



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VI

#### FINANCIAL PROVISIONS IN RELATION TO THE [F<sup>1</sup>APPROPRIATE AGENCY]

#### CHAPTER II

#### REVENUE PROVISIONS

#### *Special drainage charges*

#### **138 Levying and amount of special drainage charge.**

- (1) A special drainage charge shall be levied by the [F<sup>1</sup>appropriate agency] in respect of chargeable land included in the area designated for the purposes of the charge by the scheme authorising it ("the relevant chargeable land").
- (2) The special drainage charge raised for any year shall be at a uniform amount per hectare of the relevant chargeable land.
- (3) The uniform amount referred to in subsection (2) above shall be determined by [F<sup>2</sup>the Regional Flood and Coastal Committee for the flood risk management region within which is the area] which includes the relevant chargeable land but shall exceed neither—
  - (a) an amount to be specified in the scheme as the maximum amount of the charge or such greater amount as may be authorised for the purposes of the scheme by an order made by one of the Ministers on the application of the [F<sup>1</sup>appropriate agency]; nor
  - (b) twenty-five pence or such other amount as may be substituted for twenty-five pence by an order made by one of the Ministers and approved by a resolution of the House of Commons.
- (4) Before either of the Ministers makes an order under subsection (3)(a) above he shall—

*Status: Point in time view as at 14/07/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 138. (See end of Document for details)*

- (a) consult with such of the associations and persons concerned as he considers appropriate;
  - (b) cause a notice of his intention to make the order, and of the time (which shall not be less than thirty days) within which objections to the proposed order may be made to him, to be published in such manner as he thinks best adapted for informing persons affected;
  - (c) if he considers it necessary, afford such persons an opportunity of appearing before and being heard by a person appointed by him for the purpose; and
  - (d) consider the report of the person so appointed and any objections duly made.
- (5) An order under subsection (3)(b) above may be made so as to apply—
- (a) to special drainage charges in general; or
  - (b) to the special drainage charges proposed to be raised in respect of [<sup>F3</sup>areas within such flood risk management regions] as may be specified in the order; or
  - (c) to special drainage charges proposed to be raised in pursuance of one or more schemes made under section 137 above and so specified;
- and any such order applying to the charges proposed to be raised in respect of [<sup>F4</sup>areas within more than one flood risk management region], or authorised by more than one such scheme, may make different provision for the charges in respect of [<sup>F5</sup>different flood risk management regions] or, as the case may be, the charges authorised by the different schemes.
- (6) The power of each of the Ministers to make an order under subsection (3)(b) above shall be exercisable by statutory instrument; and section 14 of the <sup>M1</sup>Interpretation Act 1978 (power to revoke or amend orders made by statutory instrument) shall apply to the power to make orders under subsection (3)(a) above as it applies, by virtue of this subsection, to the power to make orders under subsection (3)(b) above.
- (7) Schedule 15 to this Act shall have effect with respect to the assessment, incidence, payment and enforcement of special drainage charges.

#### Textual Amendments

- F1** Words in ss. 120-143 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 276** (with Sch. 7)
- F2** Words in s. 138(3) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 9(2)**
- F3** Words in s. 138(5)(b) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 9(3)(a)**
- F4** Words in s. 138(5) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 9(3)(b)(i)**
- F5** Words in s. 138(5) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 9(3)(b)(ii)**

#### Marginal Citations

- M1** 1978 c. 30.

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**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 138.