

2014 No. 3194

LAND DRAINAGE, ENGLAND AND WALES

**The Lower Wye and River Lugg Internal Drainage Districts
(Alteration of Boundaries) Order 2014**

Made - - - - - *26th November 2014*

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991 (“the 1991 Act”)(a), the Natural Resources Body for Wales (“NRW”) and the Environment Agency (“the Agency”) have prepared a Scheme making provision for matters specified in section 3(2)(a) and (i) of that Act.

In accordance with section 3(1) of that Act, NRW and the Agency have submitted the Scheme to the Welsh Ministers and the Secretary of State for confirmation.

The Welsh Ministers and the Secretary of State have 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 Welsh Ministers and Secretary of State have 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 Welsh Ministers acting jointly with Secretary of State in Wales make the following Order in exercise of the powers conferred by section 3(5) of the 1991 Act and now vested in them(b).

Title and commencement

1. This Order may be cited as the Lower Wye and River Lugg Internal Drainage Districts (Alteration of Boundaries) Order 2014 and comes into force on the day after the day on which it is made.

(a) 1991 c.59. 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). References to the Environment Agency were replaced with references to “the appropriate supervisory body” by paragraph 317 of Part 1 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755. The “appropriate supervisory body” is defined in section 72(1) of 1991 c.59 as the Environment Agency in relation to internal drainage districts which are wholly or mainly in England, and the Natural Resource Body for Wales in relation to internal drainage districts which are wholly or mainly in Wales.

(b) In relation to the Welsh Ministers, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) which transferred the functions to the National Assembly for Wales, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32) which subsequently transferred the functions to the Welsh Ministers. In relation to the Secretary of State, by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Confirmation of the Scheme

2.—(1) The Scheme submitted by the Natural Resources Body for Wales and the Environment Agency is confirmed.

(2) The Scheme is set out in the Schedule to this Order.

24th November 2014

Carl Sargeant
Minister for Natural Resources, one of Welsh Ministers

26th November 2014

Lewis Baker
A Civil Servant, for and on behalf of the
Secretary of State for Environment, Food and Rural Affairs

SCHEDULE

Article 2(2)

2014 Scheme for the alteration of boundaries of the Lower Wye and the River Lugg Internal Drainage Districts submitted jointly by the Natural Resources Body for Wales and 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 Commencement Date” means the date on which this Scheme comes into force;

“the Lower Wye Internal Drainage Board” means the internal drainage board constituted by the River Wye Catchment Board (Lower Wye Internal Drainage District) Order 1950(a) and “the Lower Wye Internal Drainage District” means the internal drainage district constituted by that Order;

“the Map” means the map sealed by the Natural Resources Body for Wales and the Environment Agency dated 4 August 2014 entitled “Lower Wye IDB in England and Wales” and deposited at Natural Resources Body for Wales, Cambria House, 29 Newport Road, Cardiff CF24 0TP and Environment Agency, Sapphire East, 550 Streetsbrook Road, Solihull B91 1QT;

“the River Lugg Internal Drainage Board” means the internal drainage board constituted by the River Wye Catchment Board (River Lugg Internal Drainage District) Order 1945(b) as amended by the Welsh Water Authority (Alteration of Boundaries of the River Lugg Internal Drainage District) Order 1981(c) and as further amended by the Alteration of Boundaries of the River Lugg Internal Drainage District Order 1999(d) and “the River Lugg Internal Drainage District” means the internal drainage district constituted by those Orders;

“the Transferred Land” means such land within the boundary of the Lower Wye Internal Drainage District as lies within England, comprising lands lying within the parishes of Allensmore, Dewsall, Ewyas Harold, Ganarew, Garway, Haywood, Kilpeck, Kenderchurch, Kentchurch, Llancillo, Llanrothal, Much Dewchurch, Rowstone, St. Devereux, Treville, Walterstone, Wormbridge in the county of Herefordshire and Newland and St. Briavels in the county of Gloucestershire as shown coloured blue on the Map.

3. As from the Commencement Date, the boundaries of the Lower Wye Internal Drainage District shall be altered to exclude the Transferred Land.

(a) S.I. 1951/3
(b) S.I. 1945/597
(c) S.I. 1981/492
(d) S.I. 1999/2508

4. As from the Commencement Date, the boundaries of the River Lugg Internal Drainage District shall be altered to include the Transferred Land.

5. All property, rights, powers, duties, obligations and liabilities as immediately before the Commencement Date were vested in or fell to be discharged by the Lower Wye Internal Drainage Board in respect of the Transferred Land shall be transferred to and vest in, or fall to be discharged by, the River Lugg Internal Drainage Board.

6. Subject to paragraph 7, the River Lugg Internal Drainage Board may, in respect of the Transferred Land, recover all arrears of rates levied by the Lower Wye Internal Drainage Board before the Commencement Date in respect of any period ending before the Commencement Date in the same manner as if they had been levied by the River Lugg Internal Drainage Board.

7. During the remainder of the financial year in which this Scheme is made, the River Lugg Internal Drainage Board shall not levy any rates in respect of the Transferred Land and may only recover arrears of rates in respect of that Land to the level set by the Lower Wye Internal Drainage Board for that financial year.

8. The Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyances or deeds of transfer.

9. Dated 7th August 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Natural Resources Body for Wales and the Environment Agency making provision for—

- (a) the alteration of the boundaries of the Lower Wye Internal Drainage District to exclude land within England;
- (b) the alteration of boundaries of the River Lugg Internal Drainage District to include the land within England excluded from the Lower Wye Internal Drainage District; and
- (c) matters supplementary to or consequential on the alteration of boundaries.

The map detailing the transferred land within the Lower Wye and River Lugg Internal Drainage Districts is available for inspection during office hours at the offices of the Natural Resources Body for Wales at Cambria House, 29 Newport Road, Cardiff CF24 0TP and the Environment Agency at Sapphire East, 550 Streetsbrook Road, Solihull B91 1QT.

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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