

2016 No. 859

LAND DRAINAGE, ENGLAND

The North Kent Marshes Internal Drainage District Order 2016

Made - - - - 22nd August 2016

Coming into force - - 23rd August 2016

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

The Secretary of State has published a notice of intent to make this Order confirming the Scheme in accordance with paragraph 2(1) of Schedule 3 of the 1991 Act and 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 this 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(c).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the North Kent Marshes Internal Drainage District Order 2016 and comes into force on the day after the day on which it is made.

(2) In this Order, “the Agency” means the Environment Agency.

Confirmation of the Scheme with modifications

2.—(1) The Scheme submitted by the Agency is confirmed with modifications.

(2) The Scheme as modified by the Secretary of State is set out in the Schedule to this Order.

Secretary of State’s expenses

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

(a) 1991 c. 59; section 3(1) was amended by S.I. 2013/755 (W. 90). The definitions of “the appropriate supervisory body” and “the relevant Minister” are in section 72(1).
(b) Section 3(2) was amended by S.I. 2013/755 (W. 90).
(c) 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).

Signed by authority of the Secretary of State

22nd August 2016

Carol Tidmarsh
Senior Policy Advisor, Flood Risk Management
Department for Environment, Food and Rural Affairs

SCHEDULE

Article 2(2)

Scheme submitted by the Agency, as modified by the Secretary of State

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

2. In this Scheme—

“the abolished district” means the Gravesend Bridge to Sheerness and Penshurst Internal Drainage District;

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

“the new Board” means the North Kent Marshes Internal Drainage Board constituted by clause 5 of this Scheme;

“property” means any property which is vested in the Agency in respect of the abolished district 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 respect of the abolished districts, all rights, powers, duties (including statutory powers and duties), obligations and liabilities which were vested in or incurred by or fell to be discharged by the Agency in respect of the abolished district immediately before the commencement date;

“the Gravesend Bridge to Sheerness and Penshurst Internal Drainage District” means the area shown edged green on map 1 entitled ‘NKM Map 1’, which can be inspected at Environment Agency, Kent and South London Area Office, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH and at Gravesham Borough Council, Civic Centre, Windmill, Street, Gravesend, Kent, DA12 1AU.

3. The Gravesend Bridge to Sheerness and Penshurst Internal Drainage District is abolished.

4. On the commencement date, the area shown edged red on map 2 entitled ‘NKM Map 2’, which can be inspected at Environment Agency, Kent and South London Area Office, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH and at Gravesham Borough Council, Civic Area, Windmill Street, Gravesend, Kent, DA12 1AU, is constituted an internal drainage district under the name “The North Kent Marshes Internal Drainage District”.

5. On the commencement date, there is constituted an internal drainage board for the North Kent Marshes Internal Drainage District under the name “The North Kent Marshes Internal Drainage Board”.

6. The new Board is to include five elected members elected in accordance with the provisions made by or under Schedule 1 to the Land Drainage Act 1991.

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

8. All arrears of rates owed to the Agency in respect of the abolished district and 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.

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

10. The accounts of the Agency in respect of the abolished district must be made up to the day before the commencement date and audited as if this Scheme had not come into force, and the Agency must send a copy to the new Board.

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 Gravesend Bridge to Sheerness and Penshurst Internal Drainage District, and
- (b) the constitution of the North Kent Marshes Internal Drainage District and Board.

The maps showing the area of the Gravesend Bridge to Sheerness and Penshurst Internal Drainage District (map 1 entitled ‘NKM Map 1’) and the North Kent Marshes Internal Drainage District (map 2 entitled ‘NKM Map 2’) are available for inspection at Environment Agency, Kent and South London Area Office, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH and at Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.

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

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