

SCHEDULE 2

Regulation 22(3)

“SCHEDULE 5

Article 45(1), (1A)

PROVISIONS OF THE DRAINAGE ORDER APPLIED FOR THE PURPOSES
OF ENVIRONMENTAL IMPACT ASSESSMENT OF CANAL SCHEMES

PART I

PROVISIONS OF THE DRAINAGE ORDER APPLIED BY ARTICLE 45(1)

1. The provisions of the Drainage Order applied by Article 45(1) of this Order are as follows—

<i>Provision</i>	<i>Subject Matter</i>
Part I	Introductory
Article	
12	Restrictions on drainage schemes.
12A	Consultations and determination of whether a drainage scheme has significant effects on the environment.
12B	Drainage schemes likely to have significant effects on the environment.
12C	Preparation of an environmental statement and consultations thereon.
12D	Publicity for an environmental statement.
12E	Assistance in the preparation of an environmental statement.
12F	Charges.
12G	Drainage schemes likely to have significant effects on the environment in another EEA State.
12H	Determination of whether a drainage scheme should proceed.
13	Confirmation of drainage schemes.
13A	Public Participation.
14	The carrying out of drainage schemes.
15	Provisions in regard to roads, bridges, culverts and embankments.
16	Amendment of drainage schemes.
Schedule 2A	Information for inclusion in environmental statement.
Schedule 2B	Selection criteria referred to in Article 4.3 of Council Directive 85/337/EEC as amended

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Subject Matter</i>
Schedule 2C	by Council Directive 97/11/EC and Council Directive 2003/35/EC. Environmental factors to be taken into account.

PART II

PROVISIONS OF THE DRAINAGE ORDER APPLIED BY ARTICLE 45(1A)

2. The provisions of the Drainage Order applied by Article 45(1A) of this Order are as follows—

<i>Provision</i>	<i>Subject Matter</i>
Part I	Introductory
Article	
17	Compensation for certain losses due to construction of drainage works.
18	Compensation for injury to canals, fisheries, etc.
19	Matters to be regarded in assessing compensation.
20	Disposal of surplus lands, etc.
31	Noxious weeds.
35	Provision as to recovery of expenses.
36	Miscellaneous offences.
38	Limitation of liability for flooding, etc.
39	Protection for officers of the Department.
40	Protection of fisheries.

PART III

MODIFICATION OF THE PROVISIONS APPLIED BY PARTS I AND II

3. The provisions of the Drainage Order specified in Part I and Part II of this Schedule shall, in their application for the purposes of Part III of this Order have effect with the following modifications—

- (a) references therein to the Department of Agriculture and Rural Development shall be construed as references to the Department of Culture, Arts and Leisure;
- (b) references therein to a watercourse shall be construed as references to a waterway;
- (c) references therein to the Drainage Order shall be construed as references to Part III of this Order;
- (d) references therein to—
 - (i) a scheme or drainage scheme carried out under the Drainage Order, or any part thereof;

- (ii) drainage works;
 - (iii) drainage purposes or purposes connected with drainage;
 - (iv) the Drainage Council;
- shall respectively be construed as references to—
- (A) a canal scheme;
 - (B) works under any provision contained in Part III of this Order or any canal scheme;
 - (C) the purposes of any such provision or scheme; and
 - (D) the Water Council;
- (e) references therein to sea defences and sea defence works shall be omitted;
 - (f) in Article 17—
 - (i) for paragraph (4) substitute—
 - “(4) Every claim for compensation under this Article—
 - (a) shall be made in writing to the Department within 3 years from the date of completion of the works from which, or from the operation of which, the claim arises, and such details of the claim as the Department may require shall be furnished in writing to the Department within such period as the Department may determine, and
 - (b) shall, in default of agreement, be heard and determined by the Lands Tribunal.”.
 - (ii) in paragraph (5), the words, “and may allow a sum in respect of the cost of the employment of any” shall be omitted; and
 - (g) in Article 38, after paragraph (2) add—
 - “(3) Every claim duly made for compensation under this Article shall, in default of agreement, be heard and determined by the Lands Tribunal.”.”