



Land Drainage Act 1976

1976 CHAPTER 70

PART I

INTRODUCTORY

Transfers of functions and reorganisation of internal drainage districts

10 Schemes for transfer to water authority of functions in relation to main river

- (1) A water authority may at any time, and if so directed by the Minister shall, prepare and submit to the Minister for confirmation a scheme making provision—
 - (a) for the transfer to the water authority from any drainage body of all rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river, and of any property held by the drainage body for the purpose of, or in connection with, any functions so transferred; and
 - (b) for any matter supplemental to or consequential on the said transfer.
- (2) As soon as any scheme under this section has been submitted to the Minister, the water authority shall—
 - (a) send copies of the scheme to every drainage authority, local authority, navigation authority, harbour authority and conservancy authority affected by it; and
 - (b) publish in one or more newspapers circulating in the area affected by the scheme a notice stating that the scheme has been submitted to the Minister and that a copy of it is open to inspection at a specified place, and that representations with respect to the scheme may be made to the Minister at any time within one month after the publication of the notice.
- (3) The Minister may by order confirm any scheme so submitted, either with or without modifications.
- (4) Where, under a scheme made by a water authority under this section, liabilities incurred in connection with drainage works are transferred to the water authority

Status: This is the original version (as it was originally enacted).

from a local authority, the water authority may require the local authority to make to them contributions towards the discharge of the liabilities; and if the amount of those contributions is not agreed between the water authority and the local authority it shall be determined by a single arbitrator agreed on by them or, in default of such agreement, appointed by the Minister and the Secretary of State acting jointly.

11 Schemes for reorganisation of internal drainage districts and for conferring functions on water authority

- (1) A water authority may at any time, and if so directed by the Minister shall, prepare and submit to the Minister for confirmation a scheme making provision for any of the following matters, namely—
- (a) the alteration of the boundaries of any internal drainage district;
 - (b) the amalgamation of the whole or any part of any internal drainage district with any other such district;
 - (c) the abolition as from such date as may be specified in the scheme of all Commissioners of Sewers exercising jurisdiction within the water authority area or, in the case of Commissioners of Sewers who exercise jurisdiction partly within and partly without that area, the abrogation of the powers of those Commissioners within that area;
 - (d) the abolition or reconstitution of any internal drainage district and of the drainage board thereof ;
 - (e) the constitution of new internal drainage districts within the water authority area;
 - (f) the constitution of internal drainage boards for all or any of the separate internal drainage districts constituted by the scheme ;
 - (g) where it appears desirable so to provide in the case of any internal drainage board, the amendment of the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such members in accordance with the provisions in that behalf contained in section 7 above and in Schedule 2 to this Act;
 - (h) the making of alterations in, and the addition of supplemental provisions to, the provisions of any local Act or of any award made under any such Act, where such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually;
 - (i) any matters supplemental to or consequential on the matters mentioned in paragraphs (a) to (h) above for which it appears necessary or desirable to make provision, including the transfer to a water authority or internal drainage board of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the water authority or internal drainage board affected by the scheme.
- (2) A scheme under this section which makes provision for the constitution of a new internal drainage district may provide for the water authority submitting the scheme to be constituted the drainage board of that district and for conferring on it in relation to that district the powers and duties of an internal drainage board; and any expenses incurred by the water authority as the drainage board of such a district shall be defrayed under and in accordance with the powers so conferred and not in any other manner.
- (3) As soon as any scheme under this section has been submitted to the Minister, the water authority shall—

- (a) send copies of the scheme to every drainage authority, local authority, navigation authority, harbour authority and conservancy authority affected by it; and
 - (b) publish in one or more newspapers circulating in the area affected by the scheme a notice stating that the scheme has been submitted to the Minister and that a copy of it is open to inspection at a specified place, and that representations with respect to the scheme may be made to the Minister at any time within one month after the publication of the notice.
- (4) The Minister may by order confirm any scheme so submitted, either with or without modifications.
- (5) A scheme under this section may provide for the revocation or amendment of, and for the retransfer of property, rights, powers, duties, obligations and liabilities transferred by, any previous scheme under this section.

12 Orders for transfer of functions to water authority

The Minister may, on a petition in that behalf presented to him by the water authority of any area, by order transfer to the water authority the powers, duties, liabilities, obligations and property (including deeds, maps, books, papers and other documents) of the drainage board of any internal drainage district, and thereupon the water authority shall become the drainage board of that district for the purposes of this Act, and any expenses incurred by the water authority as the drainage board of that district shall be defrayed under and in accordance with the powers so transferred and not in any other manner.

13 Orders for transfer to internal drainage board of functions conferred or transferred under section 11 or 12

- (1) Where, whether by virtue of a scheme under section 11 above or an order under section 12 above, a water authority are the drainage board of an internal drainage district and a petition for constituting an internal drainage board for that district is made to the water authority by a sufficient number of qualified persons or by a qualified authority, the Minister may by order constitute an internal drainage board for that district and transfer to it the property and liabilities of the water authority so far as vested in or incurred by them in their capacity as the drainage board for that district.
- (2) On receiving such a petition as is mentioned in subsection (1) above the water authority shall send a copy of it to the Minister and they shall inform the Minister, within 6 months of the date on which the petition is received, whether in their opinion an order under that subsection ought to be made.
- (3) Before making an order under subsection (1) above the Minister shall consider the views expressed by the water authority in accordance with subsection (2) above.