



Land Drainage Act 1961

1961 CHAPTER 48

PART II

MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND DRAINAGE BOARDS

Amendments of Act of 1930

31 Restriction on erection of structures in, over or under watercourses

- (1) The following provisions of this section shall have effect in substitution for section sixty-four of the Act of 1930.
- (2) No person shall erect any structure in, over or under a watercourse which is part of the main river except with the consent of and in accordance with plans and sections approved by the river board; and no person shall, without the consent of the river board, carry out any work of alteration or repair on any structure in, over or under such a watercourse if the work is likely to affect the flow of water in the watercourse or to impede any drainage work.
- (3) No person shall erect or alter any structure designed to contain or divert the floodwaters of any part of the main river except with the consent of and in accordance with plans and sections approved by the river board.
- (4) A consent or approval required under this section shall not be unreasonably withheld ; and—
 - (a) any such consent may be given subject to any reasonable condition as to the time at which and the manner in which any work is to be carried out; and
 - (b) any such consent or approval shall, if neither given nor refused within two months after application therefor is made, be deemed to have been given.
- (5) If any person executes any work in contravention of this section the river board may remove, alter, or pull down the work and recover from that person the expenses incurred in doing so.

*Status: This is the original version (as it was originally enacted).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

- (6) If any question arises under this section whether any consent or approval is unreasonably withheld or whether any condition imposed is reasonable the question shall—
- (a) if the parties agree to arbitration, be referred to a single arbitrator agreed between the parties or, in default of agreement, appointed by the President of the Institution of Civil Engineers;
 - (b) if the parties do not agree to arbitration, be referred to and determined by the Minister and the Minister of Transport acting jointly.
- (7) Subsection (2) of this section shall not apply—
- (a) to any work executed under section fifteen or one hundred and nineteen of the Public Health Act, 1936, or section nineteen or twenty of the Third Schedule to the Water Act, 1945 (which relate to the provision of sewers and water mains); or
 - (b) to any work executed in an emergency ;
- but a person executing any work excepted by paragraph (b) of this subsection shall as soon as practicable inform the river board in writing of the execution and of the circumstances in which it was executed.
- (8) Nothing in this section shall be taken to affect any enactment requiring the consent of any government department for the erection of a bridge or any powers exercisable by any government department in relation to a bridge.
- (9) Nothing in subsection (1) of this section or in subsection (4) of section sixty-one of the Act of 1930 (which contains certain savings) shall be taken to exclude the application of this section to any work executed by persons carrying on an undertaking to which that section applies.