

2011 No. 437

LAND DRAINAGE, ENGLAND

**The Reconstitution of the Witham Fourth District Drainage
Board Order 2010**

Made - - - - *19th August 2010*

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 reconstitution of the Witham Fourth District 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 (with modifications as appear to the Secretary of State to be desirable) 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, and paragraph 3(2) of Schedule 3 to, that Act are now vested, makes the following Order in exercise of those powers.

Citation and commencement

1. This Order may be cited as the Reconstitution of the Witham Fourth District Drainage Board Order 2010 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). The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). 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).

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.

Grant Horsburgh

A Civil Servant, for and on behalf of the

19th August 2010

Secretary of State for Environment, Food and Rural Affairs

SCHEDULE

Article 2(2)

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

1. The Scheme comes into force on the day after the day on which the Order confirming this Scheme is confirmed.

2. In this Scheme—

“the 1991 Act” means the Land Drainage Act 1991; and

“the Witham Fourth District Internal Drainage Board” means the internal drainage board constituted by the scheme confirmed by the Witham and Steeping Rivers Catchment Board (Witham Fourth District Internal Drainage District) Order 1934(a), as its boundaries were altered and membership increased by the Lincolnshire River Board (Alteration of Boundaries of the Witham Fourth Internal Drainage District) Order 1956(b).

3.—(1) The Witham Fourth District Internal Drainage Board is reconstituted and will continue in existence consisting of twelve elected members elected in accordance with the provisions made by or under Schedule 1 to the 1991 Act.

(2) The new members (other than those members to be appointed by charging authorities in accordance with the provisions under Schedule 1 to the 1991 Act) are to be appointed by the Secretary of State and are to hold office until the expiration of one year from the 1st November next following the day on which they are appointed.

(3) The existing members of the Witham Fourth District Internal Drainage Board are to continue in office until the date of the first meeting of the new members.

4. The rights, powers, duties, liabilities, obligations and property (including deeds, maps, books, papers and other documents) which are vested in the Witham Fourth District Internal Drainage Board, or to which the Witham Fourth District Internal Drainage Board is subject, immediately prior to its reconstitution in accordance with paragraph 3 remain with the Witham Fourth District Internal Drainage Board as from its reconstitution in accordance with paragraph 3.

Dated 21 July 2009

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 Secretary of State.

(a) S.I. 1934/1370.

(b) S.I. 1956/467.

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

10th February 2011

Grant Horsburgh
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 (with modifications) a Scheme submitted by the Environment Agency for the reconstitution of the Witham Fourth Internal Drainage Board. The effect of the reconstitution is to reduce the number of the board's elected members from 20 to 12.

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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STATUTORY INSTRUMENTS

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