

2009 No. 1170

LAND DRAINAGE, ENGLAND

**The North Level District Internal Drainage District and the
South Holland Internal Drainage District (Alteration of
Boundaries) Order 2009**

Made - - - - *11th February 2009*

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 making provision for the alteration of the boundaries of the North Level District Internal Drainage District and the South Holland Internal Drainage District.

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 intent to make the following Order confirming the Scheme (with modifications) 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 in whom the powers conferred by section 3(5) and (7) of that Act are now vested (b), makes the following Order in exercise of those powers.

Citation and commencement

1. This Order may be cited as the North Level District Internal Drainage District and the South Holland Internal Drainage District (Alteration of Boundaries) Order 2009 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, 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 River Authority were replaced with references to the Environment Agency by paragraph 191 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 will be borne by the Environment Agency.

Chris De Grouchy

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

11th February 2009

SCHEDULE

Article 2(2)

SCHEME SUBMITTED BY THE ENVIRONMENT AGENCY, AS MODIFIED BY THE SECRETARY OF STATE

1. This Scheme shall come into force on the day after the day on which the Order confirming this scheme is confirmed.

2. In this Scheme:-

“the Additional Land” means all the land in the parish of Tidd St Marys coloured blue on the Map;

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

“the Map” means the map sealed by the Environment Agency and dated 6 July 2007 entitled “North Level District Internal Drainage District; Proposed Boundary Alteration” and deposited at the Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough;

“the North Level District Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the North Level Internal Drainage Board Order 2005(a) and “the North Level District Internal Drainage District” means the internal drainage district constituted by that scheme, as confirmed;

“the South Holland Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Anglian Water Authority (South Holland Internal Drainage District) Order 1974(b), as reconstituted by the scheme confirmed by the Anglian Water Authority (South Holland Internal Drainage District) (Amendment) Order 1978(c) and as further reconstituted by the Reconstitution of the South Holland Internal Drainage Board Order 1993(d);

“the South Holland Internal Drainage District” means the internal drainage district constituted by the scheme confirmed by the Anglian Water Authority (South Holland Internal Drainage District) Order 1974, as altered by the scheme confirmed by the Anglian Water Authority (South Holland Internal Drainage District) (Amendment) Order 1978 and as further altered by the scheme confirmed by the National Rivers Authority (Alteration of Boundaries of the South Holland Internal Drainage District) Order 1993(e); and

“the Transferred Land” means all that land in the parish of Tidd St Marys coloured green on the Map.

3. As from the Commencement Date, the boundaries of the South Holland Internal Drainage District shall be altered to exclude the Transferred Land.

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- (a) S.I. 2005/3601.
(b) S.I. 1974/1209.
(c) S.I. 1978/1589.
(d) S.I.1993/453.
(e) S.I.1994/723.

4. As from the Commencement Date, the boundaries of the North Level District Internal Drainage District shall be altered to include all that land outlined in red on the Map, including the Transferred Land and the Additional Land.

5. All property, rights, powers, duties, obligations and liabilities as immediately before the Commencement Date were vested in or fell to be discharged by the South Holland Internal Drainage Board in respect of the Transferred Land shall be transferred to and vested in, or fall to be discharged by, the North Level District Internal Drainage Board.

6. The North Level District Internal Drainage Board may, in respect of the Transferred Land, recover all arrears of rates levied by the South Holland 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 rates levied by the North Level District Internal Drainage Board.

7. 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.

Dated 3rd September 2007

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.

30th April 2009

Chris De Grouchy
A Senior 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 (with modifications) a Scheme submitted by the Environment Agency for the alteration of the boundaries of the North Level District Internal Drainage District and the South Holland Internal Drainage District.

A map showing the land to be included within the North Level District Internal Drainage District and the land to be excluded from the South Holland Internal Drainage District 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.

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