



Land Drainage Act 1976

1976 CHAPTER 70

PART I

INTRODUCTORY

Water authorities

1 General supervision, and discharge of functions by committees

- (1) A water authority shall exercise a general supervision over all matters relating to land drainage in their area but shall arrange for the discharge by their regional land drainage committee (without prejudice to any scheme for the appointment of local land drainage committees) of all their land drainage functions except the raising of drainage charges, the levying of precepts, the borrowing of money and the making of an application for a water charges option order.
- (2) A water authority may give their regional land drainage committee directions as to the exercise of any land drainage function other than one of their internal drainage functions, so far as the exercise of that function appears to the authority likely to affect materially the authority's management of water for purposes other than land drainage.
- (3) In subsection (2) above " internal drainage functions" means the functions of a water authority under sections 10 to 16, 68(1) to (4) and (7) to (9), 69(2), (3) and (6), 84 and 86(1) below.

2 Regional land drainage committees

- (1) The regional land drainage committee established by that name for every water authority shall continue in existence and shall continue to consist of—
 - (a) a chairman and a number of other members appointed by the Minister;
 - (b) 2 members appointed by the water authority ; and
 - (c) a number of members appointed by or on behalf of constituent councils.

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- (2) The total number of members of a water authority's regional land drainage committee shall continue to be such as was determined, or last determined, by the water authority before the commencement of this Act; but, subject to subsections (3) to (5) below, a water authority may from time to time make a determination varying that number and any such determination shall be submitted to the Minister.
- (3) The total number of such members shall not be less than 11 and, except where an order under subsection (5) below otherwise provides, not more than 17.
- (4) Any determination that a regional land drainage committee shall consist of more than 17 members shall be provisional, and shall take effect only if the Minister makes an order under subsection (5) below.
- (5) If the water authority submit a provisional determination to the Minister, he may by order—
 - (a) confirm it; or
 - (b) substitute for the number of members determined by the water authority some other number not less than 17.
- (6) Subject to subsection (7) below, the council of any county or London borough any part of which is in the area of a water authority shall be a constituent council for the authority's regional land drainage committee, and references in this Act to constituent councils, in relation to a regional land drainage committee, shall be construed accordingly.
- (7) The constituent councils for the Thames Water Authority's regional land drainage committee shall consist of—
 - (a) the council of any county any part of which is in the Authority's area,
 - (b) the council of any London borough any part of which is in the Authority's area, and
 - (c) the Greater London Council;but no part of the London excluded area shall be treated as being in the Authority's area for the purposes of paragraph (b) above.

3 Members and proceedings of regional land drainage committees

- (1) The chairman of a regional land drainage committee shall be one of the members of the water authority appointed to that authority by the Minister.
- (2) The remaining members appointed to a regional land drainage committee by the Minister under section 2(1)(a) above shall be appointed from among persons who in his opinion have had experience of, and have shown capacity in, or otherwise have special knowledge of, matters relating to land drainage or agriculture and, in particular, matters so relating which affect the area of the water authority or part of that area.
- (3) The number of members to be appointed to a regional land drainage committee by or on behalf of each of the constituent councils shall (subject to this subsection) continue to be such as was specified, or last specified, by the Minister by order before the commencement of this Act; but whenever the number of members of any such committee is varied by a determination under section 2(2) above the Minister shall by order specify, subject to subsections (4) to (7) below, the number of members to be appointed to the committee as aforesaid.

- (4) An order under subsection (3) above shall be so framed that the number of members appointed by or on behalf of constituent councils is one more than the total number of those appointed under section 2(1)(a) and (b) above.
- (5) In determining for the purposes of an order under subsection (3) above the number of persons to be appointed to a regional land drainage committee by or on behalf of each constituent council, the Minister shall have regard to the estimated penny rate product for each relevant area of that council for the relevant year; and where, having regard to the proportion which that product bears to the aggregate of the estimated penny rate products for the relevant areas of all the constituent councils for that year—
- (a) he considers it to be inappropriate that that council should appoint a member of the committee, or
 - (b) he considers that one or more members should be appointed jointly by that council and one or more other constituent councils,
- he may by the order so provide.
- (6) Where, in accordance with subsection (5)(b) above, an order provides for the joint appointment of one or more members of a regional land drainage committee, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member or members in question shall be appointed by the Minister on behalf of those councils.
- (7) The Greater London Council shall be entitled to appoint one member of the Thames Water Authority's regional land drainage committee.
- (8) In the appointment of members of a regional land drainage committee, that committee's constituent councils or the Minister (where he appoints on behalf of those councils) shall, so far as may be practicable, select persons appearing to them or him to have a practical knowledge of land drainage or agriculture.
- (9) The provisions of Schedule 1 to this Act shall have effect with respect to the members and proceedings of regional land drainage committees.
- (10) In this section—
- " estimated penny rate product " for any area for any year has the same meaning as is provided by section 45(3) below; and
 - " relevant year ", in relation to any determination, means the latest financial year for which, at the time when that determination falls to be made, precepts have been issued under section 46 below.
- (11) References in this section to a relevant area of any constituent council, in relation to a water authority's regional land drainage committee, are references to a part of the council's area comprised in any local land drainage district; and for this purpose a water authority area in relation to which no local land drainage scheme is in force shall be treated as a single local land drainage district, and any parts of a water authority area in relation to which no such scheme is in force shall be treated as included in a single such district.

4 Local land drainage schemes and local land drainage committees

- (1) In this Act " a local land drainage scheme " means a scheme—
- (a) for the creation in a water authority area of one or more districts to be called "local land drainage districts "; and

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- (b) for the constitution, membership, functions and procedure of a committee for each such district, to be called the "local land drainage committee" for that district,
- and any such scheme in force immediately before the coming into operation of this Act shall, subject to subsection (2) below, continue in force.
- (2) A regional land drainage committee may at any time submit to the water authority for their area—
- (a) a local land drainage scheme for any part of that area for which there is then no such scheme in force; or
- (b) a scheme varying a local land drainage scheme or revoking such a scheme and, if the committee think fit, replacing it with another such scheme ;
- and references in the following provisions of this section and in section 5 below to local land drainage schemes are references to schemes under either paragraph (a) or paragraph (b) of this subsection.
- (3) Before submitting a scheme to a water authority under subsection (2) above, a regional land drainage committee shall consult—
- (a) the councils of counties and districts any part of which will fall within the area to which the scheme is proposed to relate, and
- (b) such organisations representative of persons interested in land drainage or agriculture as the regional land drainage committee consider to be appropriate.
- (4) It shall be the duty of a water authority to send any scheme submitted to them under subsection (2) above to the Minister.
- (5) A local land drainage scheme may define a local land drainage district—
- (a) by reference to areas established for the purposes of functions relating to land drainage under any enactment in force immediately before the passing of the Water Act 1973 ;
- (b) by reference to the water authority area in which that district is situated;
- (c) by reference to a map ;
- or partly by one of those means and partly by another or the others.
- (6) A local land drainage scheme may contain incidental, consequential and supplementary provisions.
- (7) The Minister may approve a local land drainage scheme with or without modifications, and any scheme so approved shall come into operation on a date fixed by him.

5 Members and proceedings of local land drainage committees

- (1) Subject to subsections (2) and (3) below, a local land drainage scheme shall provide that any local land drainage committee to which it relates shall consist of not less than 11 and not more than 15 members,
- (2) A regional land drainage committee may include in a local land drainage scheme which they submit to the water authority a recommendation that a committee to which the scheme relates should consist of a number of members greater than 15; and a scheme so submitted shall be taken to provide for the number of members of a committee if it contains a recommendation under this subsection relating to that committee.

- (3) The power conferred on the Minister by section 4(7) above shall include power to direct that a committee to which a recommendation under subsection (2) above relates shall consist either of the recommended number of members or of some other number of members greater than 15.
- (4) A local land drainage committee shall consist of—
 - (a) a chairman appointed from among their own members by the regional land drainage committee;
 - (b) other members appointed by that committee ; and
 - (c) members appointed, in accordance with and subject to the terms of the local land drainage scheme, by or on behalf of constituent councils.
- (5) The number of members appointed to a local land drainage committee by or on behalf of constituent councils shall be one more than the total number of members appointed by the regional land drainage committee.
- (6) The members of a local land drainage committee appointed to that committee by the regional land drainage committee shall be appointed from among persons who in the opinion of the regional land drainage committee are qualified to be appointed to the local land drainage committee by their knowledge and experience of land drainage or agriculture.
- (7) The provisions of Schedule 1 to this Act shall have effect with respect to the members and proceedings of local land drainage committees.
- (8) The council of any county or London borough any part of which is in a local land drainage district shall be a constituent council for the local land drainage committee for that district, and if any part of any London borough is within the district the Greater London Council shall also be a constituent council for the committee; and references in this Act to constituent councils, in relation to a local land drainage committee, shall be construed accordingly.

Internal drainage boards

6 Internal drainage districts and internal drainage boards

- (1) For the purpose of the drainage of land there shall continue to be, within water authority areas, districts known as internal drainage districts and for each such district there shall be a board known as an internal drainage board, which shall be a body corporate.
- (2) Internal drainage districts shall be such areas as will derive benefit or avoid danger as a result of drainage operations.
- (3) An internal drainage board shall exercise a general supervision over all matters relating to the drainage of land within their district and shall have such other powers and perform such other duties as are conferred or imposed on internal drainage boards by this Act.
- (4) Every drainage district constituted under the Land Drainage Act 1930, or deemed (under section 1(4) of that Act) to have been so constituted, which was in being as an internal drainage district immediately before the commencement of this Act, and the drainage board for every such district, shall continue in being as an internal drainage district or, as the case may be, an internal drainage board for the purposes of this Act.

7 Members and proceedings etc. of internal drainage boards

- (1) An internal drainage board shall consist of elected members.
- (2) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the members and proceedings, officers and other employees, and reports and accounts of internal drainage boards.
- (3) The provisions of Part II of Schedule 2 to this Act shall have effect with respect to the persons to vote at the election of members of internal drainage boards, and any such election shall be conducted in accordance with rules made by the Minister containing provisions—
 - (a) for allowing any person or body of persons entitled to vote at an election to vote by a deputy ;
 - (b) for the preparation of registers of electors (including provisions with respect to the making of objections to entries in any such registers and the hearing and determination of such objections) and for securing that the registers are open to inspection; and
 - (c) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes.
- (4) This section shall not apply to an internal drainage board existing at the commencement of the Land Drainage Act 1930 unless it is applied to them by a scheme under section 11 below or unless subsections (1) to (3) of section 33 of that Act (which, with Schedule 3 to that Act, are replaced by subsections (1) to (3) above and Schedule 2 to this Act) were applied to them by a scheme under Part II or an order under Part III of that Act.

Main rivers and their control

8 Control of main rivers

- (1) The powers conferred by this Act on drainage authorities shall, so far as concerns main rivers, their banks and drainage works in connection with main rivers, be exercisable solely by water authorities.
- (2) If any question arises under this section, or section 17, 21 or 23 below, whether any work is, or whether any proposed work will if constructed be, a drainage work in connection with a main river, the question shall be referred to the Minister for decision or, if either of the parties so requires, to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.
- (3) In this Act "main river " means a watercourse shown as such on a main river map and includes any structure or appliance for controlling or regulating the flow of water into, in or out of the channel, being a structure or appliance situated in the channel or in any part of the banks of the channel (other than a structure or appliance vested in or controlled by an internal drainage board).

9 Main river maps

- (1) In this Act " main river map " means a map of a water authority area relating to the water authority's land drainage functions—

- (a) which shows by a distinctive colour the extent to which any watercourse in that area is to be treated as the main river, or part of the main river, for the purposes of this Act, and
 - (b) which indicates (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 50 below.
- (2) The main river maps at the commencement of this Act shall consist of any maps sent to water authorities under paragraph 9 of Schedule 2 to the Water Act 1973 and, so far as not replaced by any such maps, the following maps, that is to say—
 - (a) in the case of areas which immediately before 1st April 1974 consisted of the Thames Catchment Area and the Lee Catchment Area, maps prepared under section 5 of the Land Drainage Act 1930 and current immediately before that date,
 - (b) in the case of other areas, main river maps kept by river authorities immediately before that date under section 11 of the Water Resources Act 1963.
- (3) The Minister may at any time send a water authority one or more new maps to be substituted for the whole or part of the main river map of the authority's area, and containing a statement to that effect specifying the date on which the substitution is to take effect; and the substitution shall take effect in accordance with the statement.
- (4) Until a main river map of a water authority area has been prepared showing the boundaries of that area for the purposes of the water authority's land drainage functions, the boundaries of the water authority area as shown on the area map for the purposes of the authority's functions relating to water conservation shall be treated also as the boundaries of the water authority area for the purposes of their land drainage functions.
- (5) Where—
 - (a) the area of a water authority is altered so as to affect any of the particulars shown on their main river map, or
 - (b) the Minister confirms a scheme under section 50 below, or
 - (c) a water authority apply to the Minister for the variation of their main river map, so far as it shows the extent to which any watercourse is to be treated as the main river or part of the main river,the Minister shall take such action as he considers appropriate either—
 - (i) by requiring the relevant water authority to send him any part of their main river map, altering it and sending it back to them, or
 - (ii) by preparing a new main river map and sending it to the water authority, or
 - (iii) by notifying the authority that he does not intend to vary their main river map.
- (6) Before altering a map or preparing a new map under subsection (5)(c) above the Minister shall give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected, and shall consider any objections made to him within the time and in the manner specified in that notice, and may then alter or prepare the map, whether in accordance with the proposals contained in the notice or otherwise.
- (7) Every water authority shall, subject to subsection (5) above, keep their main river map at their principal office and provide reasonable facilities for inspecting that map and taking copies of and extracts from it.

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- (8) Any local authority whose area is wholly or partly within a water authority area shall, on application to the water authority, be entitled to be furnished with a copy of the authority's main river map, on payment of such sum as the local authority and the water authority may agree.
- (9) A main river map shall (subject to subsection (4) above) be conclusive evidence for all purposes as to the boundaries of the water authority area in relation to their land drainage functions.
- (10) A main river map shall be conclusive evidence for all purposes as to what is the main river.
- (11) A main river map shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as that Act applies to the Minister; and that Act, as it so applies, shall have effect in relation to a main river map as if the map had been issued by the Minister.

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 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

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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.

Review of boundaries, supervision and exercise of functions in default

14 Review of boundaries of internal drainage districts

- (1) Where the boundaries of an internal drainage district have for a period exceeding 10 years been neither altered nor in pursuance of this section reviewed and a petition for their alteration is made to the water authority within whose area the district is situated by a sufficient number of qualified persons, or by a qualified authority, the water authority shall, subject to subsection (5) below, review those boundaries.
- (2) Where, in the circumstances mentioned in subsection (1) above, any such petition is received by a water authority, the water authority shall inform the Minister and, subject to subsection (5) below, shall publish in one or more newspapers circulating in the

internal drainage district a notice stating that the petition has been received, that a review of the boundaries is being undertaken, and that representations may be made to the water authority within a time (which shall not be less than 30 days) stated in the notice.

- (3) In carrying out any review required by this section the water authority shall consult the drainage board of the internal drainage district (except where the water authority are that drainage board) and shall consider any representations duly made to them; and within 6 months after the petition was made or such longer time as the Minister may allow the water authority shall inform the Minister whether, as a result of the review, they propose to submit to him a scheme under section 11 above and, if so, what provision they propose to make by the scheme.
- (4) Where the water authority do not propose, as a result of the review, to submit to the Minister a scheme under section 11 above but it appears to them that an order under section 68(1) below, or an order varying or revoking such an order, should be made by the drainage board of the internal drainage district, they may direct the drainage board to make such an order in such terms as may be specified in the direction; but if the drainage board object to the direction it shall have no effect unless it is confirmed (with or without modifications) by the Minister.
- (5) This section does not require a water authority to carry out a review or publish any notice on a petition which in the opinion of the Minister is frivolous.

15 Supervision of internal drainage boards and districts

- (1) A water authority may for the purpose of securing the efficient working and maintenance of existing drainage works within the water authority area and the construction of such new drainage works as may be necessary, give such general or special directions as they consider reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.
- (2) Without prejudice to the provisions of subsection (1) above an internal drainage board shall not—
 - (a) except with the consent of the water authority (which shall not be unreasonably withheld and may be given subject to reasonable conditions), construct any drainage works within the water authority area or alter any existing drainage works within that area, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other internal drainage board; or
 - (b) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into the main river except on such terms as may be agreed between the water authority and the internal drainage board or in default of agreement be determined by the Minister.
- (3) If an internal drainage board acts in contravention of subsection (2) above, the water authority shall have power themselves to execute any works and do any things which are in their opinion necessary in order to prevent or remedy any damage which may result or has resulted from the action of the internal drainage board, and shall be entitled to recover from that board the amount of any expenses reasonably incurred by them in the exercise of that power.

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- (4) If any question arises under this section—
- (a) whether the consent of the water authority is unreasonably withheld; or
 - (b) whether any condition subject to which any consent of the water authority was given was reasonable; or
 - (c) whether any expenses have been reasonably incurred by the water authority in pursuance of this section;
- that question shall be referred to the Minister for decision.
- (5) Where the Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

16 Exercise by water authority of functions in default

- (1) Where, in the opinion of a water authority, any land in the water authority area is injured or likely to be injured by flooding or inadequate drainage which might be remedied wholly or partially by the exercise of drainage powers which are vested in any internal drainage board and which either are not being exercised at all, or, in the opinion of the water authority, are not being exercised to the necessary extent, then, subject to subsection (2) below, the water authority may—
- (a) exercise all or any of those powers ; and
 - (b) exercise any power vested in the said drainage board for the purpose of defraying expenses incurred in the exercise by that board of the said powers or for any purpose incidental to the exercise of any such powers.
- (2) The water authority shall, before exercising any such powers, give to the internal drainage board in whose default they propose to exercise the powers not less than 30 days' notice in writing of their intention so to do and if, before the expiration of the period of notice, the board intimate in writing to the water authority their objection to the exercise by that authority of the powers, that authority shall not exercise the powers except with the consent of the Minister, who may, if he thinks fit, cause a public local inquiry to be held with respect to the objection.
- (3) Where in pursuance of this section a water authority is exercising the powers of an internal drainage board, any person authorised in that behalf by the water authority may, so far as is reasonably necessary for the purpose of and in connection with the exercise by the water authority of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which are in the possession of the board and relate to land drainage in the district of the board.
- (4) Any person who intentionally obstructs or impedes any person authorised as mentioned in subsection (3) above in the execution of his powers under this section shall be liable on summary conviction to a fine not exceeding £200.
- (5) A water authority may, on the application of the council of any county or London borough wholly or partly within the water authority area, direct that the power conferred by this section shall, as respects land in the area or that part of the area of the council, be exercisable by that council instead of by the water authority.
- (6) If a water authority refuses to comply with any such application, the council by which the application was made may appeal against the refusal to the Minister, and the Minister may, if he thinks fit, require the authority to comply with the application.

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- (7) A water authority may, subject to the consent of the Minister, and on giving the council concerned not less than 6 months' notice of their intention so to do, revoke any direction given under subsection (5) above, without prejudice to the power of the authority to give a new direction.