

**2015 No. 923**

**LAND DRAINAGE, ENGLAND AND WALES**

**The Powysland Internal Drainage District (Abolition) Order  
2015**

*Made* - - - - *24th March 2015*

*Coming into force in accordance with article 1*

Under section 3(1)(a) and section 4(3) of the Land Drainage Act 1991 (“the 1991 Act”)(a), the Natural Resources Body for Wales (“NRW”) and the Environment Agency (“the Agency”) have prepared a Scheme making provision for matters specified in section 3(2)(d), (e) and (i) of that Act.

In accordance with section 3(1) of the 1991 Act, NRW and the Agency have submitted the Scheme to the Welsh Ministers and the Secretary of State for confirmation.

The Welsh Ministers and the Secretary of State have published a notice of intent to make the following Order confirming the Scheme, in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act. The Welsh Ministers and Secretary of State have 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 Welsh Ministers and the Secretary of State, acting jointly, make the following Order in exercise of the powers conferred by section 3(5) and (7) of the 1991 Act and now vested in them(b).

**Title and commencement**

**1.—(1)** The title of this Order is the Powysland Internal Drainage District (Abolition) Order 2015.

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(a) 1991 c.59. References to the NRA were replaced with references to the Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25). “The NRA” was defined in section 72(1) of the Land Drainage Act 1991 as the National Rivers Authority and the “agency” defined as the Environment Agency. References to the Agency were replaced with references to “the appropriate supervisory body” by paragraph 317 of Part 1 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755. The “appropriate supervisory body” is defined in section 72(1) of the Land Drainage Act 1991 as the Agency in relation to internal drainage districts which are wholly or mainly in England, and the Natural Resources Body for Wales in relation to internal drainage districts which are wholly or mainly in Wales.

(b) In relation to the Welsh Ministers, the relevant functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32). In relation to the Secretary of State, article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) transferred the functions of the Minister of Agriculture, Fisheries and Food to the Secretary of State.

(2) This Order comes into force on the day after the day on which it is made.

### **Confirmation of the Scheme**

- 2.—(1) The Scheme submitted by the NRW and the Agency is confirmed.  
(2) The Scheme is set out in the Schedule to this Order.

### **Welsh Ministers' and Secretary of State's expenses**

3. The expenses of the Welsh Ministers and the Secretary of State in connection with the making and confirmation of this Order must be borne by NRW and the Agency respectively.

17th March 2015 *Carl Sergeant*  
The Minister for Natural Resources, one of the Welsh Minister

24th March 2015 *Kathryn Holdsworth*  
A Civil Servant, for and on behalf of  
Secretary of State for Environment, Food and Rural Affairs

## **SCHEDULE**

Article 2(2)

### **2014 SCHEME FOR THE ABOLITION OF THE POWYSLAND INTERNAL DRAINAGE DISTRICT AND CREATION OF A NEW INTERNAL DRAINAGE DISTRICT SUBMITTED JOINTLY BY THE NATURAL RESOURCES BODY FOR WALES AND THE ENVIRONMENT AGENCY**

1. This Scheme shall come into force on 1st April 2015.

2. In this Scheme—

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

“employee” means an individual who has entered into or works under the terms of a contract of employment or a contract of service or apprenticeship, whether such contract is expressly agreed (in writing or orally) or is implied by the nature of the relationship, but does not include an individual who provides services under a contract for services, and “employer” and “employment” are to be construed accordingly;

“the English land” means all that land within the English parishes of Llanymynech and Pant and Chirbury with Brompton shown coloured blue on the Map;

“the Map” means the map sealed by the Natural Resources Body for Wales and the Environment Agency dated 29th September 2014 entitled “Powysland Internal Drainage District in England and Wales” and deposited at Natural Resources Body for Wales, Cambria House, 29 Newport Road, Cardiff CF24 0TP and Environment Agency, Sapphire East, 550 Streetsbrook Road, Solihull B91 1QT;

“the Natural Resources Body for Wales” means the Natural Resources Body for Wales as constituted by the Natural Resources Body for Wales Establishment Order 2012<sup>(a)</sup>.

“the Powysland Internal Drainage Board” means the internal drainage board constituted by the River Severn Catchment Board (Powysland Internal Drainage District) Order 1937<sup>(b)</sup> and “the Powysland Internal Drainage District” means the internal drainage district constituted by that Order; and

“the Welsh land” means that land lying within the Welsh communities of Bausley with Criggion, Berriew, Forden, Guilsfield, Llandrinio, Llandysilio, Meifod, Montgomery, Trewern and Welshpool shown coloured red on the Map.

### **Abolition of existing District and establishment of new District**

**3.**—(1) As from the Commencement Date—

(2) the Powysland Internal Drainage Board and District shall be abolished;

(3) a new internal drainage district known as the “Powysland (Wales) Internal Drainage District” shall be constituted for the Welsh Land;

(4) the Natural Resources Body for Wales shall be the Drainage Board for the Powysland (Wales) Internal Drainage District; and

(5) all property, rights, powers, duties, obligations and liabilities as immediately prior to the Commencement Date were vested in or fell to be discharged by the Powysland Internal Drainage Board in respect of the Welsh Land, immediately prior to the Commencement Date, shall be transferred to and vested in, or fall to be discharged by the Natural Resources Body for Wales.

**4.** The Natural Resources Body for Wales may, in respect of the Welsh Land, recover all arrears of rates levied by the Powysland Internal Drainage Board before the Commencement Date in respect of any period ending before the Commencement Date in the same manner as if they had been levied by the Natural Resources Body for Wales.

### **Employees**

**5.** As from the Commencement Date, all employees of the Powysland Internal Drainage Board employed immediately before the Commencement Date shall transfer to the Natural Resources Body for Wales.

Dated 29th October 2014

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confirms a Scheme submitted by the Natural Resources Body for Wales and the Environment Agency making provision for—

- (a) the abolition of the Powysland Internal Drainage District;
- (b) the creation of a new Internal Drainage District for the Welsh land previously within the Powysland Internal Drainage District;
- (c) provision that the Natural Resources Body for Wales shall be the drainage board in respect of the new district; and
- (d) matters supplemental to or consequential on the alternation of boundaries.

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(a) S.I. 2012/1903

(b) S.I. 1938/38

The map detailing the transfer of land from the Powysland Internal Drainage District to the Powysland (Wales) Internal Drainage District is available for inspection during office hours at the offices of the Natural Resources Body for Wales and Cambria House, 29 Newport Road, Cardiff CF24 0TP and the Environment Agency at Sapphire East, 550 Streetsbrook Road, Solihull B91 1QT.

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

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