

2001 No. 4115

LAND DRAINAGE

**The Amalgamation of the Whittlesey and Whittlesey Fifth
Internal Drainage Districts Order 2001**

Made - - - - - *17th October 2001*

Coming into force - - - *7th January 2002*

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 Whittlesey Internal Drainage District and the Whittlesey Fifth 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 notice of her intention to make the following Order confirming the Scheme and of 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 her by section 3(5), (6) and (7) of and Schedule 3 to the 1991 Act, hereby makes the following Order:

1. This Order may be cited as the Amalgamation of the Whittlesey and Whittlesey Fifth Internal Drainage Districts Order 2001 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 17th October 2001.



J. R. Park
Assistant Secretary

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

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 Whittlesey Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the Anglian Water Authority (Whittlesey Internal Drainage District) Order 1977 (SI 1977 No.1151) (“the 1977 Order”) and “the Whittlesey Internal Drainage District” means the internal drainage district constituted by the 1977 Order.

“The Whittlesey Fifth Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the River Great Ouse Catchment Board (Alteration of Boundaries of the Whittlesey Fifth District) Order 1939 (SR & O 1939 No. 409) (“the 1939 Order”) and “the Whittlesey Fifth Internal Drainage District” means the internal drainage district originally established by an Act of Parliament passed in 1748 (22 Geo. II, Cap. 19) (as amended by further Acts passed in 1772 (12 Geo. III, Cap. 27) and in 1797 (37 Geo. III, Cap. 68) and by the Whittlesey Drainage Order 1921 (SR & O 1921 No. 1268)) and as further amended by the 1939 Order.
3. (i) The Whittlesey Internal Drainage Board and the Whittlesey Fifth Internal Drainage Board (hereinafter referred to collectively as the “Abolished Boards”) shall be abolished;
3. (ii) The Whittlesey Internal Drainage District and the Whittlesey Fifth Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Whittlesey Internal Drainage District” (hereinafter referred to as “the Internal Drainage District”);
3. (iii) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Whittlesey Internal Drainage Board” (hereinafter referred to as “the Internal Drainage Board”).
4. 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 either 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 either 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 of 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 3rd day of May 2001

In witness whereof the Common Seal of the Environment Agency was hereunto affixed in the presence of:



R. C. Navarro

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 7th January 2002.



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 Whittlesey and Whittlesey Fifth Internal Drainage Boards.

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

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