

SCHEDULE 2

Article 2(2)

SCHEME AS CONFIRMED

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

2. In this Scheme:—

“the Abolished Boards” means the Boards abolished by virtue of paragraph 3(1) of this Scheme;

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

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

“the New District” means the district constituted by virtue of paragraph 3(2) of this Scheme;

“property” includes books of accounts, other books, deeds, maps, papers and other documents;

“rights and obligations of the Abolished Boards” means all such rights, powers (including statutory powers), duties, obligations, liabilities and property as immediately before the commencement date were vested in or fell to be discharged by any of the Abolished Boards;

“statutory powers” includes any power arising under or by virtue of any local Act or Order made under statutory authority;

“The 1933 Order” means the Somerset Rivers Catchment Board (Gordano Valley, North Somerset, West Mendip, Upper Axe, Lower Axe and Upper Brue Internal Drainage District) Order 1933(1);

“The North Somerset Internal Drainage Board” except when referred to in clause 3(3) below means the internal drainage board constituted by the Scheme confirmed by the 1933 Order and “The North Somerset Internal Drainage District” means the internal drainage district constituted by that Scheme;

“The Gordano Valley Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed in the 1933 Order and “The Gordano Valley Internal Drainage District” means the internal drainage district constituted by that Scheme.

3.—(1) The North Somerset Internal Drainage Board and the Gordano Valley Internal Drainage Board shall be abolished.

(2) The North Somerset Internal Drainage District and the Gordano Valley Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the North Somerset (2005) Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “the North Somerset (2005) Internal Drainage Board”.

4. The New Board shall consist of 15 elected members.

5. From the commencement date there shall be transferred to and be vested in or fall to be discharged by the New Board to the appropriate extent all such rights, and obligations of the Abolished Boards and property; and for this purpose “the appropriate extent”, in relation to the New Board, means in so far as such rights and obligations specifically relate to or (in the case of land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the New Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in respect of any period ending before the commencement date may, in so far as levied, be recovered by the

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New Board in the same manner as if they had been rates levied by the Internal Drainage Board in question.

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

8. The accounts of each of the Abolished Boards shall be made up to the date of commencement by the New 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 22nd day of December 2004

Confirmation of Order

Whereas the foregoing Order has been published by the Secretary of State 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 Secretary of State;

And whereas paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991 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;

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

Changes to legislation:

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