STATUTORY INSTRUMENTS

2026 No. 285

LAND DRAINAGE, ENGLAND

The North Kent Marshes Water Level Management Board Order 2026

Made - - - -	*10th March 2026*
Coming into force - -	*1st April 2026*

Under section 3(1)(a) of the Land Drainage Act 1991 ("the 1991 Act")(**a**), the Environment Agency has prepared a Scheme making provision for the matters specified in section 3(2)(b), (d), (f), and (i)(**b**) of the 1991 Act and submitted the Scheme to the Secretary of State for confirmation.

The Secretary of State has published a notice of intent to make this Order confirming the Scheme in accordance with paragraph 2(1) of Schedule 3(**c**) to the 1991 Act and 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 this Order in exercise of the powers conferred under section 3(5) of the 1991 Act(**d**).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the North Kent Marshes Water Level Management Board Order 2026 and comes into force on 1st April 2026.

(2) This Order extends to England and Wales, and applies to England only.

Confirmation of the Scheme with modifications

2.—(1) The Scheme 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 1991 Act"). Section 3(1) of the 1991 Act was amended by S.I. 2013/755 (W. 90). The definitions of "the relevant Minister" and "the appropriate supervisory body" are contained in section 72(1) of the 1991 Act.
(**b**) Section 3(2) of the 1991 Act was amended by S.I. 2013/755 (W. 90).
(**c**) The definition of "the appropriate Minister" is contained in paragraph 1(3) of Schedule 3 to the 1991 Act.
(**d**) The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by virtue of article 2 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Signed by authority of the Secretary of State

William Harrington
Head of Rural Flood Risk
10th March 2026 Department for Environment, Food and Rural Affairs

SCHEDULE

Article 2(2)

Scheme submitted by the Environment Agency as modified by the Secretary of State

1. This Scheme comes into force on 1st April 2026.

2. In this Scheme—

"the abolished boards" means the Lower Medway Internal Drainage Board and the North Kent Marshes Internal Drainage Board;

"the commencement date" means the date on which this Scheme comes into force;

"elected members" means those members of the North Kent Marshes Water Level Management Board who are appointed by the Secretary of State pursuant to this Scheme or elected in accordance with the provisions made by or under Schedule 1 to the Land Drainage Act 1991;

"the Lower Medway Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the River Medway Catchment Board (Upper and Lower Medway Internal Drainage Districts) Order 1934(**a**) ("the 1934 Order") and reconstituted by the Scheme confirmed by the Reconstitution of the Lower Medway Internal Drainage Board Order 1993(**b**);

"the Lower Medway Internal Drainage District" means the internal drainage district constituted by the Scheme confirmed by the 1934 Order;

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

"the North Kent Marshes Internal Drainage Board" means the internal drainage board constituted by the Scheme confirmed by the North Kent Marshes Internal Drainage District Order 2016(**c**) ("the 2016 Order");

"the North Kent Marshes Internal Drainage District" means the internal drainage district constituted by the Scheme confirmed by the 2016 Order;

"property" means, in relation to any of the abolished boards, any property which is vested in that abolished board immediately before the commencement date and includes books of account, other books, deeds, maps, papers and other documents, in whatever medium held, and computer and other electronic records;

"rights and obligations" means, in relation to any of the abolished boards, all rights, powers, duties (including statutory powers and duties), obligations and liabilities which are vested in or which fall to be discharged by that abolished board immediately before the commencement date.

(**a**) S.R. & O. 1934/725.
(**b**) S.I. 1993/825.
(**c**) S.I. 2016/859.

3.—(1) The Lower Medway Internal Drainage Board and the North Kent Marshes Internal Drainage Board are abolished.

(2) The Lower Medway Internal Drainage District and the North Kent Marshes Internal Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as "the North Kent Marshes Internal Drainage District".

(3) A new internal drainage board to be known as "the North Kent Marshes Water Level Management Board" is constituted for the North Kent Marshes Internal Drainage District.

4.—(1) On the commencement date the new Board is constituted to comprise 11 elected members(**a**).

(2) The first elected members of the North Kent Marshes Water Level Management Board are to be appointed by the Secretary of State and are to hold office until the expiry of one year from the first occurrence of 1st November following the day on which they are appointed.

5. On the commencement date, all property and rights and obligations of the abolished boards are transferred to and vested in, or fall to be discharged by, the new Board.

6. All arrears of rates levied by the abolished boards before the commencement date in respect of any period ending before the commencement date may be recovered by the new Board, in the same manner as if they had been rates levied by the new Board.

7. This Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of further assignments, conveyance or deed of transfer.

8. The accounts of each of the abolished boards must be made up to the day before the commencement date by the new Board and audited as if this Scheme had not come into force.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms, with modifications, a Scheme submitted by the Environment Agency for the amalgamation of the Lower Medway Internal Drainage District and the North Kent Marshes Internal Drainage District into one new internal drainage district ("the North Kent Marshes Internal Drainage District"). The Lower Medway Internal Drainage Board and the North Kent Marshes Internal Drainage Board are abolished and a new internal drainage board ("the North Kent Marshes Water Level Management Board") is constituted for the new internal drainage district.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(**a**) Part 2 of Schedule 1 to the 1991 Act makes provision in relation to the appointment of members by charging authorities, including as to their number.

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