

Statutory Instruments

STATUTORY INSTRUMENTS

2008 No. 750**LAND DRAINAGE, ENGLAND****The East Suffolk Internal Drainage Board Order 2008***Made* 10th January 2008*Coming into force in accordance with
article 1*

Under section 3(1)(a) of the Land Drainage Act 1991^[1], the Environment Agency has prepared a Scheme, a copy of which is set out in Schedule 1, making provision for—

- (a) the abolition of the Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alde Internal Drainage Board;
- (b) the amalgamation of their respective drainage districts with the River Blyth Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District, being drainage districts administered by the Environment Agency; and
- (c) the constitution of a new internal drainage board.

In accordance with section 3(1) 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 his intention 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.

Accordingly, 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 him^[2]:

Citation and commencement

1. This Order may be cited as the East Suffolk Internal Drainage Board Order 2008 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 as submitted by the Environment Agency (the provisions of which appear in Schedule 1 to this Order) is confirmed, subject to the following modifications—

(a) in paragraph 2—

(i) omit the definition of "the Commencement Date";

(ii) omit the definition of "Statutory Powers";

(iii) omit the definition of "the Alderton, Hollesley and Bawdsey Drainage Board", the word "and" after the definition of "the Alderton, Hollesley and Bawdsey Drainage Board" and the definition of "the Alderton, Hollesley and Bawdsey Drainage District";

(iv) in the definition of "The River Deben Internal Drainage District", for "The" substitute "the";

(v) omit the definition of "the Fromus, Alde and Thorpeness Internal Drainage District";

(vi) in the definition of "the River Gipping Internal Drainage Board", delete "(the 1933 Scheme)";

(vii) omit the definition of "the Lower Alde Internal Drainage Board", the word "and" after the definition of "the Lower Alde Internal Drainage Board" and the definition of "the Lower Alde Internal Drainage District";

(viii) omit the definition of "the Minsmere Internal Drainage District";

(ix) after the definition of "the Agency Administered Districts", insert the following definitions—

"the Alderton, Hollesley and Bawdsey Drainage Board" means the drainage board constituted by the Alderton, Hollesley and Bawdsey Drainage Order 1922 as amended by the East Suffolk Rivers (excluding the

River Waveney) Catchment Board Transfer Order of 1932 ("the 1922 Order") and "the Alderton, Hollesley and Bawdsey Drainage District" means the drainage district constituted by the 1922 Order as so amended;

"the Commencement Date" means the date on which the Scheme comes into force;

"the Fromus, Alde and Thorpeness Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Fromus, Alde and Thorpeness Internal Drainage District) Order, 1936;

"the Lower Alde Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the Amalgamation of the Lower Alde and Middle Alde Internal Drainage Districts Order 2000 and "the Lower Alde Internal Drainage District" means the internal drainage district constituted by that scheme as confirmed;"

(x) in the definition of "the map", for "23 August 2007" substitute "23rd August 2007";

(xi) after the definition of "the map", insert the following definition—

""the Minsmere Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Minsmere Internal Drainage District) Order, 1937;" and

(xii) before the definition of "the Upper Alde Internal Drainage District", insert the following—

""Statutory Powers" includes any power arising under or by virtue of any local Act or order made under statutory authority; and"; and

(b) in paragraph 4(2), for "second Schedule and as defined in the second column by reference to the Map" substitute "Second Schedule to the Scheme and as defined in the second column by reference to the map".

(2) Schedule 2 sets out the Scheme as it has effect by virtue of paragraph (1) on its coming into force.

Secretary of State's expenses

3. The expenses of the Secretary of State in connection with the making and confirmation of this Order will be borne by the Environment Agency.

Chris De Grouchy

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

10th January 2008

SCHEDULE 1

Article 2(1)

SCHEME AS SUBMITTED BY THE ENVIRONMENT AGENCY

1. This Scheme will 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 Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alde Internal Drainage Board;
 - "the Commencement Date" means the date on which the Scheme comes into force;
 - "the Agency" means the Environment Agency;
 - "the Agency Administered Districts" means the River Blyth Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District for which the Agency (as statutory successor to the East Suffolk and Norfolk River Board and the East Suffolk and Norfolk River Authority) is the drainage board by virtue of the Orders listed in the First Schedule to the Scheme;
 - "the map" means the map dated 23 August 2007 entitled "The East Suffolk Internal Drainage District: Electoral Divisions";
 - "the New Board" means the internal drainage board constituted by virtue of paragraph 3(3) of this Scheme;
 - "the New District" means the internal drainage district constituted by virtue of paragraph 3(2) of this Scheme;

"Property of the Abolished Boards" means any property vested in any of the Abolished Boards immediately before the Commencement Date and includes books of account, 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, and liabilities 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 Alderton, Hollesley and Bawdsey Drainage Board" means the drainage board constituted by the Alderton, Hollesley and Bawdsey Drainage Order 1922^[3] as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board Transfer Order of 1932^[4] ("the 1922 Order") and "the Alderton, Hollesley and Bawdsey Drainage District" means the drainage district constituted by the 1922 Order as so amended;

"the River Blyth Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Blyth Internal Drainage District) Order, 1934^[5];

"the River Deben Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the River Deben Internal Drainage Board Order 2005^[6] and "The River Deben Internal Drainage District" means the internal drainage district constituted by that scheme as confirmed;

"the Fromus, Alde and Thorpeness Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Fromus, Alde and Thorpeness Internal Drainage District) Order, 1936^[7];

"the River Gipping Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Gipping Drainage District) Order, 1933^[8] ("the 1933 Scheme") and "the River Gipping Drainage District" means the internal drainage district constituted by that scheme as confirmed, the boundaries of which were altered by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Alteration of Boundaries of the River Gipping Drainage District) Order, 1936^[9] and further altered by the scheme confirmed by the

East Suffolk Rivers (excluding the River Waveney) Catchment Board (Alteration of Boundaries of the River Gipping Drainage District) Order, 1945^[10];

"the Lower Alde Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the Amalgamation of the Lower Alde and Middle Alde Internal Drainage Districts Order 2000^[11] and "the Lower Alde Internal Drainage District" means the internal drainage district constituted by that scheme as confirmed;

"the Minsmere Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Minsmere Internal Drainage District) Order, 1937^[12];

"the Upper Alde Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Upper Alde Internal Drainage District) Order, 1936^[13].

3.—(1) The Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alde Internal Drainage Board, shall be abolished.

(2) The Alderton, Hollesley and Bawdsey Drainage District, the River Blyth Internal Drainage District, the River Deben Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the River Gipping Drainage District, the Lower Alde Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the East Suffolk Internal Drainage District".

(3) An internal drainage board, to be known as "the East Suffolk Internal Drainage Board", shall be constituted for the New District.

4.—(1) The New Board shall consist of 11 elected members.

(2) The New District shall be divided into 5 Electoral Divisions as specified in the first column of the second Schedule and as defined in the second column by reference to the Map and the number of members by which each such division shall be represented shall be as provided in the third column of the Schedule.

5.—(1) From the Commencement Date all Rights and Obligations of the Abolished Boards and Property of the Abolished Boards shall be transferred to and vested in, or fall to be discharged by, the New Board.

(2) From the Commencement Date all property (including books of

account, other books, deeds, maps, papers and other documents), rights, powers (including Statutory Powers), duties, obligations and liabilities which immediately before the Commencement Date were vested in or fell to be discharged by the Agency, in its capacity as the drainage board for the Agency Administered Districts, shall be transferred to and vested in or fall to be discharged by the New Board.

6. The New Board may recover all arrears of rates which have been levied by the Abolished Boards, or by the Agency in relation to the Agency Administered Districts, before the Commencement Date in respect of any period ending before the Commencement Date, in the same manner as if they had been rates levied by the New Board.

7. The Scheme shall operate as conclusive evidence of anything transferred under this Scheme without the necessity of any further assignments, conveyances or deeds of transfer.

8. The New Board shall prepare accounts in respect of each of the Abolished Boards and in respect of each of the Agency Administered Boards for the period up to the Commencement Date and shall ensure that these accounts are audited in the like manner and be subject to the like incidents and consequences as if this Scheme had not come into force.

Dated 14th September 2007

THE FIRST SCHEDULE

The East Suffolk and Norfolk River Authority (Transfer of Powers of the River Blyth Internal Drainage Board) Order 1966^[14]

The East Suffolk and Norfolk River Board (Transfer of Powers of the Fromus, Alde and Thorpeness Internal Drainage Board Order, 1960^[15]

The East Suffolk and Norfolk River Authority (Transfer of Powers of the Minsmere Internal Drainage Board) Order 1965^[16]

The East Suffolk and Norfolk River Board (Transfer of Powers of the Upper Alde Internal Drainage Board) Order, 1960^[17]

THE SECOND SCHEDULE

<i>Electoral Divisions</i>	<i>Defined on the Map</i>	<i>Number of Members</i>
Deben Estuary	Green	2
Alde Estuary	Yellow	3
Hollesey	Pink	1
Blyth, Minsmere and Thorpeness	Dark Blue	2
Fluvial Rivers	Light Blue	3

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 Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alde Internal Drainage Board;

"the Agency" means the Environment Agency;

"the Agency Administered Districts" means the River Blyth Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District for which the Agency (as statutory successor to the East Suffolk and Norfolk River Board and the East Suffolk and Norfolk River Authority) is the drainage board by virtue of the Orders listed in the First Schedule to the Scheme;

"the Alderton, Hollesley and Bawdsey Drainage Board" means the drainage board constituted by the Alderton, Hollesley and Bawdsey Drainage Order 1922^[18] as amended by the East Suffolk Rivers (excluding the River Waveney) Catchment Board Transfer Order of 1932^[19] ("the 1922 Order") and "the Alderton, Hollesley and Bawdsey Drainage District" means the drainage district constituted by the 1922 Order as so amended;

"the Commencement Date" means the date on which the Scheme comes into force;

"the Fromus, Alde and Thorpeness Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Fromus, Alde and Thorpeness Internal Drainage District) Order, 1936^[20];

"the Lower Alde Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the Amalgamation of the Lower Alde and Middle Alde Internal Drainage Districts Order 2000^[21] and "the Lower Alde Internal Drainage District" means the internal drainage district constituted by that scheme as confirmed;

"the map" means the map dated 23rd August 2007 entitled "The East

Suffolk Internal Drainage District: Electoral Divisions";

"the Minsmere Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Minsmere Internal Drainage District) Order, 1937^[22];

"the New Board" means the internal drainage board constituted by virtue of paragraph 3(3) of this Scheme;

"the New District" means the internal drainage district constituted by virtue of paragraph 3(2) of this Scheme;

"Property of the Abolished Boards" means any property vested in any of the Abolished Boards immediately before the Commencement Date and includes books of account, 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, and liabilities as immediately before the Commencement Date were vested in or fell to be discharged by any of the Abolished Boards;

"the River Blyth Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Blyth Internal Drainage District) Order, 1934^[23];

"the River Deben Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the River Deben Internal Drainage Board Order 2005^[24] and "the River Deben Internal Drainage District" means the internal drainage district constituted by that scheme as confirmed;

"the River Gipping Internal Drainage Board" means the internal drainage board constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (River Gipping Drainage District) Order, 1933^[25] and "the River Gipping Drainage District" means the internal drainage district constituted by that scheme as confirmed, the boundaries of which were altered by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Alteration of Boundaries of the River Gipping Drainage District) Order, 1936^[26] and further altered by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Alteration of Boundaries of the River Gipping Drainage District) Order, 1945^[27];

"Statutory Powers" includes any power arising under or by virtue of

any local Act or order made under statutory authority; and

"the Upper Alde Internal Drainage District" means the internal drainage district constituted by the scheme confirmed by the East Suffolk Rivers (excluding the River Waveney) Catchment Board (Upper Alde Internal Drainage District) Order, 1936^[28].

3.—(1) The Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alde Internal Drainage Board, shall be abolished.

(2) The Alderton, Hollesley and Bawdsey Drainage District, the River Blyth Internal Drainage District, the River Deben Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the River Gipping Drainage District, the Lower Alde Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the East Suffolk Internal Drainage District".

(3) An internal drainage board, to be known as "the East Suffolk Internal Drainage Board", shall be constituted for the New District.

4.—(1) The New Board shall consist of 11 elected members.

(2) The New District shall be divided into 5 Electoral Divisions as specified in the first column of the Second Schedule to the Scheme and as defined in the second column by reference to the map and the number of members by which each such division shall be represented shall be as provided in the third column of the Schedule.

5.—(1) From the Commencement Date all Rights and Obligations of the Abolished Boards and Property of the Abolished Boards shall be transferred to and vested in, or fall to be discharged by, the New Board.

(2) From the Commencement Date all property (including books of account, other books, deeds, maps, papers and other documents), rights, powers (including Statutory Powers), duties, obligations and liabilities which immediately before the Commencement Date were vested in or fell to be discharged by the Agency, in its capacity as the drainage board for the Agency Administered Districts, shall be transferred to and vested in or fall to be discharged by the New Board.

6. The New Board may recover all arrears of rates which have been levied by the Abolished Boards, or by the Agency in relation to the Agency Administered Districts, before the Commencement Date in respect of any period ending before the Commencement Date, in the same manner as if they had been rates levied by the New Board.

7. The Scheme shall operate as conclusive evidence of anything

transferred under this Scheme without the necessity of any further assignments, conveyances or deeds of transfer.

8. The New Board shall prepare accounts in respect of each of the Abolished Boards and in respect of each of the Agency Administered Boards for the period up to the Commencement Date and shall ensure that these accounts are audited in the like manner and be subject to the like incidents and consequences as if this Scheme had not come into force.

Dated 14th September 2007

THE FIRST SCHEDULE

The East Suffolk and Norfolk River Authority (Transfer of Powers of the River Blyth Internal Drainage Board) Order 1966^[29]

The East Suffolk and Norfolk River Board (Transfer of Powers of the Fromus, Alde and Thorpeness Internal Drainage Board Order, 1960^[30]

The East Suffolk and Norfolk River Authority (Transfer of Powers of the Minsmere Internal Drainage Board) Order 1965^[31]

The East Suffolk and Norfolk River Board (Transfer of Powers of the Upper Alde Internal Drainage Board) Order, 1960^[32]

THE SECOND SCHEDULE

<i>Electoral Divisions</i>	<i>Defined on the Map</i>	<i>Number of Members</i>
Deben Estuary	Green	2
Alde Estuary	Yellow	3
Hollesey	Pink	1
Blyth, Minsmere and Thorpeness	Dark Blue	2
Fluvial Rivers	Light Blue	3

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 the foregoing 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.

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.

Chris De Grouchy

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

1st March 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms (with modifications) a Scheme submitted by the Environment Agency for the abolition, on a date one month after the confirmation of this Order, of the Alderton, Hollesley and Bawdsey Drainage Board, the River Deben Internal Drainage Board, the River Gipping Internal Drainage Board and the Lower Alder Internal Drainage Board.

A new board, known as "the East Suffolk Internal Drainage Board" replaces these boards. The four former drainage districts are amalgamated with four drainage districts, the River Blyth Internal Drainage District, the Fromus, Alde and Thorpeness Internal Drainage District, the Minsmere Internal Drainage District and the Upper Alde Internal Drainage District, formerly administered by the Environment Agency, to form a new internal drainage district known as "the East Suffolk Internal Drainage District".

A map of the eight drainage districts amalgamated by virtue of the Scheme is available for inspection during office hours at the offices of the Environment Agency at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough PE2 5ZR.

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

Notes:

[1] 1991 c.59; "the relevant Minister" is defined in section 72(1). References to the National River Authority were replaced with references to the Environment Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c.25).

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[2] By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

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[3] S.R. & O. 1922/501. [back](#)

[4] S.R. & O. 1932/861. [back](#)

[5] S.R. & O. 1934/721. [back](#)

[6] S.I. 2005/2515. [back](#)

[7] S.R. & O. 1936/208. [back](#)

[8] S.R. & O. 1933/648. [back](#)

[9] S.R. & O. 1936/207. [back](#)

[10] S.R. & O. 1945/366. [back](#)

[11] S.I. 2000/1463. [back](#)

[12] S.R. & O. 1937/41. [back](#)

[13] S.R. & O. 1936/209. [back](#)

[14] S.I. 1966/930. [back](#)

[15] S.I. 1960/1550. [back](#)

[16] S.I. 1965/1807. [back](#)

[17] S.I. 1960/1549. [back](#)

[18] S.R. & O 1922/501. [back](#)

[19] S.R. & O 1932/861. [back](#)

[20] S.R. & O 1936/208. [back](#)

[21] S.I. 2000/1463. [back](#)

[22] S.R. & O 1937/41. [back](#)

[23] S.R. & O 1934/721. [back](#)

[24] S.I. 2005/2515. [back](#)

[25] S.R. & O. 1933/648. [back](#)

[26] S.R. & O. 1936/207. [back](#)

[27] S.R & O. 1945/366. [back](#)

[28] S.R. & O. 1936/209. [back](#)

[29] S.I. 1966/930. [back](#)

[30] S.I. 1960/1550. [back](#)

[31] S.I. 1965/1807. [back](#)

[32] S.I. 1960/1549. [back](#)