



# Pow of Inchafray Drainage Commission (Scotland) Act 2019

2019 asp 2

## POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) ACT 2019

### PART 1

#### THE COMMISSION

##### *Constitution*

- 1 The Pow of Inchafray Drainage Commission
- 2 The Commissioners

##### *The Pow and the benefited land*

- 3 Extent of the Pow and the benefited land

##### *Appointment etc. of Commissioners*

- 4 Appointment of Commissioners etc.
- 5 First appointments of Commissioners
- 6 Commission meetings

##### *Heritors' meetings etc.*

- 7 Heritors' meetings convened by the Commission
- 8 Heritor's representative
- 9 Alterations by heritors

### PART 2

#### ANNUAL ASSESSMENTS ETC.

- 10 Annual budget and assessments
- 11 Revaluation of assumed values and base value
- 12 Amendments to land categories to meet changed circumstances

*Status: Point in time view as at 18/01/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019. (See end of Document for details)*

---

- 13 Surveyor's professional requirements
- 14 Commission may act as surveyor's agent
- 15 Land plans
- 16 Register of Heritors

### **PART 3**

#### MISCELLANEOUS AND GENERAL

- 17 Access
- 18 Notice of planning applications
- 19 Consent for activities affecting the Pow and adjacent land etc.
- 20 Liability of persons exercising functions
- 21 Court proceedings
- 22 Interest on sums due
- 23 Certification of land plans
- 24 Service of notices

### **PART 4**

#### FINAL PROVISIONS

- 25 Transitional
- 26 Repeal of the 1846 Act
- 27 Interpretation
- 28 Commencement
- 29 Short title

---

## SCHEDULE 1 — THE POW OF INCHAFFRAY DRAINAGE COMMISSION

### *Functions*

- 1 (1) The functions of the Commission are to—

### *General powers*

- 2 (1) The Commission may do anything which appears to the...

### *Appointment etc. of Clerk*

- 3 The Commission— (a) must appoint a Clerk of the Commission...

### *Committees*

- 4 (1) The Commission may, subject to such conditions and procedures...

### *Advisers and other services*

- 5 The Commission may obtain advice, assistance or any other service...
- 6 The Commission may pay to that person fees and expenses....

### *Proceedings etc.*

- 7 Subject to the provisions of this Act, the Commission may...
- 8 The validity of any act of the Commission is not...

*Status: Point in time view as at 18/01/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019. (See end of Document for details)*

---

### *Finances, accounts and audit*

- 9 The Commission must— (a) ensure that the resources of the...
- 10 If requested by a heritor, the Commission must provide the...
- 11 The Commission may charge a reasonable fee for providing a...

### *Execution of documents*

- 12 A document is validly executed by the Commission by signature...

## SCHEDULE 2 — COMMISSIONERS

### *Appointment*

- 1 A person appointed as a Commissioner for a section of...
- 2 A heritor who owns land in more than one section...
- 3 Except where this Act provides otherwise, the appointment of a...
- 4 Subject to paragraphs 5 and 6, a Commissioner must be...
- 5 If only one relevant heritor attends the meeting, the heritor...
- 6 Where no Commissioner is appointed under paragraph 4 or 5,...
- 7 The Commission may fill a vacancy under paragraph 6 by...
- 8 A vacancy occurring less than three months before the end...
- 9 Except where this Act provides otherwise, a Commissioner is appointed...
- 10 A person appointed to fill a vacancy to which paragraphs...
- 11 Subject to paragraph 12, a person who has served as...
- 12 A person may not be reappointed as a Commissioner where...

### *Early termination of appointment as Commissioner*

- 13 (1) A Commissioner may resign by giving notice to the...

## SCHEDULE 3 — MEETINGS OF THE COMMISSION

### *Meetings*

- 1 The Commission must hold at least two general business meetings...
- 2 A Commissioner may authorise another person to attend a meeting...
- 3 (1) The Clerk must give each Commissioner prior notice of...
- 4 The quorum of a meeting of the Commission is five...
- 5 A decision of the Commission must be made by a...

### *Conflicts of interest*

- 6 (1) A Commissioner must avoid a situation in which the...
- 7 (1) A Commissioner must not accept a benefit from a...
- 8 (1) If a Commissioner is in any way, directly or...

### *Records of resolutions*

- 9 The Clerk must prepare a record of the resolutions passed...

## SCHEDULE 4 — PREPARATION OF ANNUAL BUDGETS AND HERITORS' RIGHTS TO REQUIRE REVIEW ETC.

*Status: Point in time view as at 18/01/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019. (See end of Document for details)*

---

*Preparation of draft budget and provisional assessment notice*

- 1 Before the beginning of each assessment year, the Commission must...
- 2 The budget— (a) must allow for any anticipated surplus or...
- 3 Promotion costs not recovered from heritors through assessments under the...
- 4 “Promotion costs” means costs, fees and expenses incurred by the...
- 5 As soon as practicable after the draft budget is prepared,...
- 6 The provisional assessment notice must include— (a) a copy of...

*Right of heritors to make representations and to require a review*

- 7 A heritor may make written representations on the draft budget...
- 8 If written representations are made under paragraph 7, the Commission...
- 9 The Commission must notify all heritors of its decision under...
- 10 Where the draft budget is amended, the notice must specify...
- 11 A notice under paragraph 9 must also include a statement...
- 12 Where a heritor has made representations, the notice to the...

*Independent review*

- 13 No later than 14 days after the date on which...
- 14 The budget review threshold is— (a) for the first assessment...
- 15 No later than 14 days after service of a notice...

*Confirmed budget*

- 16 For the purposes of section 10, the confirmed budget is—...

**SCHEDULE 5 — CALCULATION OF CHARGEABLE VALUES**

- 1 Subject to paragraph 7, in the case of residential property,...
- 2 The enhanced acreage value is the assumed value per acre...
- 3 Subject to sections 11 and 12— (a) the base value...
- 4 In the table in paragraph 3, “Land Classes” are as...
- 5 Where a heritor's land falls into more than one land...
- 6 Where a residential property is divided into two or more...
- 7 Where the land category of a heritor's land, or a...
- 8 For the purposes of section 11(2), the valuation assumptions specified...
- 9 In this schedule, “the Pow Acts” mean this Act, the...

**SCHEDULE 6 — CONSENTS: PROCEDURE**

- 1 An application for consent must be made in writing to...
- 2 The applicant must supply such further information that the Commission...
- 3 The Commission may either— (a) grant the consent on such...
- 4 If the Commission has not made a decision on the...

**SCHEDULE 7 — SERVICE OF NOTICE**

- 1 A notice to be given to a person for the...
- 2 For the purposes of paragraph 1(b), the proper address of...
- 3 A notice is duly served on— (a) a body corporate...
- 4 Where a notice is to be served on a person...
- 5 A notice is to be taken to have been served—...

**Status:**

Point in time view as at 18/01/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019.