

2013 No.

LAND DRAINAGE, ENGLAND

The South Holderness Internal Drainage Board Order 2013

Made - - - - - 2013

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991(a), the Environment Agency has prepared a Scheme for the abolition of the Keyingham Level Drainage Board, the Ottringham Drainage Board, the Preston Drainage Board, the Skeffling Drainage Board, the Thorngumbald Drainage Board and the Winestead Level Drainage Board, the amalgamation of their respective drainage districts and the constitution of a new internal drainage board.

In accordance with section 3(1)(a) of that Act, the Environment 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 that 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.

The Secretary of State makes the following Order in exercise of the powers conferred by section 3(5) and (7) of that Act and now vested in the Secretary of State(b).

Citation and commencement

1. This Order may be cited as the South Holderness Internal Drainage Board Order 2013 and, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, comes into force in accordance with that paragraph.

Confirmation of the Scheme with modifications

- 2.—(1) The Scheme submitted by the Environment Agency is confirmed with modifications.
- (2) The Scheme, as modified by the Secretary of State, is set out in the Schedule to this Order.

(a) 1991 c.59. "the relevant Minister" is defined in section 72(1). References to the National Rivers Authority were replaced with references to the Environment Agency by paragraph [9] of Schedule 22 to the Environment Act 1995 (c.25)
(b) By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

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 Environment Agency.

Lewis Baker

LEWIS BAKER

A Civil Servant, for and on behalf of the

Secretary of State for Environment, Food and Rural Affairs

Date 6 FEBRUARY 2013

SCHEDULE

Article 2(2)

SCHEME 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 confirmed.

2. In this Scheme—

“the abolished boards” means the Keyingham Level Drainage Board, the Ottringham Drainage Board, the Preston Drainage Board, the Skeffling Drainage Board, the Thorngumbald Drainage Board and the Winestead Level Drainage Board;

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

“the Keyingham Level Drainage Board” means the internal drainage board constituted under a local Act of Parliament of 1802(a) as amended, and reconstituted by the scheme confirmed by the Yorkshire Water Authority (Reconstitution of the Keyingham Level Drainage Board) Order 1989(b) and “the Keyingham Level Drainage District” means the drainage district constituted under that local Act of Parliament of 1802 as amended;

“the new board” means the internal drainage board constituted by virtue of paragraph 3(3);

“the Ottringham Drainage Board” means the internal drainage board deemed by the Land Drainage Act 1930(c) to have been constituted under that Act for the purposes of that Act and “the Ottringham Drainage District” means the internal drainage district constituted by a local Act of Parliament of 1807(d) and deemed by the Land Drainage Act 1930 to have been constituted under that Act for the purposes of that Act;

“the Preston Drainage Board” means the internal drainage board constituted by the Preston Drainage District Order 1943(e) and “the Preston Drainage District” means the internal drainage district constituted by that Order;

“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;

(a) 1802 c.1. as amended by 1845 c.cxliv (8 and 9 Vict.). The Board and the District are now deemed by section 1(4) of the Land Drainage Act 1930 (c.44 (20 & 21 Geo.5)) to have been constituted under that Act for the purposes of that Act.

(b) S.I. 1990/1680.

(c) 1930 c.44 (20 & 21 Geo. 5).

(d) 1807 c.cxxx.

(e) S.R. & O. 1943 / 1222.

“the Skeffling Drainage Board” means the internal drainage board constituted by the Skeffling Drainage District Order 1944(a) and “the Skeffling Drainage District” means the internal drainage district constituted by that Order;

“the Thorngumbald Drainage Board” means the internal drainage board deemed by the Land Drainage Act 1930 to have been constituted under that Act for the purposes of that Act and “the Thorngumbald Drainage District” means the internal drainage district constituted by a local Act of Parliament of 1764(b) and deemed by the Land Drainage Act 1930 to have been constituted under that Act for the purposes of that Act;

“the Winestead Level Drainage Board” means the internal drainage board reconstituted by the scheme confirmed by the Yorkshire Water Authority (Reconstitution of the Winestead Level Drainage Board) Order 1989(c) and “the Winestead Level Drainage District” means the internal drainage district constituted under the Winestead Level Drainage Act 1867(d) and deemed by the Land Drainage Act 1930 to have been constituted under that Act for the purposes of that Act.

3.—(1) The Keyingham Level Drainage Board, the Ottringham Drainage Board, the Preston Drainage Board, the Skeffling Drainage Board, the Thorngumbald Drainage Board and the Winestead Level Drainage Board are abolished.

(2) The Keyingham Level Drainage District, the Ottringham Drainage District, the Preston Drainage District, the Skeffling Drainage District, the Thorngumbald Drainage District and the Winestead Level Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as “the South Holderness Internal Drainage District”.

(3) A new internal drainage board to be known as “the South Holderness Internal Drainage Board” is constituted for the South Holderness Internal Drainage District.

4. The new board is to consist of 12 elected members elected in accordance with Schedule 1 to the Land Drainage Act 1991.

5. 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.

6. 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.

7. 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.

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

Confirmation of Order

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 (“the 1991 Act”), the Secretary of State has published this Order and a notice complying with paragraph 4(2) of Schedule 3 to the 1991 Act.

No memorial relating to the Order has been presented to the Secretary of State.

(a) S.R. & O. 1944 / 885.
(b) 1764 c.xxii.
(c) S.I. 1990/1684.
(d) 1867 c.lxx.

Paragraph 5(1) of Schedule 3 to the 1991 Act 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.

Accordingly, the Secretary of State confirms the Order in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act.

Date

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Environment Agency for the amalgamation of the Keyingham Level Drainage District, the Ottringham Drainage District, the Preston Drainage District, the Skeffling Drainage District, the Thorngumbald Drainage District and the Winestead Level Drainage into one new internal drainage district ("the South Holderness Internal Drainage District").

The Order also abolishes the Keyingham Level Drainage Board, the Ottringham Drainage Board, the Preston Drainage Board, the Skeffling Drainage Board, the Thorngumbald Drainage Board and the Winestead Level Drainage Board and constitutes a new internal drainage board ("the South Holderness Internal Drainage Board") for the new internal drainage district.

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