

2006 No. 773

LAND DRAINAGE, ENGLAND

The Broads (2006) Internal Drainage Board Order 2006

Made - - - - *18th January 2006*

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991 (“the 1991 Act”)(a), the Environment Agency has prepared a Scheme, a copy of which is set out in Schedule 1, making provision for the abolition of the Lower Yare First Internal Drainage Board, the Lower Yare Fourth Internal Drainage Board and the Broads Internal Drainage Board, the amalgamation of their respective drainage districts and the constitution of a new internal drainage board.

In accordance with section 3(1) of the 1991 Act, the Environment Agency has submitted the Scheme to the Secretary of State for confirmation.

The Secretary of State has published a notice of her intention to make the following Order confirming the Scheme in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act, and has sent notice of that intention to the relevant local authorities and other bodies specified in paragraph 2(2) of that Schedule.

No objection has been made to the draft Order.

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by section 3(5) and (7) of, and paragraph 3(2) of Schedule 3 to, the 1991 Act and now vested in her(b):

Citation and commencement

1. This Order may be cited as the Broads (2006) Internal Drainage Board Order 2006 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.

Confirmation of the Scheme with modifications

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

- (a) in paragraph 2—

(a) 1991 c.59; “the relevant Minister” is defined in section 72(1). References to the National River 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 (S.I. 2002/794).

- (i) in the definition of “Rights and Obligations of the Abolished Boards”, insert a comma after “(including Statutory Powers)” and for “and fell” substitute “or fell”;
- (ii) in the definitions of “The Lower Yare First Internal Drainage Board” and “The Lower Yare Fourth Internal Drainage Board”, for the full stop at the end of each definition substitute a semi-colon;
- (iii) in the definition of “The Lower Yare First Internal Drainage Board”, for “constituted by the 1941 Lower Yare First Order” substitute “constituted by the Scheme confirmed by the 1941 Lower Yare First Order”;
- (iv) in the definition of “The Lower Yare Fourth Internal Drainage Board”, for “constituted by the East Norfolk Rivers” substitute “constituted by the Scheme confirmed by the East Norfolk Rivers”, for “the 1941 the Lower Yare Fourth Order” substitute “the Lower Yare Fourth Order” and for “constituted by the Lower Yare Fourth Order” substitute “constituted by the Scheme confirmed by the Lower Yare Fourth Order”; and
- (v) in the definition of “The Broads Internal Drainage Board”, for “Paragraph” substitute “paragraph”.

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

Secretary of State’s expenses

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.

Sarah Nason

A Senior Civil Servant for and on behalf of the Secretary of State for
Environment, Food and Rural Affairs

18th January 2006

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 the 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” means any property vested in any of the Abolished Boards immediately before the Commencement Date and includes books of account, 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 and liabilities as immediately before the Commencement Date were vested in and 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 Lower Yare First Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Norfolk Rivers (including the River Waveney) Catchment Board (Lower Yare First Internal Drainage District) Order 1941 (SR&

O 1941 No. 1096) (“the 1941 Lower Yare First Order”) and “The Lower Yare First Internal Drainage District” means the internal drainage district constituted by the 1941 Lower Yare First Order.

“The Lower Yare Fourth Internal Drainage Board” means the internal drainage board constituted by the East Norfolk Rivers (including the River Waveney) Catchment Board (Lower Yare Fourth Internal Drainage District) Order 1941 (SR&O 1941 No. 1099) (“the 1941 the Lower Yare Fourth Order”) and “The Lower Yare Fourth Internal Drainage District” means the internal drainage district constituted by the Lower Yare Fourth Order.

“The Broads Internal Drainage Board” means the internal drainage board constituted by Paragraph 3(4) of the Scheme confirmed by the Broads and Norfolk Rivers Internal Drainage Boards Order 2005 (SI 2005 No. 429) (“the 2005 Order”) and “The Broads Internal Drainage District” means the internal drainage district constituted by paragraph 3(2) of the Scheme confirmed by the 2005 Order.

3.—(1) The Lower Yare First Internal Drainage Board, the Lower Yare Fourth Internal Drainage Board and the Broads Internal Drainage Board shall be abolished.

(2) The Lower Yare First Internal Drainage District, the Lower Yare Fourth Internal Drainage District, and the Broads Internal Drainage District shall be amalgamated into and shall constitute one internal drainage district which shall be known as “The Broads (2006) Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “The Broads (2006) Internal Drainage Board”.

4. The New Board shall consist of 19 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 all Rights and Obligations of the Abolished Boards, and Property.

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 be recovered by the New Board, in the same manner as if they had been rates levied by the New Board.

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 Commencement Date 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 31st August 2005

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:-

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

“the Commencement Date” means the date on which the 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” means any property vested in any of the Abolished Boards immediately before the Commencement Date and includes books of account, 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 and liabilities 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 Lower Yare First Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Norfolk Rivers (including the River Waveney) Catchment Board (Lower Yare First Internal Drainage District) Order 1941 (SR&O 1941 No. 1096) (“the 1941 Lower Yare First Order”) and “The Lower Yare First Internal Drainage District” means the internal drainage district constituted by the Scheme confirmed by the 1941 Lower Yare First Order;

“The Lower Yare Fourth Internal Drainage Board” means the internal drainage board constituted by the Scheme confirmed by the East Norfolk Rivers (including the River Waveney) Catchment Board (Lower Yare Fourth Internal Drainage District) Order 1941 (SR&O 1941 No. 1099) (“the Lower Yare Fourth Order”) and “The Lower Yare Fourth Internal Drainage District” means the internal drainage district constituted by the Scheme confirmed by the Lower Yare Fourth Order;

“The Broads Internal Drainage Board” means the internal drainage board constituted by paragraph 3(4) of the Scheme confirmed by the Broads and Norfolk Rivers Internal Drainage Boards Order 2005 (SI 2005 No. 429) (“the 2005 Order”) and “The Broads Internal Drainage District” means the internal drainage district constituted by paragraph 3(2) of the Scheme confirmed by the 2005 Order.

3.—(1) The Lower Yare First Internal Drainage Board, the Lower Yare Fourth Internal Drainage Board and the Broads Internal Drainage Board shall be abolished.

(2) The Lower Yare First Internal Drainage District, the Lower Yare Fourth Internal Drainage District, and the Broads Internal Drainage District shall be amalgamated into and shall constitute one internal drainage district which shall be known as “The Broads (2006) Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “The Broads (2006) Internal Drainage Board”.

4. The New Board shall consist of 19 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 all Rights and Obligations of the Abolished Boards, and Property.

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 be recovered by the New Board, in the same manner as if they had been rates levied by the New Board.

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 Commencement Date 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 31st August 2005

Confirmation of Order

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 (“the 1991 Act”), the Secretary of State has published the foregoing Order and a notice complying with paragraph 4(2) of Schedule 3 to the 1991 Act.

No memorial relating to the Order has been presented to the Secretary of State.

Paragraph 5(1) of Schedule 3 to the 1991 Act 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.

Accordingly, the Secretary of State confirms the Order in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act.

Sarah Nason

A Senior Civil Servant for and on behalf of the Secretary of State for
Environment, Food and Rural Affairs

1st March 2006

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 Lower Yare First Internal Drainage Board, the Lower Yare Fourth Internal Drainage Board and the Broads Internal Drainage Board.

A new board, known as “The Broads (2006) Internal Drainage Board” replaces these boards. The three former drainage districts are amalgamated to form the corresponding new internal drainage district.

A map of the three internal drainage districts amalgamated by virtue of the Scheme is available for inspection during office hours at the offices of the Environment Agency at Icen House, Ipswich, Suffolk IP3 9JE.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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LAND DRAINAGE, ENGLAND

The Broads (2006) Internal Drainage Board Order 2006

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