



# Land Drainage Act 1961

## 1961 CHAPTER 48

### PART III

#### RESTORATION AND IMPROVEMENT OF DITCHES

#### **45 Power of Agricultural Land Tribunal to order cleansing of ditches, etc.**

- (1) Where a ditch is in such condition as to cause injury to any land or to prevent the improvement of the drainage of any land, the Agricultural Land Tribunal may, on the application of the owner or occupier of the land, make, if it thinks fit, an order requiring the person or persons named in the order to carry out such work for cleansing the ditch, removing from it any matter which impedes the flow of water, or otherwise putting it in proper order and for protecting it as may be specified in the order.
- (2) An order under this section may name any person who is an owner or occupier of land through which the ditch passes or which abuts on the ditch, and any person who, though not such an owner or occupier, has a right to carry out the work specified in the order or any part of it; and the order shall be sufficient authority for any person named therein to do the work specified therein in relation to him and, so far as may be necessary for that purpose, to enter any land so specified.
- (3) Where an order under this section names more than one person it may either require each of those persons to carry out a specified part of the work specified in the order or require all those persons jointly to carry out the whole of that work; and where the Tribunal make an order requiring persons jointly to carry out any work they may, if they think fit, specify in the order the proportions in which those persons are to contribute to the cost of doing so, without prejudice however to their joint liability.