

**2012 No. 1030**

**LAND DRAINAGE, ENGLAND**

**The Ouse and Humber Drainage Board Order 2012**

*Made* - - - - *10th February 2012*

*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 amalgamation of the Market Weighton Drainage District and the Lower Ouse 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 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 makes the following Order in exercise of the powers conferred by section 3(5) and (7) of that Act and now vested in the Secretary of State(b):

**Citation and commencement**

1. This Order may be cited as the Ouse and Humber Drainage Board Order 2012 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**

- 2.—(1) The Scheme submitted by the Environment Agency is confirmed.
- (2) The Scheme is set out in the Schedule to this Order.

**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.

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(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).

10th February 2012

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

## SCHEDULE

Article 2(2)

### SCHEME SUBMITTED BY THE ENVIRONMENT AGENCY

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

2. In this Scheme—

“the abolished boards” means the Market Weighton Drainage Board and the Lower Ouse Internal Drainage Board;

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

“the Lower Ouse Internal Drainage Board” means the internal drainage board reconstituted by the scheme confirmed by the Yorkshire Ouse River Board (Reconstitution of the Lower Ouse Internal Drainage Board) Order 1952(a) and “the Lower Ouse Internal Drainage District” means the internal drainage district constituted by the Yorkshire Ouse River Board (Lower Ouse Internal Drainage District) Order 1951(b), as confirmed, the boundaries of which were altered by the Yorkshire Water Authority (Alteration of Boundaries of the Lower Ouse Internal Drainage District) Order 1989(c);

“the Market Weighton Drainage Board” means the internal drainage board deemed to have been constituted under the Land Drainage Act 1930(d) and “the Market Weighton Drainage District” means the internal district deemed to have been constituted under that Act, the boundaries of which were altered by the schemes confirmed by the Market Weighton Drainage District (Alteration of Boundaries) Order 1933(e) and the Market Weighton Drainage District (Alteration of Boundaries) Order 1936(f);

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

“property” means, in relation to any of the abolished boards, any property which is vested in that 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, obligations and liabilities which are vested in or which fall to be discharged by that abolished board immediately before the commencement date.

3.—(1) The Market Weighton Drainage Board and the Lower Ouse Internal Drainage Board are abolished.

(2) The Market Weighton Drainage District and the Lower Ouse Internal Drainage District are amalgamated into, and are constituted as, one internal drainage district to be known as “the Ouse and Humber Drainage District”.

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(a) S.I. 1952/2029.

(b) S.I. 1951/1637 and 1638.

(c) S.I. 1989/1866.

(d) 1930 c.44. Prior to this, appointed Trustees were responsible for drainage and other purposes as described in a 1772 Act entitled “An Act for Draining and Preserving certain Commons, Low Grounds and Cars [sic] in the Parish of Market Weighton and other adjacent Parishes in the East Riding of the County of York and for making a Navigable Cut or Canal from Market Weighton to the River Humber”, and amended by the Market Weighton Drainage Act 1900.

(e) S. R. & O. 1934 No. 9.

(f) S. R. & O. 1936 No. 1087.

(3) A new internal drainage board to be known as “the Ouse and Humber Drainage Board” is constituted for the Ouse and Humber Drainage District.

4. The new Board is to consist of 11 elected members elected in accordance with the provisions made by or under Schedule 1 to the Land Drainage Act 1991.

5. As from 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.

Dated 7 July 2011

### **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.

31st March 2012

*Lewis Baker*  
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 a Scheme submitted by the Environment Agency for the amalgamation of the Market Weighton Drainage District and the Lower Ouse Internal Drainage District into one new internal drainage district (“the Ouse and Humber Drainage District”). The Market Weighton Drainage Board and the Lower Ouse Internal Drainage Board are abolished and a new internal drainage board (“the Ouse and Humber Drainage Board”) is constituted for the new internal drainage district.

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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£4.00

E3200 04/2012 123200T 19585

ISBN 978-0-11-152349-0



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