

1994 No. 723

LAND DRAINAGE



The National Rivers Authority (Alteration of Boundaries of the South Holland Internal Drainage District) Order 1993

Made - - - - - 6th April 1993

Coming into force 7th March 1994

Whereas the National Rivers Authority has prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 3(1) of the Land Drainage Act 1991 (hereinafter called "the 1991 Act") (a) a Scheme (hereinafter called "the Scheme") in relation to the South Holland Internal Drainage District, a copy of which is set out in the Schedule hereto;

And whereas the Minister has caused a notice of his intention to make the following Order confirming the Scheme and the places where copies of the draft Order may be inspected and obtained to be published and to be sent to local authorities and other bodies in accordance with paragraph 2 of Schedule 3 to the 1991 Act;

And whereas no objection has been made to the draft Order;

Now, therefore, the Minister, in exercise of the powers conferred upon him by section 3(5) and (7) of the 1991 Act and of all other powers enabling him in that behalf, hereby makes the following Order:-

1. This Order may be cited as the National Rivers Authority (Alteration of Boundaries of the South Holland Internal Drainage District) Order 1993 and shall, unless subject to special Parliamentary procedure, come into force on the date of its confirmation by the Minister, in accordance with paragraph 5(1) of Schedule 3 to the 1991 Act.

2. The Scheme is hereby confirmed subject to the following modifications:-

- (i) for paragraph 1 there shall be substituted the following:
"This Scheme shall come into force one month after the date of confirmation of the Order confirming this Scheme.";
- (ii) in paragraph 2 shall be added, before the definition of the 1793 Act, the following definition: " 'the authority' means the National Rivers Authority";
- (iii) in paragraph 4 for the words "the appointed day" shall be substituted the words "the coming into force of this Scheme";
- (iv) in paragraph 8 the words "From the appointed day" shall be deleted;
- (v) in paragraph 8(b) for the words "the 1976 Act" there shall be substituted "the Land Drainage Act 1991".

(a) 1991 c.59; the definition of "the relevant Minister" is contained in section 72(1) of that Act.

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne equally by the National Rivers Authority and the South Holland Internal Drainage Board.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th April 1993.



R. A. Hathaway
Assistant Secretary

SCHEDULE

SCHEME SUBMITTED BY THE NRA

1. This Scheme shall come into operation on a day to be appointed by the Minister and such a day is hereinafter called the 'appointed day'.

2. In this Scheme:-

"the 1793 Act" means the South Holland Embankment Act 1793 (a);

"the 1873 Act" means the Moulton & Salt Marshes Act 1873 (b);

"the 1974 Order" means the Anglian Water Authority (South Holland Internal Drainage District) Order 1974 (c);

"the 1978 Order" means the Anglian Water Authority (South Holland Drainage District) (Amendment) Order 1978 (d);

"the South Holland Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the 1974 Order as amended by the Scheme confirmed by the 1978 Order; and

"the South Holland Internal Drainage District" means the District under their jurisdiction;

"the map" means the map sealed by the Authority in relation to this Scheme;

"the Second Line Sea Defences" means the embankment and berms shown by purple lines on the map;

"the added lands" means the lands lying partly within the parish of Fosdyke in the district of Boston and partly within the parishes of Gedney, Holbeach, Luton and Moulton in the district of South Holland all in the County of Lincoln and shown edged red and coloured green on the map and numbered 1-7 for location purposes only.

3. The boundaries of the South Holland Internal Drainage District as constituted by the Schemes confirmed by the 1974 and 1978 Orders shall be altered so as to include therein the added lands.

4. The provisions of the Scheme confirmed by the 1974 and 1978 Orders shall, where applicable, apply to the added lands as if such lands had formed part of the South Holland Internal Drainage District immediately before the appointed day.

5. Section 18 of the 1793 Act shall be repealed.

6. Section 6(1) of the 1873 Act shall be repealed.

7. Section 30 of the 1873 Act shall be amended by the deletion of the words "and Trustees shall for ever after maintain, repair and renew the said embankments and works".

8. From the appointed day:-

(a) the South Holland Internal Drainage Board shall be responsible for the repair and maintenance of all culverts, tunnels, soak dykes, sluices, penstocks and any other such works now or hereafter constructed in, through, over or in connection with the Second Line Sea Defences;

(b) the statutory powers conferred on the Authority by (inter alia) the 1976 Act shall apply to and may be exercised by the Authority in respect of the Second Line Sea Defences.

Dated 7th November 1990

THE COMMON SEAL of the
National Rivers Authority
was hereunto affixed in the
presence of:-



Quentin Gray
Authority Secretary

Confirmation of Order

Whereas the foregoing Order has been published by the Minister of Agriculture, Fisheries and Food ("the Minister") 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 Minister;

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

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th March 1994.



R. A. Hathaway
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms with modifications a Scheme ("the Scheme") submitted by the National Rivers Authority for the addition of land to the South Holland Internal Drainage District constituted by the Anglian Water Authority (South Holland Internal Drainage District) Order 1974 as amended by the Anglian Water Authority (South Holland Drainage District) (Amendment) Order 1978, and for the repeal of section 18 of the South Holland Embankment Act 1793 and of section 6(1) and part of section 30 of the Moulton & Salt Marshes Act 1873.

The Scheme was submitted and advertised under the Land Drainage Act 1976. The continued validity and effect of this Scheme under section 3(5) and (7) of the 1991 Act is made possible by virtue of paragraph 1 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991.

The map sealed in relation to the Scheme confirmed by this Order is available for inspection during office hours at the offices of the Ministry of Agriculture, Fisheries and Food, Eastbury House, 30-34 Albert Embankment, London, SE1 7TL, and a certified copy thereof may be inspected during office hours at the offices of the National Rivers Authority, Anglian Region, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR, and at the offices of the South Holland Internal Drainage Board, "Marsh Reeves", Foxes Lowe Road, Holbeach, Spalding, Lincolnshire, PE12 7PA.



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