

2007 No. 620

LAND DRAINAGE, ENGLAND

**The Curf and Wimblington Combined Internal Drainage Board
Order 2007**

Made - - - - - *22nd January 2007*

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—

- (a) the abolition of the Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners;
- (b) the amalgamation of their respective drainage districts; and
- (c) 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 his intention to make the following Order confirming the Scheme in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act. The Secretary of State has sent this notice 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 the 1991 Act and now vested in him(b):

Citation and commencement

1. This Order may be cited as the Curf and Wimblington Combined Internal Drainage Board Order 2007 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.

(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).

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—

(i) after the definition of “the Commencement Date”, insert the following definition—

““the Curf Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Anglian Water Authority (Curf Internal Drainage District) Order 1981(a) and “the Curf Internal Drainage District” means the internal drainage district constituted by that scheme as confirmed;”;

(ii) after the definition of “Statutory Powers”, delete the definition of “the Curf Internal Drainage Board”, the word “and” after the definition of “the Curf Internal Drainage Board”, and the definition of “the Curf Internal Drainage District”; and

(iii) after the definition of “the Wimblington Combined Internal Drainage District”, insert the word “and”.

(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

22nd January 2007

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 Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners;

“the Commencement Date” means the date on which the Scheme comes into force;

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

“the New District” means the internal drainage 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;

(a) S.I. 1981/491.

“the Curf Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Anglian Water Authority (Curf Internal Drainage District) Order 1981(a) and “the Curf Internal Drainage District” means the internal drainage district constituted by that scheme as confirmed;

“the Wimblington Combined Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Great Ouse Catchment Board (Wimblington Combined Internal Drainage District) Order 1938(b) and “the Wimblington Combined Internal Drainage District” means the internal drainage district constituted by that scheme as confirmed;

“the Wimblington Common Drainage District Commissioners” means the drainage district commissioners appointed to exercise jurisdiction over the drainage of certain land within the parishes of Chatteris, Doddington and Wimblington under the Wimblington Inclosure Act 1791(c) and “the Wimblington Common Drainage District” means the drainage district within the parishes of Chatteris, Doddington and Wimblington which is under the jurisdiction of the Wimblington Common Drainage District Commissioners.

3.—(1) The Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners shall be abolished.

(2) The Curf Internal Drainage District, the Wimblington Combined Internal Drainage District, and the Wimblington Common Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Curf and Wimblington Combined Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “the Curf and Wimblington Combined Internal Drainage Board”.

4. The New Board shall consist of 14 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 Property and all Rights and Obligations of the Abolished Boards, provided that nothing shall affect the rights and obligations of the Middle Level Commissioners under the Wimblington Second District Drainage Order 1922.

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 assignment, conveyance or deed of transfer.

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 9th October 2006

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.

(a) S.I. 1981/491.

(b) S.R. & O. 1938/675.

(c) 31 Geo. III Cap. 81.

2. In this Scheme:-

“the Abolished Boards” means the Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners;

“the Commencement Date” means the date on which the Scheme comes into force;

“the Curf Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Anglian Water Authority (Curf Internal Drainage District) Order 1981(a) and “the Curf Internal Drainage District” means the internal drainage district constituted by that scheme as confirmed;

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

“the New District” means the internal drainage 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 Wimblington Combined Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the River Great Ouse Catchment Board (Wimblington Combined Internal Drainage District) Order 1938(b) and “the Wimblington Combined Internal Drainage District” means the internal drainage district constituted by that scheme as confirmed; and

“the Wimblington Common Drainage District Commissioners” means the drainage district commissioners appointed to exercise jurisdiction over the drainage of certain land within the parishes of Chatteris, Doddington and Wimblington under the Wimblington Inclosure Act 1791(c) and “the Wimblington Common Drainage District” means the drainage district within the parishes of Chatteris, Doddington and Wimblington which is under the jurisdiction of the Wimblington Common Drainage District Commissioners.

3.—(1) The Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners shall be abolished.

(2) The Curf Internal Drainage District, the Wimblington Combined Internal Drainage District, and the Wimblington Common Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Curf and Wimblington Combined Internal Drainage District”.

(3) There shall be constituted for the New District an internal drainage board to be known as “the Curf and Wimblington Combined Internal Drainage Board”.

4. The New Board shall consist of 14 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 Property and all Rights and Obligations of the Abolished Boards, provided that nothing shall affect the rights and obligations of the Middle Level Commissioners under the Wimblington Second District Drainage Order 1922.

(a) S.I. 1981/491.

(b) S.R. & O. 1938/675.

(c) 31 Geo. III Cap. 81.

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 assignment, conveyance or deed of transfer.

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 9th October 2006

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 2007

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 Curf Internal Drainage Board, the Wimblington Combined Internal Drainage Board and the Wimblington Common Drainage District Commissioners.

A new board, known as “the Curf and Wimblington Combined 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 Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough PE2 5ZR and Bromholme Lane, Brampton, Huntingdon, Cambridgeshire PE28 4NE.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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