



Land Drainage Act 1961

1961 CHAPTER 48

PART II

MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND DRAINAGE BOARDS

Amendments of Act of 1930

26 Differential drainage rates

- (1) In subsection (6) of section twenty-four of the Act of 1930 (which enables the drainage board of an internal drainage district by order to divide their district into sub-districts for the purpose of levying differential rates and to determine the relative amounts of rates in the respective sub-districts) for the words " and determine " there shall be substituted the words

“and any such order may determine”.

- (2) Where an order made by a drainage board under the said subsection (6) is in force and the order does not determine the relative amounts of rates in the respective sub-districts, subsection (2) of the said section twenty-four shall have effect, in relation to a drainage rate made by the board for any of the sub-districts, as if it defined—

- (a) an owner's drainage rate as a rate raised for the purpose of defraying expenses incurred in connection with new works in the sub-district or the improvement of existing works in the sub-district and a proportionate part of the charges in respect of contributions by the board under section twenty-one of the Act of 1930 or, as the case may be, of amounts specified under section twenty-one of this Act as corresponding to such contributions ; and
- (b) an occupier's drainage rate as a rate raised for the purpose of defraying the expenses of maintaining any works in the sub-district and a proportionate part of any expenses or charges incurred by the board which are not directly attributable to the maintenance of particular works and are not such expenses or charges as are mentioned in paragraph (a) of this subsection.

Status: This is the original version (as it was originally enacted).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

- (3) Where a petition for the making, variation or revocation of an order under the said subsection (6) is made to a drainage board by a sufficient number of qualified persons or by a qualified authority, the drainage board shall, subject to subsection (6) of this section, consider the petition and, if so directed under subsection (4) of this section, shall make, vary or revoke the order either in accordance with the petition or in accordance with the petition as modified by the direction.
- (4) A direction under this section may be given by the Minister, if the drainage board is a river board, and, in any other case, by the river board in whose area the drainage district is comprised; but where a drainage board object to a direction given by the river board the direction shall have no effect unless confirmed (with or without modifications) by the Minister.
- (5) Subject to subsection (6) of this section, where such a petition as is mentioned in subsection (3) of this section is received by a drainage board the drainage board shall inform the river board (or if the drainage board is a river board, the Minister) and shall publish in one or more newspapers circulating in the internal drainage district a notice that the petition has been received, that the making, variation or revocation of an order under subsection (6) of the said section twenty-four will be considered, and that representations may be made to the board within a time (which shall not be less than thirty days) stated in the notice.
- (6) This section does not require a drainage board to consider any petition or publish any notice of a petition—
 - (a) if it has received a petition under this section within the period of ten years immediately preceding the making of the first-mentioned petition ; or
 - (b) if it has, within that period, by an order made under the said section twenty-four, divided its district into sub-districts or varied or abolished any sub-district; or
 - (c) if the petition is frivolous in the opinion of the river board or, where the drainage board is the river board, in the opinion of the Minister.
- (7) After considering such a petition as is mentioned in subsection (3) of this section, and not later than six months after it was received, the drainage board shall inform the river board or, 'as the case may be, the Minister whether they propose to make, vary or revoke such an order as aforesaid and, if they propose to make or vary such an order, of the terms of the order or variation they propose to make.