exercise of the powers conferred upon him by section 3(5) and (7) of the 1991 Act and all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Amalgamation of the Hilgay Great West Fen and Southery and District Internal Drainage Districts Order 1998 and shall, unless subject to special Parliamentary procedure, come into force on the date of its confirmation by the Minister, in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act.

2. The Scheme is hereby confirmed.

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Environment Agency.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th November 1998.



J.R. Park
Assistant Secretary

(a) 1991 c. 59; “the relevant Minister” is defined in section 72(1). References to the NRA were replaced with references to the Environment Agency by the Environment Act 1995 (c. 25), Schedule 22, paragraph 191.

SCHEDULE
SCHEME SUBMITTED BY THE ENVIRONMENT AGENCY

1. This Scheme shall come into force one month after the date of confirmation of the Order confirming this Scheme.

2. In this Scheme unless the context otherwise requires—

“The Hilgay Great West Fen Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the Anglian Water Authority (Hilgay Great West Fen Internal Drainage District) Order 1985 (S.I. 1985 No. 1393) and “the Hilgay Great West Fen Internal Drainage District” means the internal drainage district constituted by that Scheme.

“The Southery and District Internal Drainage Board” means except in paragraph 3(iii) below the internal drainage board constituted by the scheme confirmed by the Anglian Water Authority (Southery and District Internal Drainage District) Order 1981 (S.I. 1982 No. 290) and “the Southery and District Internal Drainage District” means the internal drainage district constituted by that Scheme the boundaries of which were altered by the Scheme confirmed by the Anglian Water Authority (Alteration of Boundaries of the Southery and District Internal Drainage District) Order 1984 (S.I. 1984 No. 462).

3. (i) The Hilgay Great West Fen Internal Drainage Board and the Southery and District Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;

(ii) The Hilgay Great West Fen Internal Drainage District and the Southery and District Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Southery and District Internal Drainage District” (hereinafter referred to as “the Internal Drainage District”);

(iii) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Southery and District Internal Drainage Board” (hereinafter called “the Internal Drainage Board”).

4. (i) The Internal Drainage Board shall consist of 15 elected members.

5. From the date of coming into force of the Scheme there shall be transferred to and be vested in or fall to be discharged by the Internal Drainage Board all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, all books of account, other books, deeds, maps, papers and other documents) as immediately before the date of coming into force of the Scheme were vested in or fell to be discharged by the Abolished Boards or any of them including (but without prejudice to the generality of the foregoing) all powers vested in or to be discharged by them under or by virtue of any local Act or Order made under statutory authority.

6. All arrears of rates made before the date of coming into force of the Scheme in respect of any land within the Internal Drainage District by the Abolished Boards or any of them, in respect of any periods ending before the coming into force of this Scheme, may be recovered by the Internal Drainage Board in the same manner as if they had been rates made by the Internal Drainage Board.

7. All property and liabilities transferred to the Internal Drainage Board under paragraph 5 of this Scheme in respect of which immediately before such transfer some part only of the Internal Drainage District was entitled to receive the benefit or was liable shall, as to any income or expenditure arising therefrom (whether of a capital or of a revenue nature), be applied to the benefit of or, as the case may be, be a charge upon the rates levied only upon that part or parts of the Internal Drainage District; provided that the Internal Drainage Board may, subject to the approval of the Environment Agency, apply the value of the property and charge the liabilities transferred under this Scheme to or upon the whole of the Internal Drainage District or such part or parts thereof and in such manner as they from time to time shall think fair.

8. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment, conveyance or deed of transfer whatsoever.

9. The accounts of each of the Abolished Boards shall be made up to the date of coming into force of this Scheme, and copies thereof forthwith sent to the Internal Drainage Board and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not come into force.

DATED the 22nd day of April 1998

In witness whereof the
Common Seal of the
ENVIRONMENT AGENCY
was hereunto affixed in the
presence of:—



Gail Griffith

Confirmation of Order

Whereas the foregoing Order has been published by the Minister of Agriculture, Fisheries and Food ("the Minister") in accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991;

And whereas no memorial relating to the Order has been presented to the Minister;

Now therefore the Minister in accordance with paragraph 5(1) of Schedule 3 to the said Act hereby confirms the said Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th February 1999.



J.R. Park
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Environment Agency for the abolition of the Hilgay Great West Fen and Southery and District Internal Drainage Boards.

These boards are replaced by a new “Southery and District Internal Drainage Board”. The two former internal drainage districts are amalgamated together to form the corresponding new internal drainage district.

£1.50

© Crown copyright 1999

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

WO 4562 4/99 ON (MFK)