



Land Drainage Act 1991

CHAPTER 59

LAND DRAINAGE ACT 1991

PART I

INTERNAL DRAINAGE BOARDS

Constitution etc. of boards

- 1 Internal drainage districts and boards.
- 2 Review of boundaries of internal drainage districts.
- 3 Schemes for reorganisation of internal drainage districts etc.
- 4 Powers to make the Agency a drainage board.
- 5 Transfer of functions etc. back from the Agency.
- 6 Schemes and orders under sections 3 to 5: compensation for loss of office.

General provision with respect to functions of drainage boards

- 7 Supervision of drainage boards by the Agency.
- 8 Concurrent powers of Agency.
- 9 Default powers of the Agency.
- 10 Exercise of default powers by local authorities.
- 11 Arrangements between drainage authorities.

Duties with respect to the environment and recreation

- 12 General environmental and recreational duties.
- 13 Environmental duties with respect to sites of special interest.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Drainage Act 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PART II

PROVISIONS FOR FACILITATING OR SECURING THE DRAINAGE OF LAND

General powers

- 14 General drainage powers of boards and local authorities.
- 15 Disposal of spoil by boards and local authorities.
- 16 Exercise of local authority powers under sections 14 and 15.
- 17 Supervision of local authority powers under sections 14 to 16.
- 18 Drainage of small areas.
- 19 Arrangements as to works etc. with navigation and conservancy authorities.
- 20 Arrangements with other persons for carrying out drainage works.
- 21 Enforcement of obligations to repair watercourses, bridges, etc.
- 22 Powers of Ministers to authorise landowners to carry out drainage works.

Control of flow of watercourses etc.

- 23 Prohibition on obstructions etc. in watercourses
- 24 Contraventions of prohibition on obstructions etc.
- 25 Powers to require works for maintaining flow of watercourse.
- 26 Competing jurisdictions under section 25.
- 27 Appeals against notices under section 25.

Restoration and improvement of ditches

- 28 Orders requiring the cleansing of ditches etc.
- 29 Effect of order under section 28.
- 30 Authorisation of drainage works in connection with a ditch.
- 31 Composition and incidental powers of Agricultural Land Tribunal.

PART III

POWERS TO MODIFY EXISTING OBLIGATIONS

- 32 Variation of awards.
- 33 Commutation of obligations.
- 34 Financial consequences of commutation.
- 35 Powers to vary navigation rights.

PART IV

FINANCIAL PROVISIONS

CHAPTER I

PROVISION FOR THE EXPENSES OF INTERNAL DRAINAGE BOARDS

Raising and apportionment of expenses

- 36 Raising of the expenses of internal drainage boards.
- 37 Apportionment of drainage expenses.

Division of district for purposes of drainage rates and special levies

- 38 Orders sub-dividing a district for the purposes of raising expenses.

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- 39 Petition for sub-division of internal drainage district.

CHAPTER II

DRAINAGE RATES

Levying of drainage rates

- 40 Levying of drainage rates.
41 Rates charged by reference to annual value of agricultural land and buildings.

Determination and modification of annual value

- 42 Determination of annual value.
43 Adjustment of annual values to secure fair distribution of rating burden.
44 Effect of determinations under section 43.
45 Appeals against determinations of annual value.
46 Hearing and determination of appeals under section 45.

Power to grant exemptions from rating

- 47 Power to grant exemptions from rating.

Making and assessment of rates

- 48 Procedure for making of rate.
49 Assessment for rating.
50 Amendments as respects drainage rates.
51 Other appeals against drainage rates.

Supplemental and enforcement provisions

- 52 Registers of drainage hereditaments.
53 Power to require information.
54 Powers for enforcing payment.

CHAPTER III

FURTHER FINANCIAL PROVISIONS

- 55 Powers of internal drainage boards and local authorities to borrow etc.
56 Concurrent power of boards to impose navigation tolls.
57 Contributions by the Agency to expenses of internal drainage boards.
58 Allocation of Agency revenue for its functions as an internal drainage board
59 Grants to drainage bodies.
60 Power of local authority to contribute to expenses of drainage works.
61 Land drainage expenses of local authorities.

PART IVA

DUTIES WITH RESPECT TO THE ENVIRONMENT AND RECREATION

- 61A Duties in relation to drainage boards.
61B Duties in relation to local authorities.

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- 61C Duties with respect to sites of special scientific interest.
- 61D Ministerial directions to drainage boards.
- 61E Codes of practice.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Powers to acquire and dispose of land

- 61F Powers of internal drainage boards and local authorities to facilitate spray irrigation.
- 62 Powers of internal drainage boards and local authorities to acquire land.
- 63 Power of internal drainage boards to dispose of land.
- 64 Powers of entry for internal drainage boards and local authorities.

Subordinate legislation

- 65 Land drainage regulations.
- 66 Powers to make byelaws.

Protective provisions

- 67 Protection for particular undertakings and savings in respect of works.
- 68 Power of navigation authorities etc to divert sewers.

Information provisions

- 69 Power to hold inquiries for land drainage purposes etc.
- 70 Confidentiality of information obtained by Agency etc.

Construction of Act

- 71 Service of documents.
- 72 Interpretation.
- 73 Disputes as to whether works connected with main river.

Other supplemental provisions

- 74 Application to Crown.
- 75 Application to the Isles of Scilly.
- 76 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — MEMBERS OF INTERNAL DRAINAGE BOARDS Part I — ELECTION OF MEMBERS

Election rules

- 1 (1) An election of members of an internal drainage board...

Eligibility of electors

- 2 (1) Subject to sub-paragraphs (2) and (3) below, the electors...

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Number of votes for each elector

- 3 (1) Each elector at an election of members of an...

Qualification for election

- 4 (1) A person shall not be qualified for election as...

Part II — MEMBERS APPOINTED BY CHARGING AUTHORITIES

Appointment of members by charging authorities

- 5 (1) The charging authority for any area wholly or partly...

Numbers of members appointed by charging authorities

- 6 (1) The number of appointed members of an internal drainage...

Part III — SUPPLEMENTAL PROVISIONS WITH RESPECT TO MEMBERS

Terms of office etc. of members

- 7 (1) Subject to the following provisions of this Part of...

Resignation etc. of elected members

- 8 (1) An elected member of an internal drainage board may...

Insolvency of members or candidates

- 9 (1) A person who is an undischarged bankrupt or who...

Filling casual vacancies

- 10 (1) Subject to sub-paragraph (2) below, if for any reason...

Eligibility of vacating member of board

- 11 Subject to the preceding provisions of this Schedule, a vacating...

Meaning of “elected member”

- 12 References in this Part of this Schedule to an elected...

SCHEDULE 2 — EXPENSES AND PROCEEDINGS ETC. OF INTERNAL DRAINAGE BOARDS

Payment of expenses etc. of members and officers

- 1 (1) The relevant Minister may, if he thinks fit, by...

Payments etc. to staff

- 2 (1) An internal drainage board may pay to persons employed...

Proceedings of internal drainage board

- 3 (1) An internal drainage board may, with the approval of...

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Annual report

- 4 (1) An internal drainage board shall— (a) before such date...

Accounts

- 5 (1) An internal drainage board shall— (a) as soon as...

SCHEDULE 3 — PROCEDURE WITH RESPECT TO CERTAIN ORDERS

Application and interpretation of Schedule

- 1 (1) This Schedule applies to the following orders under this...

Notice of proposed order

- 2 (1) Before making an order to which this Schedule applies...

Determination of whether to make order

- 3 (1) Before making an order to which this Schedule applies...

Procedure and other matters after the making of an order.

- 4 (1) After the appropriate Minister has made an order to...

Orders subject to special parliamentary procedure

- 5 (1) If, in the case of any order to which...

Notice of unconfirmed orders

- 6 As soon as may be after an unconfirmed order has...

Challenge to unconfirmed orders

- 7 (1) If any person aggrieved by an unconfirmed order desires...

Power to make regulations for purposes of Schedule etc.

- 8 The Ministers may make regulations in relation to—

SCHEDULE 4 — SCHEMES FOR SMALL DRAINAGE WORKS

Consultation and notice with respect to proposed scheme

- 1 (1) Before making a scheme under section 18 of this...

Objections to scheme

- 2 (1) Where any objections to a scheme are duly made...

Notice of scheme after it is made

- 3 (1) Where a scheme is made by the or a...

SCHEDULE 5 — BYELAWS

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Publicity for application for confirmation

- 1 (1) An internal drainage board shall, at least one month...

Confirmation

- 2 (1) The relevant Minister, with or without a local inquiry,...

Commencement of byelaw

- 3 (1) The relevant Minister may fix the date on which...

Publicity for confirmed byelaw

- 4 (1) Any byelaw confirmed under this Schedule shall be printed...

Revocation of byelaw

- 5 If it appears to the relevant Minister that the revocation...

Proof of byelaws

- 6 The production of a printed copy of a byelaw purporting...

Interpretation

- 7 In this Schedule “the relevant drainage board”, in relation to...

SCHEDULE 6 — PROTECTION FOR PARTICULAR UNDERTAKINGS

Undertakings protected by Schedule

- 1 (1) The following are the undertakings protected by this Schedule,...

Protection for statutory powers and jurisdiction

- 2 Without prejudice to any power under this Act to transfer...

General provisions protecting undertakings

- 3 Nothing in this Act or in any order under this...

Special protection for railways etc.

- 4 Without prejudice to the preceding provisions of this Schedule, nothing...

Conditions of consent and grounds for refusal

- 5 A consent for the purposes of paragraph 3 or 4...

Determination of disputes

- 6 If any question arises under this Schedule—

— **Table of Derivations**

Notes:

- 1 The following abbreviations are used in this Table:— 1976 =...
2 Transfer of functions orders (“TFOs”), where applicable in relation to...

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3 General provisions contained in section 32 of the Magistrates' Courts...

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 8 repealed by 2010 c. 29 Sch. 2 para. 26
- s. 9(1) words omitted by 2010 c. 29 Sch. 2 para. 27(a)
- s. 9(1) words omitted by 2010 c. 29 Sch. 2 para. 27(b)
- s. 11(5) added by 2010 c. 29 Sch. 2 para. 28
- s. 14(1)(b) word omitted by 2010 c. 29 Sch. 2 para. 29(2)(a)
- s. 14(1)(b)(ii) and word omitted by 2010 c. 29 Sch. 2 para. 29(2)(b)
- s. 14(4)(b) omitted by 2010 c. 29 Sch. 2 para. 29(3)
- s. 14(6) text amended by S.I. 2009/1307 Sch. 1 para. 238
- s. 16(2) words substituted by 2003 c. 37 Sch. 7 para. 40(2)
- s. 17 repealed by 2010 c. 29 Sch. 2 para. 30
- s. 21(6)(b) substituted by 2010 c. 29 Sch. 2 para. 31(2)
- s. 21(7) added by 2010 c. 29 Sch. 2 para. 31(3)
- s. 22(7) text amended by S.I. 2009/1307 Sch. 1 para. 239
- s. 23 excluded by S.I. 2004/757 art. 4(8)(b)
- s. 23 excluded by S.I. 2005/120 art. 5(9)
- s. 23 excluded by S.I. 2005/3105 art. 5(7)(b)
- s. 23 excluded by S.I. 2006/2905 art. 4(8)
- s. 23 excluded by S.I. 2007/2297 art. 5(8)(b)
- s. 23 excluded by S.I. 2008/1261 Sch. 10 para. 12(2)
- s. 23 excluded by S.I. 2009/1300 art. 5(9)
- s. 23 excluded by S.I. 2010/2020 Sch. 6 para. 11(2)
- s. 23 excluded by S.I. 2011/41 Sch. 10 para. 41(2)
- s. 23(1)(b)(c) substituted for s. 23(1)(b) by 2010 c. 29 Sch. 2 para. 32(2)
- s. 23(1A)-(1C) inserted by 2010 c. 29 Sch. 2 para. 32(3)
- s. 23(2) words substituted by 2010 c. 29 Sch. 2 para. 32(4)
- s. 23(6) excluded by S.I. 2008/2512 art. 48
- s. 23(8) words substituted by 2010 c. 29 Sch. 2 para. 32(5)
- s. 23(8)(b) substituted by 2010 c. 29 Sch. 2 para. 32(6)
- s. 23(9) added by 2010 c. 29 Sch. 2 para. 32(7)
- s. 25(1) words omitted by 2010 c. 29 Sch. 2 para. 33(2)(a)
- s. 25(1) words omitted by 2010 c. 29 Sch. 2 para. 33(2)(b)
- s. 25(2) omitted by 2010 c. 29 Sch. 2 para. 33(3)
- s. 25(6)(a) words omitted by 2010 c. 29 Sch. 2 para. 33(4)
- s. 25(7) words omitted by 2010 c. 29 Sch. 2 para. 33(4)
- s. 25(8) words omitted by 2010 c. 29 Sch. 2 para. 33(4)
- s. 26 repealed by 2010 c. 29 Sch. 2 para. 34
- s. 29(6) text amended by S.I. 2009/1307 Sch. 1 para. 240
- s. 31(1A) inserted by 2005 c. 4 Sch. 4 para. 222(2)
- s. 31(6) inserted by 2005 c. 4 Sch. 4 para. 222(3)
- s. 33(1) words substituted by 2010 c. 29 Sch. 2 para. 35(2)
- s. 33(2) words substituted by 2010 c. 29 Sch. 2 para. 35(3)(a)
- s. 33(2) words substituted by 2010 c. 29 Sch. 2 para. 35(3)(b)
- s. 33(3) words substituted by 2010 c. 29 Sch. 2 para. 35(4)
- s. 33(5A)(5B) inserted by 2010 c. 29 Sch. 2 para. 35(5)
- s. 33(6)(a)(aa) substituted for s. 33(6)(a) by 2010 c. 29 Sch. 2 para. 35(6)
- s. 34(2) words substituted by 2010 c. 29 Sch. 2 para. 36(2)
- s. 34(4) words substituted by 2010 c. 29 Sch. 2 para. 36(3)(a)
- s. 34(4) words substituted by 2010 c. 29 Sch. 2 para. 36(3)(b)
- s. 34(5) words substituted by 2010 c. 29 Sch. 2 para. 36(4)
- s. 34(6) words substituted by 2010 c. 29 Sch. 2 para. 36(5)(a)
- s. 34(6) words substituted by 2010 c. 29 Sch. 2 para. 36(5)(b)

- s. 34(7) words substituted by 2010 c. 29 Sch. 2 para. 36(6)
- s. 34(9) words substituted by 2010 c. 29 Sch. 2 para. 36(6)
- s. 45(7)(a) text amended by 2007 c. 28 Sch. 16 para. 6(2) Sch. 18 Pt. 17
- s. 45(8) inserted by 2007 c. 28 Sch. 16 para. 6(3)
- s. 46(6) text amended by S.I. 2009/1307 Sch. 1 para. 241
- s. 54(2)(b) text amended by 2007 c. 15 Sch. 13 para. 100
- s. 55(1)(a) words substituted by 2003 c. 37 Sch. 7 para. 40(3)
- s. 59(4)(c) omitted by 2010 c. 29 Sch. 2 para. 37
- s. 61C(1) text amended by 2006 c. 16 Sch. 11 para. 134(2)
- s. 61C(4) text amended by 2006 c. 16 Sch. 11 para. 134(3)
- s. 61E(4)(b) text amended by 2006 c. 16 Sch. 11 para. 135
- s. 64(5) text amended by S.I. 2009/1307 Sch. 1 para. 242
- s. 66(1)-(1F) substituted for s. 66(1) by 2010 c. 29 Sch. 2 para. 38(2)
- s. 66(1) text amended by 2006 c. 16 s. 100(3)
- s. 66(2) words substituted by 2010 c. 29 Sch. 2 para. 38(3)
- s. 66(3) substituted by 2010 c. 29 Sch. 2 para. 38(4)
- s. 72(1) words inserted by 2010 c. 29 Sch. 2 para. 39
- Sch. 1 para. 9 omitted by S.I. 2006/1722 Sch. 1 para. 2
- Sch. 3 para. 7(3) words substituted by 2005 c. 4 Sch. 9 para. 56
- Sch. 6 para. 1(1)(c) substituted by 2003 c. 21 Sch. 17 para. 116
- Sch. 6 para. 1(1)(f) text amended by 2004 c. 20 Sch. 19 para. 19
- Sch. 6 para. 1(1A) text amended by 2011 c. 5 Sch. 12 para. 136
- Sch. 6 para. 4 text amended by S.I. 2003/1615 Sch. 1 para. 17

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act power to amend conferred by 2010 c. 29 s. 28

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14A inserted by 2010 c. 29 Sch. 2 para. 29(1)

Commencement Orders yet to be applied to the Land Drainage Act 1991:

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/1900 art. 2 commences (2003 c. 21)
- S.I. 2003/3142 art. 2-4 commences (2002 c. 11 and 2003 c. 21)
- S.I. 2004/641 art. 2-5 commences (2003 c. 37)
- S.I. 2006/1014 art. 2 Sch. 1 2 commences (2005 c. 4)
- S.I. 2006/2541 art. 2 commences (2006 c. 16)
- S.I. 2008/3110 art. 2-6 commences (2007 c. 28)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2010/2169 art. 3-5 commences (2010 c. 29)
- S.I. 2011/694 art. 3 4 commences (2010 c. 29)
- S.I. 2011/1770 art. 3 commences (2010 c. 29)
- S.I. 2011/2204 art. 3 4 commences (2010 c. 29)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)