STATUTORY INSTRUMENTS

2009 No. 3468

LAND DRAINAGE, ENGLAND

The East Harling Internal Drainage District (Alteration of Boundaries) Order 2009

Made - - - - 4th December 2009

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991(**a**) ("the Act"), the Environment Agency has prepared a Scheme making provision for the alteration of the boundaries of the East Harling Internal Drainage District.

In accordance with section 3(1) of the 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 the 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.

An objection was made to the draft Order. The Secretary of State has considered that objection and, in accordance with paragraph 3 of Schedule 3 to the Act, has determined to make the 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 East Harling 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 Rivers 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
4th December 2009 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. In this Scheme–

"the Agency" means the Environment Agency;

"the East Harling Internal Drainage Board" means the Internal Drainage Board constituted by the Scheme confirmed by the River Great Ouse Catchment Board (East Harling Internal Drainage District) Order 1934(**a**), paragraph 2 of which was partially replaced by the Scheme confirmed by the River Great Ouse Catchment Board (East Harling Internal Drainage Board) Order 1936(**b**);

"the East Harling Internal Drainage District" means the drainage district constituted under the jurisdiction of the East Harling Internal Drainage Board; and

"the maps" mean the maps sealed by the Agency in relation to this Scheme.

2. This Scheme comes into force one month after the confirmation of the Order confirming the Scheme.

3.—(1) On the day of coming into force of this Scheme the boundaries of the East Harling Internal Drainage District are altered so as to include all those lands shown edged green on the three maps sealed by the Agency in relation to the Scheme.

(2) As from the date of coming into force, all the powers, duties, rights, obligations and liabilities of the East Harling Internal Drainage Board have effect in respect of the whole of the said Drainage District as altered by the Scheme.

Dated 17th May 2004

(**a**) S.R. & O. 1934/773.
(**b**) S.R. & O. 1936/131.

Confirmation of Order

In accordance with paragraph 4 of Schedule 3 to the Land Drainage Act 1991 ("the Act"), the Secretary of State has published the foregoing Order, in a manner complying with paragraph 4(1) of Schedule 3 to the Act, and a notice complying with paragraph 4(2) of Schedule 3 to the Act.

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

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

Chris De Grouchy
A Senior Civil Servant, for and on behalf of the
21st January 2010 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 East Harling Internal Drainage District.

The effect of the alteration is that the East Harling Internal Drainage District will include all those lands shown edged green on the three maps sealed by the Agency in relation to the Scheme. These maps are available for inspection during office hours at the offices of the Environment Agency at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough PE2 5ZR.

Notice of intention to make the draft Order was originally given in 2004 in accordance with Paragraph 2 of Schedule 3 to the Land Drainage Act 1991. Objections to the draft Order were received and the Minister has considered those objections and determined to make this Order.

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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