



Land Drainage Act 1991

1991 CHAPTER 59

PART I

INTERNAL DRAINAGE BOARDS

General provision with respect to functions of drainage boards

7 Supervision of drainage boards by the NRA

- (1) The NRA may, for the purpose of securing—
 - (a) the efficient working and maintenance of existing drainage works; and
 - (b) the construction of such new drainage works as may be necessary,give such general or special directions as it considers reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.
- (2) Without prejudice to subsection (1) above, an internal drainage board shall not—
 - (a) except with the consent of the NRA, construct any drainage works or alter any existing drainage works, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other drainage board; or
 - (b) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into a main river except on such terms as may be agreed between the NRA and the internal drainage board or, in default of agreement, be determined by the relevant Minister.
- (3) The consent of the NRA for the purposes of subsection (2)(a) above shall not be unreasonably withheld and may be given subject to reasonable conditions.
- (4) If an internal drainage board acts in contravention of subsection (2) above, the NRA shall—

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- (a) have power itself to carry out and maintain any works and do any things which are, in its opinion, necessary in order to prevent or remedy any damage which may result, or has resulted, from the action of the internal drainage board; and
- (b) be entitled to recover from that board the amount of any expenses reasonably incurred by the NRA in the exercise of that power.

(5) If any question arises under this section—

- (a) whether the consent of the NRA is unreasonably withheld;
- (b) whether any condition subject to which any consent of the NRA is given is reasonable; or
- (c) whether any expenses have been reasonably incurred by the NRA in pursuance of this section;

that question shall be referred to the relevant Minister for decision.

(6) Where the relevant Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

8 Concurrent powers of NRA

The powers of an internal drainage board in relation to their district under sections 21 and 23 below shall be exercisable concurrently with that board by the NRA and references in those sections and in section 24 below to the drainage board concerned shall be construed accordingly.

9 Default powers of the NRA

- (1) Subject to subsections (2) and (3) below but without prejudice to section 8 above, where in the opinion of the NRA any land is injured or likely to be injured by flooding or inadequate drainage that might be remedied wholly or partially by the exercise of drainage powers vested in any internal drainage board which either—
 - (a) are not being exercised at all; or
 - (b) in the opinion of the NRA, are not being exercised to the necessary extent,
 the NRA may exercise all or any of those powers and also any power vested in that board for the purpose of defraying expenses incurred in the exercise by that board of those powers or for any purposes incidental to the exercise of those powers.
- (2) Before exercising any powers under subsection (1) above the NRA shall give to the internal drainage board in whose default it proposes to exercise the powers not less than thirty days' notice of its intention to do so.
- (3) If, before the end of the period of notice specified under subsection (2) above, the internal drainage board in question intimate in writing to the NRA their objection to the exercise by the NRA of the powers, the NRA shall not exercise the powers except with the consent of the relevant Minister.
- (4) The relevant Minister may, if he thinks fit, cause a public local inquiry to be held with respect to an objection for the purposes of subsection (3) above.
- (5) Where in pursuance of this section the NRA is exercising the powers of the drainage board for an internal drainage district, any person authorised in that behalf by the NRA may, so far as is reasonably necessary for the purpose of, and in connection with, the

exercise by the NRA of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which—

- (a) are in the possession of the board; and
 - (b) relate to land drainage or the provision of flood warning systems in that district.
- (6) Any person who intentionally obstructs or impedes any person authorised as mentioned in subsection (5) above in the exercise of his powers under this section shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

10 Exercise of default powers by local authorities

- (1) The NRA may, on the application of the council of any county, metropolitan district or London borough, direct that the powers conferred by section 9 above on the NRA shall, as respects land in the area of the council, be exercisable by that council instead of by the NRA.
- (2) If the NRA refuses to comply with any application under subsection (1) above, the council by which the application was made may appeal against the refusal to the relevant Minister and he may, if he thinks fit, require the NRA to comply with the application.
- (3) Without prejudice to the power of the NRA to give a new direction, the NRA may—
 - (a) subject to the consent of the relevant Minister; and
 - (b) on giving the council concerned not less than six months' notice of its intention to do so,revoke any direction given under subsection (1) above.

11 Arrangements between drainage authorities

- (1) The NRA may enter into an agreement with any internal drainage board for the carrying out by the board, on such terms as to payment or otherwise as may be specified in the agreement, of any work in connection with a main river which the NRA is authorised to carry out.
- (2) Notwithstanding any restriction by reference to a main river of the powers conferred on the NRA by section 165 of the Water Resources Act 1991, the NRA may—
 - (a) with the consent of an internal drainage board, carry out and maintain in that board's district any works which the board might carry out or maintain, on such terms as to payment or otherwise as may be agreed between the board and the NRA; or
 - (b) agree to contribute to the expense of the carrying out or maintenance of any works by any internal drainage board.
- (3) An internal drainage board may—
 - (a) with the consent of an internal drainage board for any other district, carry out and maintain in that other district any works which the first-mentioned board might carry out or maintain within their own district, on such terms as to payment or otherwise as may be agreed between the boards; or
 - (b) agree to contribute to the expense of the carrying out or maintenance of any works by the internal drainage board for any other district.

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- (4) Any expense incurred by an internal drainage board under subsection (3) above shall be defrayed as if the expense had been incurred in their own district.