

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.

2. In this Scheme:—

“the Abolished Boards” means the Boards abolished by virtue of paragraph 3(1) of this Scheme;

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

“property” includes books of accounts, 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, liabilities, and property 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 Lower Severn Internal Drainage Board” means the internal drainage board constituted by the Amalgamation of the South Gloucestershire and West Gloucestershire Internal Drainage Districts Order 2000⁽¹⁾ and the “Lower Severn Internal Drainage District” means the internal drainage district constituted by that Order.

“The North Gloucestershire Drainage Board” means the internal drainage board constituted by The Severn River Authority (North Gloucestershire Internal Drainage District) Order 1972⁽²⁾ and the “North Gloucestershire Internal Drainage district” means the internal drainage district constituted by that Order.

“The Longdon and Eldersfield Drainage Commissioners” means the drainage commissioners constituted by the Land Drainage Supplemental Act 1863⁽³⁾ and the “Longdon and Eldersfield Internal Drainage District” means the internal drainage district constituted by that Act.

3.—(1) The Lower Severn Internal Drainage Board, the North Gloucestershire Internal Drainage Board and the Longdon and Eldersfield Drainage Commissioners (hereinafter referred to collectively as “the Abolished Boards”) shall be abolished;

(2) The Lower Severn Internal Drainage District, the North Gloucestershire Internal Drainage District and the Longdon and Eldersfield Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as “the Lower Severn (2005) Internal Drainage District”;

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as “the Lower Severn (2005) Internal Drainage Board”

4. The Lower Severn (2005) Internal Drainage 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 Lower Severn (2005) Internal Drainage Board to the appropriate extent all such rights and obligations of the Abolished Boards, and for this purpose “the appropriate extent”, in relation to the Lower Severn (2005) Internal Drainage Board, means in so far as such rights and obligations specifically relate to or (in the case of land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the Lower Severn (2005) Internal Drainage Board.

(1) 2001/647.

(2) 1973/996.

(3) 26 & 27 Vic.c.63.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the Lower Severn (2005) Internal Drainage District in respect of any period ending before the commencement date may be recovered by the Lower Severn (2005) Internal Drainage Board in the same manner as if they had been rates levied by the Internal Drainage Board in question.

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 whatsoever.

8. The accounts of each of the Abolished Boards shall be made up to the date of commencement by the Lower Severn (2005) Internal Drainage 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.

Confirmation of Order

Whereas the foregoing Order has been published by the Secretary of State in accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991;

And whereas no memorial relating to the Order has been presented to the Secretary of State;

And whereas paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991 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;

Now therefore the Secretary of State, in accordance with paragraph 5(1) of Schedule 3 to the said Act, hereby confirms the said Order.