
STATUTORY INSTRUMENTS

2016 No. 482

LAND DRAINAGE

**The March West and White Fen
Internal Drainage Board Order 2016**

Made - - - - 1st April 2016

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991 (“the 1991 Act”)(1), the Environment Agency (“the Agency”) has prepared a Scheme making provision for the matters specified in section 3(2) (d), (e), (f) and (i) of that Act.

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

The Secretary of State has 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 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 the Secretary of State(2).

Citation and commencement

1. This Order may be cited as the March West and White Fen Internal Drainage Board Order 2016 and 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 Agency is confirmed.

(2) The Scheme is set out in the Schedule to this Order.

(1) 1991 c. 59; “the relevant Minister” is defined in section 72(1). References to the National River Authority were replaced with references to the Environment Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25).
(2) The functions of the Ministry of Agriculture, Fisheries and Food were transferred to the Secretary of State by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Changes to legislation: There are currently no known outstanding effects for the The March West and White Fen Internal Drainage Board Order 2016. (See end of Document for details)

Secretary of State's expenses

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

1st April 2016

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

SCHEDULE

Article 2(2)

Scheme as submitted by the Environment Agency

1. This Scheme comes into force on the day after the day on which the Order confirming this Scheme is made.

2. In this Scheme:-

“the abolished boards” means the internal drainage boards⁽³⁾ known as the March and Whittlesey Internal Drainage Board and the White Fen District Commissioners;

“the abolished districts” means the internal drainage districts⁽⁴⁾ known as the March and Whittlesey Internal Drainage District and the White Fen District;

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

“the Map” means the map dated 7th August 2014 entitled “The March West and White Fen Internal Drainage District” and sealed by the Environment Agency;

“the March and Whittlesey Internal Drainage Board” means the internal drainage board constituted under The River Great Ouse Catchment Board (March and Whittlesey Internal Drainage District) Order 1937⁽⁵⁾ and “the March and Whittlesey 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 6 of this Scheme;

“property” means, in relation to any of the abolished boards, any property which is vested in that board immediately before the commencement date and includes books of account, other books, deeds, maps, papers and other documents, in whatever medium held, and computer and other electronic records;

“rights and obligations” means, in relation to any of the abolished boards, all rights, powers, duties (including statutory powers and duties), obligations and liabilities which are vested in or which fall to be discharged by that board immediately before the commencement date;

“the White Fen District Commissioners” means the commissioners appointed under an Act for the more effectual Draining and Preserving certain Fen Lands and Low Grounds in the Hamlet of Benwick in the Parish of Doddington, Whittlesey, Ramsey and Farcet in the Isle of Ely and Counties of Cambridge and Huntingdon dated 1767⁽⁶⁾ and the “White Fen District” means the internal drainage district identified as the “Fen Lands and Low Grounds” in that Act;

3. The March and Whittlesey Internal Drainage Board and the White Fen District Commissioners are abolished.

4. The March and Whittlesey Internal Drainage District and the White Fen District are abolished.

5. A new internal drainage district which is shown edged red on the Map sealed by the Environment Agency in relation to this Scheme and to be known as the “March West and White Fen Internal Drainage District” is constituted.

6. A new internal drainage board to be known as the “March West and White Fen Internal Drainage Board” is constituted for the March West and White Fen Internal Drainage District.

7. The new Board shall consist of 13 elected members who, with the exception of the first members, shall be elected in accordance with the provisions of section 1 of, and Schedule 1 to,

(3) Deemed by Section 1(4) of the Land Drainage Act 1930 (20 & 21 Geo. 5. c.44) to have been constituted under that Act for the purposes of that Act.

(4) Deemed by Section 1(3) of the Land Drainage Act 1930 (20 & 21 Geo. 5. c.44) to have been constituted under that Act for the purposes of that Act.

(5) S.I. 1941/829.

(6) 7 Geo. III c.37.

Changes to legislation: There are currently no known outstanding effects for the The March West and White Fen Internal Drainage Board Order 2016. (See end of Document for details)

the Land Drainage Act 1991. The first members of the new Board shall be persons appointed by the Secretary of State and shall hold office until the expiration of one year from the 1st November following the day on which they are appointed.

8. As from the commencement date, all property and rights and obligations of the abolished boards are transferred to and vested in, or fall to be discharged by, the new Board.

9. All arrears of rates owed to 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.

10. This Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyance or deed of transfer.

11. The accounts of each of the abolished boards must be made up to the day before the commencement date and audited as if this Scheme had not come into force.

Dated 1st May 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Environment Agency making provision for—

- (a) the abolition of the March and Whittlesey Internal Drainage District and Board;
- (b) the abolition of the White Fen District Commissioners and the White Fen District; and
- (c) the constitution of the March West and White Fen Internal Drainage District and Board.

The map showing the area of the March West and White Fen Internal Drainage District is available for inspection during office hours at the Environment Agency, Anglian Region, at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR and at Brampton Office, Bromholme Lane, Brampton, Huntingdon, PE28 4NE.

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

Changes to legislation:

There are currently no known outstanding effects for the The March West and White Fen Internal Drainage Board Order 2016.