

2016 No. 0000

LAND DRAINAGE

The South West Sussex Internal Drainage District Order

Made - - - -

Coming into force in accordance with article 1

Under section 3(1)(a) of the Land Drainage Act 1991 (“the 1991 Act”)(**a**), the Environment Agency (“the Agency”) has prepared a Scheme making provision for the matters specified in section 3(2)(d) of that Act.

In accordance with section 3(1) of the 1991 Act, the 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 the 1991 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 the 1991 Act and now vested in the Secretary of State(**b**).

Citation and commencement

1. This Order may be cited as the South West Sussex Internal Drainage District Order 2016 and comes into force on [*date*].

Confirmation of the Scheme with modification

- 2.—(1) The Scheme submitted by the Agency is confirmed with modifications.
(2) The Scheme, as modified by the Secretary of State, 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 confirming of this Order must be borne by the Agency.

(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) The functions of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Signature

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

Date

SCHEDULE

Article 2(2)

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

1. This Scheme comes into force on [date].
2. In this Scheme:-
 - “the abolished district” means the South West Sussex Internal Drainage District;
 - “the commencement date” means the date on which this Scheme comes into force;
 - “property” means any property which is vested in the Environment Agency in respect of the abolished district 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;
 - “the South West Sussex Internal Drainage District” means the area shown edged red on the map entitled “South West Sussex” dated 6 March 2015 and sealed by the Environment Agency.
3. The South West Sussex Internal Drainage District is hereby abolished.
4. The accounts of the abolished district must be made up to the day before the commencement date and audited as if this Scheme had not come into force. Any sum certified by the Environment Agency’s auditors as due to the Environment Agency in respect of the abolished district from any person must be paid to the Environment Agency absolutely.
5. Any debts due from the Environment Agency in respect of the abolished district immediately before the commencement date must be discharged by the Environment Agency and arrears of rates outstanding at the commencement date in respect of any period ending before the commencement date must be paid to, and are recoverable by, the Environment Agency absolutely.
6. For the avoidance of doubt, as from the commencement date, all property is transferred to and vested in the Environment Agency absolutely and the Scheme operates as conclusive evidence such transfer and vesting without the necessity of any further assignments, conveyance or deed of transfer.
7. Any monies transferred to or otherwise held by the Environment Agency in respect of the abolished district shall be paid by the Environment Agency to those local billing authorities to which special levies were issued in 2014 in accordance with regulation 6 of the Internal Drainage Board (Finance) Regulations 1992(a) in proportion to the amounts levied.
8. This Scheme operates as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyance or deed of transfer.

Dated

(a) S.I. 1992/3079.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms a Scheme submitted by the Environment Agency making provision for the abolition of the South West Sussex Internal Drainage District.

The map showing the area of the South West Sussex Internal Drainage District is available for inspection during office hours at the Environment Agency, Guildbourne House, Chatsworth Road, Worthing, BN11 1LD.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.