
STATUTORY INSTRUMENTS

1994 No. 310

LAND DRAINAGE

**The Alteration of Boundaries of the Newark Area and
Upper Witham Internal Drainage Districts Order 1993**

Made - - - - - *23rd December 1993*

Coming into force - - - - - *9th February 1994*

Whereas the National Rivers Authority has prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called “the Minister”) for confirmation under section 3(1) of the Land Drainage Act 1991 (hereinafter called “the 1991 Act”)(¹) a Scheme (hereinafter called “the Scheme”) in relation to the Newark Area and Upper Witham Internal Drainage Districts, a copy of which is set out in the Schedule hereto;

And whereas the Minister has caused a notice of her 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 the Minister has considered the objection made to the draft Order;

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

1. This Order may be cited as the Alteration of Boundaries of the Newark Area and Upper Witham Internal Drainage Districts Order 1993 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 subject to the following modifications:—

(i) in paragraph (1), for the words “the Newark Area Drainage District” there shall be substituted the words “the Newark Area Internal Drainage District”;

(ii) in paragraph (3), for the word “Wigsey” there shall be substituted the word “Wigsley”.

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the National Rivers Authority.

(1) 1991 c. 59; and the definition of “the relevant Minister” is contained in section 72(1) of that Act.

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In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd December 1993.

R A Hathaway
Assistant Secretary

SCHEME SUBMITTED
BY THE NRA

(1) In this Scheme unless the context otherwise requires:—

“the appointed day” means 1st April 1994;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“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(2) (hereinafter called “the 1949 Order”), as reconstituted by the Severn-Trent Water Authority (Reconstitution of the Newark Area Internal Drainage Board) Order 1986(3) and by the National Rivers Authority (Severn-Trent Region) (Reconstitution of the Newark Area Internal Drainage Board) Order 1993(4);

“the Newark Area Drainage District” means the drainage district constituted under the 1949 Order as amended by the Scheme confirmed by the Anglian and the Severn-Trent Water Authorities (Upper Witham and Newark Area Internal Drainage Districts) Order 1974(5), and by the Scheme confirmed by the Severn-Trent Water Authority (Alteration of Boundaries of the Newark Area Internal Drainage District) Order 1980(6);

“the Upper Witham Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the Witham and Steeping Rivers Catchment Board (Upper Witham Internal Drainage District) Order 1933(7) (hereinafter called “the 1933 Order”) as reconstituted by the Reconstitution of the Upper Witham Internal Drainage Board Order 1993(8);

“the Upper Witham Internal Drainage District” means the internal drainage district constituted under the 1933 Order as amended by the Scheme confirmed by the Lincolnshire River Authority (Alteration of Boundaries of the Upper Witham Internal Drainage District) Order 1967(9), and by the Scheme confirmed by the Lincolnshire River Authority (Upper Witham Internal Drainage District) (No.1) Order 1972(10), and by the Scheme confirmed by the Lincolnshire River Authority (Upper Witham Internal Drainage District) (No.2) Order 1972(11) and amended by the Scheme confirmed by the Severn-Trent and the Anglian Water Authorities (Newark Area and Upper Witham Internal Drainage Districts) Order 1974(12).

(2) The Scheme shall come into force on the appointed day.

(3) The boundaries of the Newark Area Internal Drainage District shall be altered so as to exclude therefrom all those lands within the Parishes of Hardwick, Thorney and Wigsey which are shown coloured red on the map, hereinafter called “the transferred lands” sealed by the National Rivers Authority in relation to this Scheme, and the boundaries of the Upper Witham Internal Drainage District shall be altered so as to include within that internal drainage district the transferred lands.

(4) All property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the Newark Area Internal Drainage Board in respect of the transferred lands shall be vested in or be discharged by the Upper Witham Internal Drainage Board.

(5) The right to collect all rates (including arrears of rates) already made by the Newark Area Internal Drainage Board in respect of the transferred lands and not collected by the appointed day,

(2) [S.I. 1949/1173](#).

(3) [S.I. 1986/1919](#).

(4) [S.I. 1993/829](#).

(5) [S.I. 1974/1536](#).

(6) [S.I. 1980/1229](#).

(7) [S.R. & O. 1933/218](#).

(8) [S.I. 1993/1738](#).

(9) [S.I. 1968/56](#).

(10) [S.I. 1972/546](#).

(11) [S.I. 1973/126](#).

(12) [S.I. 1974/1537](#).

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together with the powers and duties of the Newark Area Internal Drainage Board in relation thereto, shall remain with the Newark Area Internal Drainage Board.

The provisions of the Scheme confirmed by the 1933 Order as amended shall apply to the transferred lands.

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

Dated the 20th day of August 1993.

In witness whereof the Common Seal of the National Rivers Authority was hereunto affixed in the presence of:—

H C Aldridge

Authorised Signatory

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 9th February 1994.

L.S.

R A Hathaway
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the National Rivers Authority for the alteration of the boundaries of the Newark Area Internal Drainage District and the Upper Witham Internal Drainage District.

The alteration excludes certain land within the parishes of Hardwick, Thorney and Wigsley from the Newark Area Internal Drainage District, and transfers the land to the Upper Witham Internal Drainage District.

Copies of the map referred to in the Scheme are available for inspection during office hours at the offices of the Newark Area Internal Drainage Board, 31 Castlegate, Newark, Nottinghamshire NG24

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1BB, at the offices of the Upper Witham Internal Drainage Board, 39 St Catherines, Lincoln LN5 8LU, and at the offices of the Ministry of Agriculture, Fisheries and Food, Room 308, Eastbury House, 30-34 Albert Embankment, London SE1 7TL.