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STATUTORY INSTRUMENTS

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**2005 No. 1453**

**The Drainage (Amendment) (Northern Ireland) Order 2005**

**Dissolution of drainage trusts**

3. After Article 29 of the 1973 Order there shall be inserted—

**“Dissolution of drainage trusts**

**29A.**—(1) The Department may by order dissolve a trust to which this Article applies.

(2) This Article applies to—

- (a) any trust constituted by a scheme under section 27(2) of the Northern Ireland Land Act 1925 (c. 34) (trusts for the maintenance of watercourses or other works);
- (b) any trust in relation to which there has been a transfer under Article 29;
- (c) any other trust constituted—
  - (i) for the purpose of draining any land; or
  - (ii) for the purpose of maintaining or improving the drainage of any land, of which the Department is a trustee.

(3) Before making an order under paragraph (1), the Department shall publish—

- (a) in the Belfast Gazette; and
- (b) in at least two newspapers circulating in the area to which the trust relates,

a notice of intention to dissolve the trust.

(4) The notice of intention to dissolve the trust shall—

- (a) identify the trust;
- (b) give details of any provision proposed to be included by virtue of paragraph (6)
  - (a) in the order dissolving the trust;
- (c) give notice that any person, who considers that the proposed dissolution of the trust would subject him to a significant detriment, may object to the Department in writing in relation to that dissolution, at the address specified in the notice, within 28 days of the publication of the notice in the Gazette.

(5) After considering any objections received in accordance with paragraph(4)(c), the Department may make an order under paragraph (1) unless it is satisfied that the dissolution of the trust in accordance with the order would subject any person to a significant detriment.

(6) An order under paragraph (1)—

- (a) shall provide for the application of any property forming part of the trust;
- (b) shall provide for all rights, duties, obligations and liabilities arising under the trust to be extinguished; and
- (c) may contain such other incidental or supplementary provisions as the Department thinks necessary or expedient in connection with the dissolution of the trust.

(7) An order under paragraph (1) has effect in relation to a trust notwithstanding anything in any statutory provision or in any scheme, court order, deed or other instrument constituting the trust.

(8) An order made under paragraph (1) shall be subject to negative resolution.”.