



# Land Drainage Act 1961

## 1961 CHAPTER 48

### PART IV

#### SUPPLEMENTARY PROVISIONS

#### 50 Provisions as to catchment boards

- (1) The provisions of this Act (including the provisions inserted by this Act in the Act of 1930) shall apply to the Conservators of the River Thames and to the Lee Conservancy Catchment Board as if they were river boards and their catchment areas were river board areas, subject to the modification that for the references to the provisions of the River Boards Act, 1948, specified in the first column of the following Table there shall be substituted respectively references to the provisions of the Act of 1930 specified in the second column of that Table:

Table

<i>Provisions of River Boards Act, 1948:</i>	<i>Corresponding provisions of Land Drainage Act, 1930:</i>
Section 6	Section 5
Section 10	Section 22
Section 13	Section 45

and for the references to subsection (2) of section two of, and paragraph 3 of the Second Schedule to, the said Act of 1948 there shall be substituted references to Part II of the Thames Conservancy Act, 1950, and Part II of the Thames Conservancy Act, 1959, or Part II of the Lee Conservancy Catchment Board Act, 1950, as the case may require.

- (2) In paragraph (4) of section nine of the Lee Conservancy Catchment Board Act, 1950 (which disqualifies a person for continuing as a member of the Board if, without good reason, he is absent from meetings of the Board for more than six months), after the word " Board ", where it first occurs, there shall be inserted the words

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“and of any committee of the Board of which he is a member”.

- (3) The approval of the Minister shall not be required for the making of rules by the Board under section four of the Lee Conservancy Catchment Board Act, 1936 (which enables the Board to regulate its proceedings).

## **51 Application to Crown**

In section seventy-seven of the Act of 1930 (which provides for the application, subject to certain modifications, of that Act to land belonging to Her Majesty or a government department) references to that Act shall be construed as including references to this Act and references to drainage rates as including references to drainage Charges raised under Part I of this Act.

## **52 Interpretation**

- (1) In this Act—

" the Act of 1930 " means the Land Drainage Act, 1930 ;

" ditch " includes a culverted and a piped ditch but does not include a watercourse vested in or under the control of a drainage authority;

" qualified authority ", in relation to an internal drainage district, means an authority in whose case an agreement made with the drainage board of the district under section twenty-five of this Act is in force.

- (2) The persons who are qualified under any provision of this Act to make a petition or appeal in relation to an internal drainage district are the owners and occupiers of any land in the district in respect of which a drainage rate is levied ; and the number of qualified persons making such a petition or appeal shall be sufficient if, and not unless.

(a) they are not less than forty; or

(b) they are not less than one-fifth of the number of persons who are qualified to make the petition or appeal; or

(c) the annual value for the purposes of the last drainage rate levied in the district of all the land in respect of which they are qualified persons is not less than one-fifth of the annual value of all the land in respect of which that rate was levied ;

but in relation to a district divided into sub-districts the persons qualified to make a petition under section twenty-six of this Act as being the owners or occupiers of land in one of the sub-districts shall also be sufficient in any case where the condition of paragraph (b) or paragraph (c) of this subsection would be satisfied if the sub-district were an internal drainage district. In relation to land assessed in accordance with subsection (4) of section twenty-two of this Act the references in paragraph (c) of this subsection to annual value shall be construed as referring to rateable value or net annual value, as the case may require.

- (3) References in this Act to the execution or carrying out of drainage works include, except where the context otherwise requires, references to the improvement and maintenance of drainage works; and references in this Act to expenses of drainage works are references to expenses incurred in the construction, improvement or maintenance of drainage works.

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- (4) Subject to the foregoing provisions of this section, any expressions used in this Act and in the Act of 1930 have the same meanings in this Act as in that Act.
- (5) References in this Act to any enactment are references thereto as amended or modified by or under any other enactment, including, except where the context otherwise requires, this Act.

### **53 Expenses**

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.

### **54 Short title, repeals and extent**

- (1) This Act may be cited as the Land Drainage Act, 1961.
- (2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act does not extend to Scotland or to Northern Ireland.