



Land Drainage Act 1961

1961 CHAPTER 48

PART I

DRAINAGE CHARGES

Special drainage charges in interests of agriculture

3 Designation of watercourses for drainage works in the interests of agriculture

- (1) Where it appears to a river board that the interests of agriculture in the river board area or any part of it require the carrying out of drainage works in connection with any watercourses in the area, the river board may submit to the Minister for confirmation a scheme designating those watercourses, and any watercourses connected with them, for the purposes of this section and making provision for the raising, in accordance with this Part of this Act, of a charge, to be known as a special drainage charge, for the purpose of meeting the expenses of drainage works in connection with the designated watercourses and any expenses arising from such works.
- (2) Any such scheme shall designate either the whole or any part of the river board area for the purposes of the special drainage charge, according as the carrying out of drainage works in connection with the designated watercourses would, in the opinion of the river board, be in the interest of agriculture in the whole of the river board area or only in the designated part.
- (3) The watercourses designated in any such scheme shall, if the scheme is confirmed, be treated for the purposes of the Act of 1930 as part of the main river, and the Minister shall cause such variations to be made in any map prepared under section six of the River Boards Act, 1948, as may be necessary to show the designated watercourses as part of the main river and distinguish them from any other part of the main river; and any such variation shall for the purposes of subsection (4) of that section (which makes any map as approved or varied in accordance with the provisions of that section conclusive evidence as to what is the main river) be deemed to be a variation made in accordance with those provisions.

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- (4) The power under subsection (3) of the said section six to vary a map approved under that section shall include power to vary it with respect to the watercourses shown on it as designated under this section.
- (5) A scheme under this section may make provision for any of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (1) of section four of the Act of 1930 (as modified by paragraph 3 of the Third Schedule to the River Boards Act, 1948) and, subject to subsections (6) to (10) of this section, those Acts shall apply to such a scheme as they apply to a scheme under paragraph (b) of the said subsection (1).
- (6) So much of the said paragraph 3 as enables the Minister to direct a river board to submit a scheme shall not apply to a scheme under this section.
- (7) Before submitting a scheme under this section a river board shall consult organisations appearing to them to represent the interests of persons engaged in agriculture in the river board area or, as the case may be, the part of that area designated in the scheme.
- (8) Where a river board submit a scheme under this section which designates any watercourse wholly or partly within an internal drainage district, then, unless the river board are the drainage board for that district, the scheme must be accompanied either by a statement that the drainage board for that district have consented to the designation or by a statement that they have not consented thereto and a further statement setting out the reasons why the watercourse should nevertheless be designated for the purposes of this section.
- (9) The persons to whom copies of any scheme submitted under this section are to be sent as required by subsection (2) of section four of the Act of 1930 shall be the council of any county, county borough or county district wholly or partly included in the river board area or, as the case may be, any part of it designated in the scheme, the drainage board for any internal drainage district included in that area or part, and organisations appearing to the river board to represent the interests of persons engaged in agriculture in that area or part.
- (10) The Minister shall not confirm a scheme under this section unless he is satisfied that, having regard to all the circumstances, and in particular to any contributions from local authorities and internal drainage boards which, if the scheme is confirmed, are likely to be available to the river board in addition to the special drainage charge authorised by the scheme, the scheme is reasonable and financially sound.
- (11) For the purposes of this section—
 - (a) the expenses of any drainage works which may be necessary in consequence of other drainage works, andso much of any contribution made under subsection (3) of section twenty-one of the Act of 1930 as is fairly attributable to such expenses, shall be deemed to be expenses arising from those other drainage works; and (b) the expenses of any drainage works shall be taken to include a proper proportion of the cost of the officers and buildings and establishment of the authority carrying them out.

4 Provisions as to special drainage charge

- (1) A special drainage charge shall be levied by a river board on the occupiers of chargeable hereditaments in the area of the river board or, if part only of that area is designated for the purposes of the charge in the scheme authorising it, in that part.

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- (2) The special drainage charge shall be at a uniform amount per pound on the annual value of each chargeable hereditament concerned and that amount shall not exceed—
- (a) an amount to be specified in the scheme as the maximum amount of the charge or such greater amount as may be authorised by an order made by the Minister on the application of the river board ; nor
 - (b) one shilling or such other amount as may be substituted for one shilling by an order made by the Minister by statutory instrument and approved by a resolution of the Commons House of Parliament, less, in either case, the amount (if any) per pound at which a general drainage charge is raised for the same year by the river board.
- (3) Before making an order under paragraph (a) of subsection (2) of this section the Minister shall consult with such of the associations and persons concerned as he considers appropriate and shall cause a notice of his intention to make the order and of the time (which shall not be less than thirty days) within which objections to the proposed order may be made to him, to be published in such manner as he thinks best adapted for informing persons affected, shall, if he considers it necessary, afford such persons an opportunity of appearing before and being heard by a person appointed by him for the purpose, and shall consider the report of the person so appointed and any objections duly made.
- (4) Any order under paragraph (a) or paragraph (b) of subsection (2) of this section may be varied or revoked by a subsequent order made thereunder.