
STATUTORY INSTRUMENTS

1991 No. 523

LOCAL GOVERNMENT, ENGLAND AND WALES
RATING AND VALUATION

**The Internal Drainage Boards (Finance)
(Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Minister of Agriculture, Fisheries and Food as respects internal drainage boards whose districts are wholly within England, the Secretary of State as respects such boards whose districts are wholly within Wales, and the said Minister and the Secretary of State, acting jointly, as respects such boards whose districts are each partly in England and partly in Wales, in exercise of the powers conferred on them by sections 75(1)(b), (2), (3), (4), (6) and (7), 118, 143(1) and (2) and 146(6) of the Local Government Finance Act 1988(1), (such boards being bodies to which section 118 of that Act applies), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Internal Drainage Boards (Finance) (Amendment) Regulations 1991 and shall come into force on 1st April 1991.

Amendment of the principal Regulations

2. The Internal Drainage Boards (Finance) Regulations 1990(2) shall be amended in accordance with regulations 3 to 7 below.

3. After regulation 3 there shall be inserted the following regulation:

“3A.—(1) Where a board for a main internal drainage district is required to pay an amount direct to the National Rivers Authority pursuant to section 84(3) of the principal Act, the board shall raise that amount by means of drainage rates levied within, or special

(1) 1988 c. 41; sections 75, 118 and 143 were amended by paragraphs 55, 67 and 72, respectively, of Schedule 5 to the Local Government and Housing Act 1989 (c. 42). For the definition of “the appropriate Minister”, see section 118(5).
(2) S.I.1990/72.

levies issued in respect of, the main internal drainage district or, as the case may be, such part thereof as is situated within a minor internal drainage district.

(2) A board may, for the purposes mentioned in section 87(1) of the principal Act, borrow on the security of any special levies to be issued in accordance with these Regulations or any other Regulations made under the 1988 Act.

(3) Where a board borrows any sums in respect of which they have made a determination, as mentioned in section 87(4) of the principal Act, that some part only of their district shall be liable, the money borrowed shall be repayable out of drainage rates levied on, or special levies issued or contributions received in respect of, that part of their district.”.

4. In regulation 6—

(a) in paragraph (1)(c), the words “, and paragraphs 1(3)(b) and 22(b) of Schedule 2 to,” shall be omitted;

(b) for paragraph (2) there shall be substituted the following paragraph:

“(2) In relation to any drainage rate made, or to be made, in respect of the financial year beginning in 1993 or any subsequent financial year, sections 67(2), (4) and (6), 68(7), 76(2), 77, 78(1) and (2), 79(3) and 116(2) of the principal Act shall have effect as if the references therein to the owner or owners or the owning of hereditaments or land were omitted.”;

(c) after paragraph (3) there shall be added the following paragraphs:

“(4) Paragraphs 1(1)(c) and 22 of Schedule 2 to the principal Act shall have effect from 1st April 1993 as if the reference therein to the owner or the owning of land were omitted.

(5) Paragraphs 1(3) and 22(b) of Schedule 2 to the principal Act shall cease to have effect from 1st April 1993.

(6) Subsection (10) of section 2 of the Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940(3) (rates raised to defray the expenses of maintaining ways over fen-land to be owners' drainage rates) shall cease to have effect from 1st April 1993.”.

5. In regulation 7—

(a) for paragraph (3) there shall be substituted the following paragraph:

“(3) Where after 31st December 1992—

(a) any land or buildings in a district becomes an annual value property, or

(b) any agricultural land or agricultural buildings becomes part of a district,

the board of the district shall, as soon as practicable after the date on which it has become such a property or part of the district (“the valuation date”), determine the annual value of the land or buildings in accordance with the said Schedule, and that determination shall have effect from the valuation date.”;

(b) after paragraph (3) there shall be inserted the following paragraph:

“(3A) Where a board make a determination under paragraph (2) or (3) of this regulation, they shall serve notice of the determination, together with a statement in writing of the right of appeal conferred by paragraph (4) of this regulation, on the occupier of the annual value property to which the determination relates.”;

(c) after paragraph (5) there shall be added the following paragraphs:

“(6) From 1st April 1993, sections 64(2) to (8) and 116(3) of, and paragraphs 1(4) and 23(2) of Schedule 2 to, the principal Act shall cease to have effect, and

- (a) the reference to the value of land in section 116(2)(c) of the principal Act shall be a reference to the amount which for the purposes of the drainage rate there mentioned would be the annual value of the land determined as provided in this regulation, and
- (b) the reference to the value of land in paragraph 1(1) of that Schedule and the reference to assessable value in paragraph 23(1) of that Schedule shall be a reference to the amount which, for the purposes of any drainage rate levied at the relevant date, would be the annual value of the land determined as provided in this regulation.

(7) In this regulation “the relevant date” means the date as at which the qualifications of candidates or, as the case may be, the voting entitlement of electors, is determined for the election in question referred to in paragraph 1(1) or 23(1) of Schedule 2 to the principal Act.”.

6. In regulations 10(3)(b) and 17(4)(b)(ii) after the words “agricultural land” in each case there shall be added “or agricultural buildings”.

7. In regulation 20(3), for sub-paragraph (b) there shall be substituted the following sub-paragraph:

- “(b) where in respect of a board—
 - (i) any such authority has appointed a member, or
 - (ii) the calculation referred to in sub-paragraph (a) above results, in respect of each such authority, in a product of less than one,

the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.”.

Modification of the principal Act

8. Sections 65, 66, 68(2) and (3), 69(1), 70, 72(2) and (3), 73, 80(1) and 81 of, and paragraphs 1(4)(b) and 23(2)(b) of Schedule 2 to, the Land Drainage Act 1976(4) shall cease to have effect.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th March 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

7th March 1991

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Internal Drainage Boards (Finance) Regulations 1990 (“the principal Regulations”) so as to provide as follows:

- (a) to require internal drainage boards (“the boards”) to raise contributions to the National Rivers Authority by means of drainage rates and special levies (regulation 3);
- (b) to enable the boards to borrow on the security of special levies, and to require repayment of loans attributable to parts of internal drainage districts out of the income raised in respect of those parts (regulation 3);
- (c) to require the boards to serve on the occupiers of property liable to drainage rates notice of their determination of annual value in accordance with regulation 7 of the principal Regulations (regulation 5(b));
- (d) to apply, from 1st April 1993, annual value determined in accordance with regulation 7 of the principal Regulations, as the value of land for the purposes of section 116(2) of the Land Drainage Act 1976 (persons qualified to appeal or petition) and paragraphs 1(1) and 23(2) of Schedule 2 to that Act (persons qualified for election to a board and as electors) (regulation 5(c));
- (e) to make further provision as to the appointment of members of the boards (regulation 7).

The Regulations also make corrections in, and clarify, certain provisions of the principal Regulations (regulations 4, 5(a) and 6). Provisions of the Land Drainage Act 1976, which are superseded by the principal Regulations, will cease to have effect (regulation 8).