STATUTORY INSTRUMENTS

2005 No. 431

LAND DRAINAGE, ENGLAND

The Parrett Internal Drainage Board Order 2005

Made - - - - 20th January 2005

Coming into force in accordance with article 1

Whereas under section 3(1) of the Land Drainage Act 1991 ("the 1991 Act")(**a**) the Environment Agency has prepared and submitted to the Secretary of State for confirmation a Scheme (a copy of which is set out in the Schedule hereto) making provision for the abolition of the Aller Internal Drainage Board, the Bridgwater & Pawlett Internal Drainage Board, the Cannington & Wembdon Internal Drainage Board, the Chedzoy Separate Internal Drainage Board, the Curry Moor Internal Drainage Board, the Dunster Internal Drainage Board, the King Sedgemoor & Cary Valley Internal Drainage Board, the Langport Internal Drainage Board, the North Moor Internal Drainage Board, the Othery, Middlezoy & Westonzoyland Internal Drainage Board, the Stanmoor Internal Drainage Board, the Stockland Internal Drainage Board and the West Sedgemoor Internal Drainage Board, the amalgamation of their respective drainage districts and the constitution of a new internal drainage district;

And whereas, in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act, the Secretary of State has caused a notice of her intention to make the following Order confirming the Scheme and notice of the other matters mentioned in that paragraph to be published, and to be sent to local authorities and other bodies specified in paragraph 2(2) of Schedule 3;

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

Now therefore, the Secretary of State, in exercise of the powers conferred upon her by sections 3(5), (6) and (7) of, and paragraph 3(2) of Schedule 3 to, the 1991 Act and now vested in her (**b**), hereby makes the following Order:

1. This Order may be cited as the Parrett Internal Drainage Board Order 2005 and shall, if confirmed by the Secretary of State in accordance with paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991, come into force in accordance with that paragraph.

2.—(1) The Scheme as submitted by the Environment Agency (the provisions of which appear in Schedule 1 to this Order) is hereby confirmed, subject to the following modifications —

(a) in paragraph 2 —

(i) for every reference to "the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881" substitute "Somersetshire Drainage Act 1877 Order dated 9 March

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(**a**) 1991 c.59; "the relevant Minister" is defined in section 72(1). References to the National Rivers Authority (NRA) 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 (SI 2002/794).

1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877"; and

(ii) in the definition of "The Othery, Middlezoy & Westonzoyland Internal Drainage Board" for "Commissioner's Award 27 March 1841" substitute "Commissioners' Award dated 27 March 1841 made under the Othery, Middlezoy and Weston Zoyland Drainage Act 1830";

(b) in paragraph 3(1) delete "(hereinafter referred to collectively as "the Abolished Boards")"; and

(c) in paragraph 8, for "and copies thereof shall be sent forthwith to" substitute "by".

(2) Schedule 2 to this Order sets out the Scheme as it has effect by virtue of paragraph (1) on its coming into force.

3. The expenses of the Secretary of State in connection with the making and confirmation of this Order shall be borne by the Environment Agency.

Signed by the authority of the Secretary of State,

Sarah Nason
A Senior Civil Servant in the
20th January 2005 Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 2(1)

SCHEME AS SUBMITTED BY THE ENVIRONMENT AGENCY

1. This Scheme shall come into force one month after the date of confirmation of the Order confirming this Scheme.

2. In this Scheme:–

"the Abolished Boards" means the Boards abolished by virtue of paragraph 3(1) of this Scheme;

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

"property" includes books of accounts, other books, deeds, maps, papers and other documents;

"rights and obligations of the Abolished Boards" means all such rights, powers (including statutory powers), duties, obligations, liabilities and property as immediately before the commencement date were vested in or fell to be discharged by any of the Abolished Boards;

"statutory powers" includes any power arising under or by virtue of any local Act or Order made under statutory authority;

"The Aller Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1868 confirmed by the Land Drainage Supplemental Act 1868(**a**) and "The Aller Internal Drainage District" means the internal drainage district constituted by that Act.

"The Bridgwater & Pawlett Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881 and "The Bridgwater & Pawlett Internal Drainage District" means the internal drainage district constituted by that Act.

(**a**) 31 and 32 Vic. c. 83.

"The Cannington & Wembdon Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881 and "The Cannington & Wembdon Internal Drainage District" means the internal drainage district constituted by that Act.

"The Chedzoy Separate Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1865 confirmed by the Land Drainage Supplemental Act 1865(**a**) and "The Chedzoy Separate Internal Drainage District" means the internal drainage district constituted by that Act.

"The Curry Moor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1863 confirmed by the Land Drainage Supplemental Act 1864(**b**) and "The Curry Moor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Dunster Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1930(**c**) and "The Dunster Internal Drainage District" means the internal drainage district constituted by that Act.

"The King Sedgemoor & Cary Valley Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881 and "The King Sedgemoor & Cary Valley Internal Drainage District" means the internal drainage district constituted by that Act.

"The Langport Internal Drainage Board" means the internal drainage board constituted by The Reconstitution of the Langport District Drainage Board Order 1994(**d**) and "The Langport Internal Drainage District" means the internal drainage district constituted by that Order.

"The North Moor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1867 confirmed by Land Drainage Supplemental Act 1867(**e**) and "The North Moor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Othery, Middlezoy & Westonzoyland Internal Drainage Board" means the internal drainage board constituted by the Commissioner's Award 27 March 1841 and "The Othery, Middlezoy & Westonzoyland Internal Drainage District" means the internal drainage district constituted by that Act.

"The Stanmoor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1863 confirmed by the Land Drainage Supplemental Act 1864(**f**) and "The Stanmoor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Stockland Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881 and "The Stockland Internal Drainage District" means the internal drainage district constituted by that Act.

"The West Sedgemoor Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order of S.D.C 9 March 1881 and "The West Sedgemoor Internal Drainage District" means the internal drainage district constituted by that Act.

3.—(1) The Aller Internal Drainage Board, the Bridgwater & Pawlett Internal Drainage Board, the Cannington & Wembdon Internal Drainage Board, the Chedzoy Separate Internal Drainage Board, the Curry Moor Internal Drainage Board, the Dunster Internal Drainage Board, the King Sedgemoor & Cary Valley Internal Drainage Board, the Langport Internal Drainage Board, the North Moor Internal Drainage Board, the Othery, Middlezoy & Westonzoyland Internal Drainage Board, the Stanmoor Internal Drainage Board, the Stockland Internal Drainage Board and the

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(**a**) 28 Vic. c. 23.
(**b**) 27 Vic. c. 14.
(**c**) S. R. & O. 1946/ 1032.
(**d**) 1994/1411.
(**e**) 30 Vic. c. 22.
(**f**) 27 Vic. c. 14.

West Sedgemoor Internal Drainage Board (hereinafter referred to collectively as "the Abolished Boards") shall be abolished;

(2) The Aller Internal Drainage District, the Bridgwater & Pawlett Internal Drainage District, the Cannington & Wembdon Internal Drainage District, the Chedzoy Separate Internal Drainage District, the Curry Moor Internal Drainage District, the Dunster Internal Drainage District, the King Sedgemoor & Cary Valley Internal Drainage District, the Langport Internal Drainage District, the North Moor Internal Drainage District, the Othery, Middlezoy & Westonzoyland Internal Drainage District, the Stanmoor Internal Drainage District, the Stockland Internal Drainage District and the West Sedgemoor Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the Parrett Internal Drainage District";

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as " the Parrett Internal Drainage Board".

4. The Parrett Internal Drainage Board shall consist of 23 elected members.

5. From the commencement date there shall be transferred to and be vested in or fall to be discharged by the Parrett Internal Drainage Board to the appropriate extent all such rights, and obligations of the Abolished Boards; and for this purpose "the appropriate extent", in relation to the Parrett Internal Drainage Board, means in so far as such rights and obligations specifically relate to or (in the case of land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the Parrett Internal Drainage Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the Parrett Internal Drainage District in respect of any period ending before the commencement date may, in so far as levied in relation to an occupier of land within the Parrett Internal Drainage District be recovered by the Parrett Internal Drainage Board, in the same manner as if they had been rates levied by the Internal Drainage Board in question.

7. As respects any thing transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignments, conveyance or deed of transfer whatsoever.

8. The accounts of each of the Abolished Boards shall be made up to the date of commencement by the Parret Internal Drainage Board, and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not come into force.

DATED 26th day of July 2004

SCHEDULE 2

Article 2(2)

SCHEME AS CONFIRMED

1. This Scheme shall come into force one month after the date of confirmation of the Order confirming this Scheme.

2. In this Scheme:–

"the Abolished Boards" means the Boards abolished by virtue of paragraph 3(1) of this Scheme;

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

"property" includes books of accounts, other books, deeds, maps, papers and other documents;

"rights and obligations of the Abolished Boards" means all such rights, powers (including statutory powers), duties, obligations, liabilities and property as immediately before the commencement date were vested in or fell to be discharged by any of the Abolished Boards;

"statutory powers" includes any power arising under or by virtue of any local Act or Order made under statutory authority;

"The Aller Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1868 confirmed by the Land Drainage Supplemental Act 1868(**a**) and "The Aller Internal Drainage District" means the internal drainage district constituted by that Act.

"The Bridgwater & Pawlett Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order dated 9 March 1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877(**b**) and "The Bridgwater & Pawlett Internal Drainage District" means the internal drainage district constituted by that Act.

"The Cannington & Wembdon Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order dated 9 March 1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and "The Cannington & Wembdon Internal Drainage District" means the internal drainage district constituted by that Act.

"The Chedzoy Separate Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1865 confirmed by the Land Drainage Supplemental Act 1865(**c**) and "The Chedzoy Separate Internal Drainage District" means the internal drainage district constituted by that Act.

"The Curry Moor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1863 confirmed by the Land Drainage Supplemental Act 1864(**d**) and "The Curry Moor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Dunster Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1930(**e**) and "The Dunster Internal Drainage District" means the internal drainage district constituted by that Act.

"The King Sedgemoor & Cary Valley Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order dated 9 March 1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and "The King Sedgemoor & Cary Valley Internal Drainage District" means the internal drainage district constituted by that Act.

"The Langport Internal Drainage Board" means the internal drainage board constituted by The Reconstitution of the Langport District Drainage Board Order 1994(**f**) and "The Langport Internal Drainage District" means the internal drainage district constituted by that Order.

"The North Moor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1867 confirmed by Land Drainage Supplemental Act 1867(**g**) and "The North Moor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Othery, Middlezoy & Westonzoyland Internal Drainage Board" means the internal drainage board constituted by the Commissioners' Award dated 27 March 1841 made under the Othery, Middlezoy and Weston Zoyland Drainage Act 1830(**h**) and "The Othery,

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(**a**) 31 & 32 Vic. c. 83.
(**b**) 40 & 41 Vic. c..36
(**c**) 28 Vic. c. 23.
(**d**) 27 Vic. c. 14.
(**e**) S. R. & O. 1946/ 1032
(**f**) 1994/1411
(**g**) 30 Vic. c. 22.
(**h**) 11 George IV c. 52

Middlezoy & Westonzoyland Internal Drainage District" means the internal drainage district constituted by that Act.

"The Stanmoor Internal Drainage Board" means the internal drainage board constituted by the Land Drainage Act 1861 Provisional Order of 1863 confirmed by the Land Drainage Supplemental Act 1864(**a**) and "The Stanmoor Internal Drainage District" means the internal drainage district constituted by that Act.

"The Stockland Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order dated 9 March 1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and "The Stockland Internal Drainage District" means the internal drainage district constituted by that Act.

"The West Sedgemoor Internal Drainage Board" means the internal drainage board constituted by the Somersetshire Drainage Act 1877 Order dated 9 March 1881 made by Somersetshire Drainage Commissioners under the Somersetshire Drainage Act 1877 and "The West Sedgemoor Internal Drainage District" means the internal drainage district constituted by that Act.

3.—(1) The Aller Internal Drainage Board, the Bridgwater & Pawlett Internal Drainage Board, the Cannington & Wembdon Internal Drainage Board, the Chedzoy Separate Internal Drainage Board, the Curry Moor Internal Drainage Board, the Dunster Internal Drainage Board, the King Sedgemoor & Cary Valley Internal Drainage Board, the Langport Internal Drainage Board, the North Moor Internal Drainage Board, the Othery, Middlezoy & Westonzoyland Internal Drainage Board, the Stanmoor Internal Drainage Board, the Stockland Internal Drainage Board and the West Sedgemoor Internal Drainage Board shall be abolished;

(2) The Aller Internal Drainage District, the Bridgwater & Pawlett Internal Drainage District, the Cannington & Wembdon Internal Drainage District, the Chedzoy Separate Internal Drainage District, the Curry Moor Internal Drainage District, the Dunster Internal Drainage District, the King Sedgemoor & Cary Valley Internal Drainage District, the Langport Internal Drainage District, the North Moor Internal Drainage District, the Othery, Middlezoy & Westonzoyland Internal Drainage District, the Stanmoor Internal Drainage District, the Stockland Internal Drainage District and the West Sedgemoor Internal Drainage District shall be amalgamated into, and shall constitute, one internal drainage district which shall be known as "the Parrett Internal Drainage District";

(3) There shall be constituted for the Internal Drainage District an internal drainage board to be known as " the Parrett Internal Drainage Board".

4. The Parrett Internal Drainage Board shall consist of 23 elected members.

5. From the commencement date there shall be transferred to and be vested in or fall to be discharged by the Parrett Internal Drainage Board to the appropriate extent all such rights, and obligations of the Abolished Boards; and for this purpose "the appropriate extent", in relation to the Parrett Internal Drainage Board, means in so far as such rights and obligations specifically relate to or (in the case of land) lie within the whole or any part of the district of an Abolished Board which after the commencement date is comprised in the district of the Parrett Internal Drainage Board.

6. All arrears of rates levied by the Abolished Boards before the commencement date in relation to the occupier of any land within the Parrett Internal Drainage District in respect of any period ending before the commencement date may, in so far as levied in relation to an occupier of land within the Parrett Internal Drainage District be recovered by the Parrett Internal Drainage Board, in the same manner as if they had been rates levied by the Internal Drainage Board in question.

7. As respects any thing transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignments, conveyance or deed of transfer whatsoever.

(**a**) 27 Vic. c. 14.

8. The accounts of each of the Abolished Boards shall be made up to the date of commencement and copies thereof shall be sent forthwith to the Parrett Internal Drainage Board, and such accounts shall be audited in like manner and be subject to the like incidents and consequences as if this Scheme had not come into force.

DATED 26th day of July 2004

Confirmation of Order

Whereas the foregoing Order has been published by the Secretary of State 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 Secretary of State;

And whereas paragraph 5(1) of Schedule 3 to the Land Drainage Act 1991 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;

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

Signed by the authority of the Secretary of State,

Sarah Nason
A Senior Civil Servant in the
1st March 2005 Department 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 abolition, on a date one month after the confirmation of this Order, of the Aller, the Bridgwater and Pawlett, the Cannington and Wembdon, the Chedzoy Separate, the Curry Moor, the Dunster, the King Sedgemoor and Cary Valley, the Langport, the North Moor, the Othery, Middlezoy and Westonzoyland, the Stanmoor, the Stockland and the West Sedgemoor Internal Drainage Boards.

These boards are replaced by a new "Parret Internal Drainage Board". The thirteen former internal drainage districts are amalgamated to form the corresponding new internal drainage district.

Maps of the thirteen internal drainage districts amalgamated by virtue of the Scheme are available for inspection during office hours at the offices of the Environment Agency, Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.

£3.00

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