



Water Resources Act 1991

1991 CHAPTER 57

PART VI

FINANCIAL PROVISIONS IN RELATION TO THE AUTHORITY

CHAPTER II

REVENUE PROVISIONS

General drainage charges

134 Raising of general drainage charges

- (1) Subject to subsection (2) below, the Authority may raise at an amount per hectare of chargeable land in a local flood defence district a charge to be known as a general drainage charge and to be levied in accordance with sections 135 and 136 below.
- (2) The Authority shall not levy a general drainage charge in respect of any local flood defence district unless the regional flood defence committee for the area in which that district is situated have recommended that such a charge should be raised.
- (3) For the purposes of this section and sections 135 and 136 below the area of a regional flood defence committee in relation to which no local flood defence scheme is in force shall be treated as a single local flood defence district; and any parts of such an area in relation to which no such scheme is in force shall be treated as included in a single such district.

135 Amount, assessment etc. of general drainage charge

- (1) A general drainage charge raised by the Authority for a local flood defence district for any year shall be at a uniform amount per hectare of chargeable land in that district.

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- (2) The uniform amount referred to in subsection (1) above shall be ascertained, subject to subsection (3) below, by multiplying the relevant quotient determined in accordance with section 136 below by one penny and by such number as may be specified by either of the Ministers by order made for the purposes of this subsection.
- (3) The number specified in an order under this section for the purposes of subsection (2) above shall (apart from any adjustment made to it to take account of rough grazing land) be such as the Minister making the order considers will secure, so far as reasonably practicable, that the amount specified in paragraph (a) below will be equal to the amount specified in paragraph (b) below, that is to say—
- (a) the aggregate amount produced by any charge levied by reference to a relevant quotient determined under section 136 below; and
 - (b) the aggregate amount which, if the chargeable land in the local flood defence district had been liable to be rated for the financial year beginning in 1989, would have been produced by a rate levied on the land at an amount in the pound (of rateable value) equal to that quotient multiplied by one penny.
- (4) An order under this section may be made so as to apply either—
- (a) to all general drainage charges; or
 - (b) to the general drainage charges proposed to be raised in any one or more local flood defence districts specified in the order;
- and any such order applying to more than one local flood defence district may make different provision as respects the different districts to which it applies.
- (5) Schedule 15 to this Act shall have effect with respect to the assessment, incidence, payment and enforcement of general drainage charges.
- (6) The power of each of the Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

136 Determination of the relevant quotient

- (1) The relevant quotient for the purposes of section 135(2) above shall, in relation to any local flood defence district, be determined by the application of the following formula—

$$\left(\frac{A}{B} \times \frac{D}{E} \right) \div C = \text{relevant quotient}$$

where—

“A” means the aggregate amount demanded by the precepts issued in respect of that district under subsection (3) of section 46 of the Land Drainage Act 1976 in respect of the financial year beginning in 1989;

“B” means the aggregate amount of the estimated penny rate products on the basis of which the aggregate amount so demanded was apportioned in pursuance of subsection (1) of that section in respect of that financial year;

“C” means the amount ascertained by dividing the aggregate amount so demanded by the number of the relevant population of that district for the financial year beginning in 1990;

“D” means the aggregate amount of the levies issued by the Authority in respect of that district under the National Rivers Authority (Levies) Regulations 1990 for

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the financial year in respect of which the drainage charge in question is raised;
and

“E” means the relevant population of that district for the financial year in respect of which that charge is raised.

(2) For the purposes of this section the relevant population of a local flood defence district for any financial year is the aggregate of—

- (a) the relevant population for that year of the area of each charging authority the whole of whose area falls within that district; and
- (b) the relevant population of such parts of the areas of any other charging authorities as fall within that district.

(3) For the purposes of subsection (2) above—

- (a) the relevant population for any financial year of the area of an English charging authority shall be taken to be the relevant population of that area for that year as calculated under paragraph 4 of Schedule 12A to the Local Government Finance Act 1988;
- (b) the relevant population for any financial year of the area of a Welsh charging authority shall be taken to be the relevant population of that area for that year as calculated in accordance with rules for the time being effective (as regards that year) under regulations made under paragraph 5(1) of that Schedule;
- (c) the relevant population for any financial year of any part of the area of a charging authority shall be taken to be the relevant population of that part of that area for that year as calculated in accordance with rules for the time being effective (as regards that year) under regulations made under paragraph 6(2) of that Schedule;

and, accordingly, any such regulations as are mentioned in paragraph (b) or (c) above shall have effect for the purposes of this section as they have effect for the purposes of section 69 of that Act.

(4) In this section “charging authority” has the same meaning as in the Local Government Finance Act 1988.