
STATUTORY INSTRUMENTS

2001 No. 646

LAND DRAINAGE

**The Amalgamation of the Denge and Southbrooks,
Pett, Romney Marsh Levels, Rother and Walland
Marsh Internal Drainage Districts Order 2000**

Made - - - - *14th August 2000*
Coming into force - - *1st March 2001*

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”)(1) a Scheme (hereinafter called “the Scheme”) in relation to the Denge and Southbrooks Internal Drainage District, the Pett Internal Drainage District, the Romney Marsh Levels Internal Drainage District, the Rother Internal Drainage District and the Walland Marsh 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 his 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 him by section 3(5), 3(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 Denge and Southbrooks, Pett, Romney Marsh Levels, Rother and Walland Marsh Internal Drainage Districts Order 2000 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:—

- (a) in paragraph 2, for the words ““the Romney Marsh levels Internal Drainage Board”” there shall be substituted the words ““the Romney Marsh Levels Internal Drainage Board””;
- (b) in paragraph 3(i), for the words “Walland Marsh Internal Board” there shall be substituted the words “Walland Marsh Internal Drainage Board”;

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in paragraph 4, for the words “internal Drainage Board” there shall be substituted the words “Internal Drainage Board”;
 - (d) in paragraph 6, for the word “failing” there shall be substituted the word “falling”;
 - (e) in paragraph 8, there shall be substituted the following:
 - (i) for the words “whether on a capital” there shall be substituted the words “whether of a capital”;
 - (ii) for the words “part of parts” there shall be substituted the words “part or parts”; and
 - (f) in paragraph 10, the word “as” between “such” and “accounts” shall be deleted.
- 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 14th August 2000.

L.S.

J. R. Park
Assistant Secretary

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 Denge and Southbrooks Internal Drainage Board” means the internal drainage board constituted by the Romney and Denge Marsh Main Drains Catchment Board (Romney Marsh Level, Denge and Southbrooks and Level of New Romney Internal Drainage Districts) Order 1934 (SR & O 1934/1053) (hereinafter called “the 1934 Order”) as reconstituted by the scheme confirmed by the Reconstitution of the Denge and Southbrooks Internal Drainage Board Order 1993 (S.I.1993/1175) and “the Denge and Southbrooks Internal Drainage District” means the internal drainage district constituted under the 1934 Order, the boundaries of which were altered by the Southern Water Authority (Romney Marsh Levels Internal Drainage District) Order 1987 (S.I. 1987/555) (hereinafter called “the 1987 Order”);

“the Pett Drainage Board” means the internal drainage board constituted by the Land Drainage Provisional Order Confirmation Act 1934 (24 & 25 Geo. 5. Ch. XCVIII) (hereinafter called “the 1934 Act”) and “the Pett Internal Drainage District” means the internal drainage district constituted by the scheme confirmed by the 1934 Act;

“the Romney Marsh levels Internal Drainage Board” means the internal drainage board constituted by the 1987 Order and further amended by the Reconstitution of the Romney Marsh Levels Internal Drainage Board Order 1993 (S.I. 1993/815) and “the Romney Marsh Levels Internal Drainage District” means the internal drainage district constituted by the 1987 Order;

“the Rother Drainage Board” means the internal drainage board constituted by the 1934 Act and “the Rother Internal Drainage District” means the internal drainage district constituted by the 1934 Act;

“the Walland Marsh Internal Drainage Board” means the internal drainage board constituted by the 1934 Act and “the Walland Marsh Internal Drainage District” means the internal drainage district constituted by the 1934 Act.

(i) the Denge and Southbrooks Internal Drainage Board, The Pett Drainage Board, the Romney Marsh Levels Internal Drainage Board, The Rother Drainage Board and the Walland Marsh Internal Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;

(ii) the Denge and Southbrooks Internal Drainage District, the Pett Internal Drainage District, the Romney Marsh Levels Internal Drainage District, the Rother Internal Drainage District and the Walland Marsh Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Romney Marshes Area 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 Romney Marshes Area Internal Drainage Board” (hereinafter referred to as “the Internal Drainage Board”).

4. the internal Drainage Board shall consist of 21 elected members.

5. For the purpose of election of members only the Internal Drainage District shall be divided into 5 Electoral Districts each Electoral District conforming to the area formerly under the jurisdiction of an Abolished Board. The names of the Electoral Districts shall be as set out in the first column of the Table hereto and shall be entitled to be represented on the Internal Drainage Board by the number of members specified in the second column of that Table.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. 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 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 them or failing to be discharged by them or by virtue of any local Act or Order under statutory authority.

7. All areas of rates made before the date of coming into force of this 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.

8. All property and liabilities transferred to the Internal Drainage Board under paragraph 6 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 or a capital or of a revenue nature), be applied to the benefit or, as the case may be, be a charge 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.

9. 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 or transfer whatsoever.

10. 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 as 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.

THE TABLE

<i>Name of Electoral District</i>	<i>No. of Members</i>
Romney Marsh	6
Waland Marsh	6
Rother	4
Pett	3
Denge and Southbrooks	2
	21

Dated this 5th day of November 1999

Signed as a Deed on behalf of the Environment Agency by Martin John Davies acting pursuant to a Power of Attorney dated 1st April 1999 in the presence of: P.J. Bilbrough, Guildbourne House, Chatsworth Road, Worthing—Legal executive

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;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 1st March 2001.

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 Denge and Southbrooks, Pett, Romney Marsh Levels, Rother and Walland Marsh Internal Drainage Boards. These boards are replaced by a new “Romney Marshes Area Internal Drainage Board”. The five former internal drainage districts are amalgamated together to form the corresponding new internal drainage district.