



Land Drainage Act 1961

1961 CHAPTER 48

PART II

MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND DRAINAGE BOARDS

Amendments of Act of 1930

29 Spoil

For subsection (1) of section thirty-eight of the Act of 1930 there shall be substituted the following:—

- “(1) A drainage board may, without making payment therefor, appropriate and dispose of any matter removed in the course of the execution of any work for widening, deepening or dredging any watercourse.
- (1a) A drainage board may deposit any matter so removed on the banks of the watercourse, or on such width of land adjoining the watercourse as is specified in the next following subsection, unless the matter so deposited would constitute a statutory nuisance within the meaning of Part III of the Public Health Act, 1936.
- (1b) The said width is such as is sufficient to enable the said matter to be removed and deposited by mechanical means in one operation.
- (1c) Where injury is sustained by any person by reason of the exercise by a drainage board of their powers under subsection (1a) of this section, the drainage board may, if they think fit, pay to him such compensation as they may determine; and if the injury could have been avoided if those powers had been exercised with reasonable care, subsection (3) of section thirty-four of this Act shall apply as if the injury had been sustained by reason of the exercise by the board of their powers under that section.”