

WATER ACT 2014

EXPLANATORY NOTES

COMMENTARY

Part 5

Miscellaneous

Section 85: Internal drainage boards: procedure for orders confirming reorganisation

297. Schedule 3 to the Land Drainage Act 1991 sets out the procedure to be followed when making certain orders, including those for the reorganisation of internal drainage boards (IDBs). IDBs are locally funded semi-independent statutory bodies responsible for water level management in areas of special drainage need. Section 85 amends Schedule 3 in respect of orders for the reorganisation of IDBs by inserting new paragraphs 4(1A) and 5(3A).
298. New paragraph 4(1A) removes the requirement for the Minister to publish a notice after an order has been made under section 3 for schemes in England and in Wales and thereby removes the 30 day advertising period in which a person affected by the order may present a memorial praying that the order should be subject to special parliamentary procedure.
299. New paragraph 5(3A) provides that an order made under section 3 for schemes in England and Wales will no longer be subject to special parliamentary procedure.

Section 86: Internal drainage boards in England: alternative procedure for byelaws

300. IDBs have powers under section 66 of the Land Drainage Act 1991 to make byelaws for land drainage and flood risk management purposes. IDBs must follow the process in Schedule 5 to that Act when making such byelaws.
301. **Section 86** inserts a new section 66A into the Land Drainage Act 1991 to enable the Secretary of State to make regulations establishing a new procedure for IDBs wholly in England to follow when making byelaws. The intention is to make regulations to bring the process IDBs follow broadly into line with that followed by local authorities.
302. In prescribing the alternative procedures to be followed, the section empowers the Secretary of State to include in regulations provision on the consultation procedures which IDBs should follow before making a byelaw, and for advertising the new byelaw locally once it has been made.

Section 87: Publication requirements under the Land Drainage Act 1991

303. **Section 87** introduces Schedule 9 which amends the Land Drainage Act 1991 to remove restrictions on the way in which internal drainage boards documents in England have to be published.

Section 88: Sustainable drainage systems: non-performance bonds

304. This section amends Schedule 3 to the Flood and Water Management Act 2010. This relates to the situation where a non-performance bond is required as a condition of approval of a drainage system under Schedule 3, and the bond is provided by a third party specialist bondsman on behalf of the developer. Section 88 ensures that, where a payment is made under the bond, any excess is refunded to the person that made the payment under the bond, rather than always being made to the developer.

Section 89: Amendments relating to Regional Flood and Coastal Committees

305. This section introduces Schedule 10 to this Act.