



# Agriculture (Miscellaneous War Provisions) Act 1940

## 1940 CHAPTER 14

### PART III

#### LAND DRAINAGE

#### 17 Control of sluices

- (1) Where a drainage board are of opinion that it is necessary or expedient so to do for the purpose of preventing or arresting injury to any agricultural land, they may, by notice in writing served on the occupier or person in control of any dam within their district, require him, during such times and in such manner as may be specified in the notice, to keep open or closed any sluice forming part of the dam:

Provided that—

- (a) no such notice shall require anything to be done before the expiration of forty-eight hours from the service of the notice unless it is stated in the notice that in the opinion of the board immediate action is necessary to meet an emergency;
  - (b) in exercising their powers under this section in relation to any sluice, the board shall have regard to any purpose for which the occupier or person in control of the dam or any other person interested in the water controlled by the sluice uses or desires to use the water so controlled and shall so exercise the said powers as to interfere as little as may be practicable with such user;
  - (c) a drainage board shall not exercise the powers conferred by this section in relation to any sluice which is vested in or controlled by a local authority or a navigation, harbour or conservancy authority or any undertakers authorised by or under any enactment to supply water or electricity; and
  - (d) a Catchment Board shall not exercise the powers conferred by this section in relation to any sluice which is vested in or controlled by an internal drainage board.
- (2) If any notice served by a drainage board as aforesaid with respect to any sluice is not complied with—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the person on whom it is served shall be guilty of an offence under this Part of this Act; and
  - (b) without prejudice to any prosecution for such an offence, the board may, after giving notice in writing to that person, take control of the sluice for such period as may be specified in the last mentioned notice; and
  - (c) if during that period any person operates the sluice without the authority of the board, he shall be guilty of an offence under this Part of this Act.
- (3) In this section the expression " sluice " means a mechanical appliance by means of which the flow of water is capable of being regulated.