

Notice – Land Drainage Act 1991 s. 3(4)(a)

Consultation 10 June 2025 to 10 July 2025 one month period

Amalgamation of Lower Medway and North Kent Marshes Internal Drainage Districts

The Lower Medway Internal Drainage Board and North Kent Marshes Internal Drainage Board both wish to amalgamate their two districts, abolish their existing Boards and constitute a new North Kent Marshes Water Level Management Board. The existing Boards have therefore made an application to the Environment Agency to produce a Scheme which will be advertised for a period of one month before the Environment Agency submits the Scheme to the Secretary of State for Environment, Food and Rural Affairs for confirmation under section 3(5) of the Land Drainage Act 1991.

The consultation period is from 10 June to 10 July 2025.

If no objections are received, DEFRA will then make an Order in the form of a Statutory Instrument.

In accordance with Section 3(4)(a) of the Land Drainage Act 1991, please find attached a copy of our Notice and Scheme.

If you wish to make any representations to the scheme these can be sent by email to flood.reports@defra.gov.uk, for the attention of Carol Tidmarsh.

LAND DRAINAGE ACT 1991

AMALGAMATION OF THE LOWER MEDWAY AND NORTH KENT MARSHES INTERNAL DRAINAGE DISTRICTS AND CONSTITUTION OF THE NORTH KENT MARSHES WATER LEVEL MANAGEMENT BOARD

The Environment Agency, pursuant to section 3(1) of the Land Drainage Act 1991 ("the 1991 Act")¹, has prepared the following Scheme making provision for the following matters:

- (i) the amalgamation of the Lower Medway Internal Drainage District and the North Kent Marshes Internal Drainage District into a single Drainage District under section 3(2)(b) of the 1991 Act,
- (ii) the abolition of the Internal Drainage Boards for those Districts under section 3(2)(d) of the 1991 Act,
- (iii) the constitution of a new Internal Drainage Board with the name North Kent Marshes Water Level Management Board under section 3(2)(f) of the 1991 Act, and
- (iv) matters supplemental to or consequential on the above under section 3(2)(i) of the 1991 Act².

And the Environment Agency submits the Scheme to the Secretary of State for Environment, Food and Rural Affairs for confirmation under section 3(5) of the 1991 Act.

¹ 1991 c. 59. Section 3(1) 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).

² Section 3(2) was amended by S.I. 2013/755 (W.90).

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 made.

2. In this Scheme—

“abolished Boards” means the Lower Medway Internal Drainage Board and the North Kent Marshes Internal Drainage Board;

“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;

“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 (SR&O 1934 No. 725) (“the 1934 Order”) and reconstituted by the Reconstitution of the Lower Medway Internal Drainage Board Order 1993 (SI 1993 No. 825);

“Lower Medway Internal Drainage District” means the internal drainage district constituted by the scheme confirmed by the 1934 Order;

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

“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 (SI 2016 No. 859) (“the 2016 Order”);

“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 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 board immediately before the commencement date.

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.

(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 the 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.

DATED 28th May 2025

The Common Seal of the)
ENVIRONMENT AGENCY)
was affixed to this Scheme)
In the presence of)




LAURA MILTON
DIRECTOR OF LEGAL AND AUDIT SERVICES
AUTHORISED SIGNATORY