

2005 No. 428

LAND DRAINAGE, ENGLAND

The Isle of Axholme Internal Drainage Board Order 2005

Made - - - - *20th January 2005*

Coming into force in accordance with article 1

Whereas under section 3(1) of the Land Drainage Act 1991 (“the 1991 Act”)(**a**) the Environment Agency has prepared and submitted to the Secretary of State for confirmation a Scheme (a copy of which is set out in the Schedule hereto) making provision for the abolition of the Adlingfleet and Whitgift Drainage Commissioners, Althorpe Internal Drainage Board, Crowle Area Internal Drainage Board, South Axholme Internal Drainage Board, West Axholme Internal Drainage Board and the West Butterwick Internal Drainage Board, the amalgamation of their respective drainage districts and the constitution of a new internal drainage district;

And whereas in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act, the Secretary of State has caused a notice of her intention to make the following Order confirming the Scheme and notice of the other matters mentioned in that paragraph to be published, and to be sent to local authorities and other bodies specified in paragraph 2(2) of Schedule 3;

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

Now therefore, the Secretary of State, in exercise of the powers conferred upon her by sections 3(5) and (7) of, and paragraph 3(2) of Schedule 3 to, the 1991 Act and now vested in her (**b**), accordingly makes the following Order:

1. This Order may be cited as The Isle of Axholme Internal Drainage Board Order 2005 and shall, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, come into force in accordance with that paragraph.

2.—(1) The Scheme as submitted by the Environment Agency (the provisions of which appear in Schedule 1 to this Order) is hereby confirmed subject to the following modifications –

- (a) in the definition of “The Adlingfleet and Whitgift Drainage Commissioners” for “1767 Private Act an Act” substitute “Act of 1767” and delete “Adlingfleet and Whitgift Drainage Act”;
- (b) in paragraph 5, after “lie within the whole or any part” insert “of the district”;
- (c) in paragraph 6 delete “, in so far as levied in relation to an occupier of land within the Isle of Axholme Internal Drainage District”; and
- (d) in paragraph 8, for “and copies thereof shall be sent forthwith to” substitute “by”.

(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).
(b) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

(2) Schedule 2 to this Order sets out the Scheme as it has effect by virtue of paragraph (1) on its coming into force.

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

Signed by the authority of the Secretary of State,

Sarah Nason
A Senior Civil Servant in the

20th January 2005

Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 2(1)

SCHEME AS 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 —

“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;

“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 Adlingfleet and Whitgift Drainage Commissioners” means, the internal drainage commissioners constituted by the 1767 Private Act an Act for draining and preserving certain Low Grounds in the Parishes of Adlingfleet and Whitgift in the West Riding of the County of York Adlingfleet and Whitgift Drainage Act(a) and “the Adlingfleet and Whitgift Internal Drainage District” means the internal drainage district constituted by that Act.

“The Althorpe Internal Drainage Board” means the internal drainage board constituted by the Doncaster District of (Althorpe) Drainage Order 1931(b) and the “Althorpe Internal Drainage District” means the internal drainage district constituted by that Order.

“The Crowle Area Internal Drainage Board” means the internal drainage board constituted by the Trent River Authority (Crowle Area Internal Drainage District) Order 1967(c) and “the Crowle Area Drainage District” means the internal drainage district constituted by that Order.

“The South Axholme Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (South Axholme) Drainage Order 1931(d) and “the South Axholme Internal Drainage District” means the internal drainage district constituted by that Order.

“The West Axholme Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (West Axholme) Drainage Order 1931(e) and “the West Axholme Internal Drainage District” means the internal drainage district constituted by that Order.

(a) 7 Geo. 3 c.40.
(b) 1931/1057.
(c) 1968/ 550.
(d) 1931/884.
(e) 1931/1081.

“The West Butterwick Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (West Butterwick) Drainage Order 1931(a) and the “West Butterwick Internal Drainage District” means the internal drainage district constituted by that Order.

3.—(1) The Adlingfleet and Whitgift Drainage Commissioners, Althorpe Internal Drainage Board, Crowle Area Internal Drainage Board, South Axholme Internal Drainage Board, West Axholme Internal Drainage Board and the West Butterwick Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;

(2) The Adlingfleet and Whitgift Internal Drainage District, Althorpe Internal Drainage District, Crowle Area Internal Drainage District, South Axholme Internal Drainage District, West Axholme Internal Drainage District and West Butterwick Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Isle of Axholme Internal Drainage District”;

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Isle of Axholme Internal Drainage Board”.

4. The Isle of Axholme Internal Drainage 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 Isle of Axholme Internal Drainage Board to the appropriate extent all such rights and obligations of the Abolished Boards, and for this purpose “the appropriate extent”, in relation to the Isle of Axholme Internal Drainage 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 an Abolished Board which after the commencement date is comprised in the district of the Isle of Axholme Internal Drainage Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the Isle of Axholme Internal Drainage District in respect of any period ending before the commencement date may, in so far as levied in relation to an occupier of land within the Isle of Axholme Drainage District be recovered by the Isle of Axholme Internal Drainage 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 assignment, conveyance or deed of transfer whatsoever.

8. The accounts of each of the Abolished Boards shall be made up to the date of commencement and copies thereof shall be sent forthwith to the Isle of Axholme 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 8th day of September 2004

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 this Scheme.

2. In this Scheme —

(a) 1931/1139.

“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;

“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 Adlingfleet and Whitgift Drainage Commissioners” means, the internal drainage commissioners constituted by the Act of 1767 for draining and preserving certain Low Grounds in the Parishes of Adlingfleet and Whitgift in the West Riding of the County of York(a) and “the Adlingfleet and Whitgift Internal Drainage District” means the internal drainage district constituted by that Act.

“The Althorpe Internal Drainage Board” means the internal drainage board constituted by the Doncaster District of (Althorpe) Drainage Order 1931(b) and the “Althorpe Internal Drainage District” means the internal drainage district constituted by that Order.

“The Crowle Area Internal Drainage Board” means the internal drainage board constituted by the Trent River Authority (Crowle Area Internal Drainage District) Order 1967(c) and “the Crowle Area Drainage District” means the internal drainage district constituted by that Order.

“The South Axholme Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (South Axholme) Drainage Order 1931(d) and “the South Axholme Internal Drainage District” means the internal drainage district constituted by that Order.

“The West Axholme Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (West Axholme) Drainage Order 1931(e) and “the West Axholme Internal Drainage District” means the internal drainage district constituted by that Order.

“The West Butterwick Internal Drainage Board” means the internal drainage board constituted by the Doncaster District (West Butterwick) Drainage Order 1931(f) and the “West Butterwick Internal Drainage District” means the internal drainage district constituted by that Order.

3.—(1) The Adlingfleet and Whitgift Drainage Commissioners, Althorpe Internal Drainage Board, Crowle Area Internal Drainage Board, South Axholme Internal Drainage Board, West Axholme Internal Drainage Board and the West Butterwick Internal Drainage Board (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;

(2) The Adlingfleet and Whitgift Internal Drainage District, Althorpe Internal Drainage District, Crowle Area Internal Drainage District, South Axholme Internal Drainage District, West Axholme Internal Drainage District and West Butterwick Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Isle of Axholme Internal Drainage District”;

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Isle of Axholme Internal Drainage Board”.

4. The Isle of Axholme Internal Drainage 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 Isle of Axholme Internal Drainage Board to the appropriate extent all such rights and obligations of the Abolished Boards, and for this purpose “the appropriate extent”, in

(a) 7 Geo. 3 c.40.

(b) 1931/1057.

(c) 1968/ 550.

(d) 1931/884.

(e) 1931/1081.

(f) 1931/1139.

relation to the Isle of Axholme Internal Drainage 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 Isle of Axholme Internal Drainage Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the Isle of Axholme Internal Drainage District in respect of any period ending before the commencement date may be recovered by the Isle of Axholme Internal Drainage 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 assignment, 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 Isle of Axholme 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.

Confirmation of Order

Whereas the foregoing Order has been published by the Secretary of State in accordance with paragraph 4 of Schedule 3 of 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.

Signed by the authority of the Secretary of State,

1st March 2005

Sarah Nason
A Senior Civil Servant in the
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms (with modifications) a Scheme submitted by the Environment Agency for the abolition, on a date one month after the confirmation of this Order, of the Adlingfleet and Whitgift Drainage Commissioners, the Althorpe, the Crowle Area, the South Axholme, the West Axholme and the West Butterwick Internal Drainage Boards.

A new “Isle of Axholme Internal Drainage Board” replaces these boards. The six former internal drainage districts are amalgamated to form the corresponding new internal drainage district.

Maps of the six internal drainage districts amalgamated by virtue of the Scheme are available for inspection during office hours at the offices of the Environment Agency at Sapphire East, 550 Streetsbrook Road, Solihull B91 1QT and Trentside Offices, Scarrington Road, West Bridgford, Nottingham NG2 5FA and the offices of The Isle of Axholme Group of Drainage Authorities at The Gables Business Court, Belton Road, Epworth, Doncaster, South Yorkshire, DN19 1JL.

STATUTORY INSTRUMENTS

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The Isle of Axholme Internal Drainage Board Order 2005

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