

Changes to legislation: There are currently no known outstanding effects for the Water Consolidation (Consequential Provisions) Act 1991, Paragraph 16. (See end of Document for details)

SCHEDULES

SCHEDULE 2

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1** Sch. 2: power to modify conferred (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 74(6), 223(2)** (with s. 219(3))

PART II

TRANSITORY PROVISIONS IN RESPECT OF FLOOD DEFENCE AND LAND DRAINAGE

Restrictions on appointed members of internal drainage boards until 1993

- 16 (1) In the period ending with 31st March 1993 the number of appointed members of an internal drainage board—
- (a) shall not exceed two-fifths of the number of all the members of the board; and
 - (b) subject to paragraph (a) above, shall be such that the number of appointed members bears, as nearly as possible, the same proportion to the maximum number of all the members of the board as the first of the following amounts bears to the second, that is to say—
 - (i) the aggregate amount raised by the board by means of drainage rates assessed on land other than agricultural land and agricultural buildings in respect of the financial year beginning in 1989 (including any amount payable to the board under an agreement made under section 81 of the 1976 Act); and
 - (ii) the total amount raised by that board by means of drainage rates in respect of that financial year.
- (2) If, in that period, more than one charging authority is entitled to appoint members of an internal drainage board under paragraph 5 of Schedule 1 to the ^{M1}Land Drainage Act 1991—
- (a) each such authority may appoint the number of members of the board calculated by multiplying the maximum number of appointed members by the relevant fraction for that authority and disregarding any fraction in the resulting product; and
 - (b) where in respect of the board—
 - (i) any such authority has appointed a member; or
 - (ii) the calculation referred to in paragraph (a) above results in respect of each such authority in a product of less than one,

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the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.

- (3) For the purposes of sub-paragraph (2) above the relevant fraction, in relation to a charging authority, is the fraction which bears the same proportion to one as the aggregate for that authority of the values specified in sub-paragraph (4) below bears to the sum of such aggregate values for all the local charging authorities whose areas lie within the board's district.
- (4) The values mentioned in sub-paragraph (3) above are, in relation to any internal drainage board, the following values for the area of every charging authority whose area lies wholly within the internal drainage district of that board and for such parts of the areas of other charging authorities as lie within that district, that is to say—
- (a) the rateable values shown, on 1st January 1990, for hereditaments in the valuation lists maintained under Part V of the ^{M2}General Rate Act 1967;
 - (b) the annual values of hereditaments, other than agricultural land and agricultural buildings shown on 1st January 1990 in the register maintained by the board by virtue of the ^{M3}Registers of Drainage Boards Regulations 1968.
- (5) In this paragraph—
- “agricultural buildings” has the meaning provided by paragraphs 2 to 8 of Schedule 5 to the ^{M4}Local Government Finance Act 1988;
- “agricultural land” has the meaning provided by paragraphs 2 and 4 to 8 of that Schedule;
- “appointed members”, in relation to an internal drainage board, means members of the board appointed by one or more charging authorities under Part II of Schedule 1 to the Land Drainage Act 1991 or, at a time before commencement, under the corresponding provisions of the ^{M5}Internal Drainage Boards (Finance) Regulations 1990;
- “charging authority” has the same meaning as in the Land Drainage Act 1991.

Marginal Citations

- M1** 1991 c. 59.
M2 1967 c. 9.
M3 S.I. 1968/1672.
M4 1988 c. 41.
M5 S.I. 1990/72.

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