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WELSH STATUTORY INSTRUMENTS

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**2015 No. 872 (W. 65)**

**LAND DRAINAGE, WALES**

**The Lower Wye and Caldicot and Wentlooge  
Internal Drainage Districts (Abolition) Order 2015**

*Made - - - - 24 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”)(1), the Natural Resources Body for Wales (“NRW”) 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 have submitted the Scheme to the Welsh Ministers for confirmation.

The Welsh Ministers 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 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 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(2).

**Title and commencement**

1.—(1) The title of this Order is the Lower Wye and Caldicot and Wentlooge Internal Drainage Districts (Abolition) Order 2015.

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

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(1) 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 Natural Resources Body for Wales in relation to internal drainage districts which are wholly or mainly in Wales.

(2) The relevant functions of the Secretary of State were, so far as exercisable in relation to internal drainage districts wholly in Wales, or to the boards for such districts, 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).

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**Confirmation of the Scheme**

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

**Welsh Ministers' expenses**

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

24 March 2015

*Carl Sergeant*  
The Minister for Natural Resources, one of the  
Welsh Ministers

## SCHEDULE

Article 2(2)

### 2014 SCHEME FOR THE ABOLITION OF THE LOWER WYE AND CALDICOT AND WENTLOOGE INTERNAL DRAINAGE DISTRICTS AND BOARDS AND THE CREATION OF A NEW INTERNAL DRAINAGE DISTRICT AND ITS TRANSFER TO THE NATURAL RESOURCES BODY FOR WALES SUBMITTED BY THE NATURAL RESOURCES BODY FOR WALES

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

2. In this Scheme—

“active member” has the same meaning as in Schedule 1 to the LGPS Regulations;

“the Caldicot and Wentlooge Internal Drainage Board” means the internal drainage board constituted by the Caldicot and Wentlooge Levels Drainage District Order 1942(3) as amended by the Usk River Board Transfer Order 1954(4) and the “Caldicot and Wentlooge Internal Drainage District” means the internal drainage district constituted by these Orders;

“the commencement date” means the date on which the 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 LGPS Regulations” means the Local Government Pension Scheme Regulations 2013(5);

“the LGPS Transitional Regulations” means the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(6);

“the Local Government Pension Scheme” means the scheme established by the LGPS Regulations;

“the Lower Wye Internal Drainage Board” means the internal drainage board constituted by the River Wye Catchment Board (Lower Wye Internal Drainage District) Order 1950(7) as amended by the Lower Wye and River Lugg Internal Drainage Districts (Alteration of Boundaries) Order 2014(8) and “the Lower Wye Internal Drainage District” means the internal drainage district constituted by these Orders;

“member” has the meaning given by section 124(1) of the Pensions Act 1995(9); and

“NRW” means the Natural Resources Body for Wales as constituted by the Natural Resources Body for Wales (Establishment) Order 2012(10).

### **Abolition of existing Districts and Boards and establishment of a new District**

3. As from the commencement date—

(a) the Lower Wye Internal Drainage District and the Lower Wye Internal Drainage Board are abolished;

(b) the Caldicot and Wentlooge Internal Drainage District and the Caldicot and Wentlooge Internal Drainage Board are abolished;

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(3) S.I. 1942/2393

(4) S.I. 1954/276

(5) S.I. 2013/2356

(6) S.I. 2014/525

(7) S.I. 1951/3

(8) S.I. 2014/3194

(9) 1995 c. 26

(10) S.I. 2012/1903

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- (c) a new internal drainage district known as the “Gwent Internal Drainage District” shall be constituted for the land previously within the Lower Wye Internal Drainage District and the land previously within the Caldicot and Wentlooge Internal Drainage District;
  - (d) NRW shall be the drainage board for the Gwent Internal Drainage District; and
  - (e) 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 Lower Wye Internal Drainage Board or the Caldicot and Wentlooge Internal Drainage Board shall be transferred to and vested in, or fall to be discharged by (as the case may be), NRW.
4. NRW may recover all arrears of rates levied by the Lower Wye Internal Drainage Board or by the Caldicot and Wentlooge 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 NRW.
5. During the remainder of the financial year in which this Scheme is made, NRW may only recover arrears of rates to the level set by the Lower Wye Internal Drainage Board and the Caldicot and Wentlooge Internal Drainage Board respectively for that financial year.
6. The Scheme shall operate as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyances or deeds of transfer.

#### **Employees**

7. As from the commencement date, all employees of the Caldicot and Wentlooge Internal Drainage Board shall transfer to NRW.

#### **Pensions**

8. Any provision of the LGPS Regulations or the LGPS Transitional Regulations which immediately prior to the commencement date conferred a functions on the Caldicot and Wentlooge Internal Drainage Board by virtue of having been the employer of a member of the Local Government Pension Scheme shall have effect from the commencement date as if NRW was the employer of that member at all times when that person was an active member.

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### **EXPLANATORY NOTE**

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

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

- (a) the abolition of the Lower Wye Internal Drainage District and Board and the Caldicot and Wentlooge Internal Drainage District and Board;
- (b) the creation of a new Internal Drainage District for the land previously within the Lower Wye and the Caldicot and Wentlooge Internal Drainage Districts;
- (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 full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.