



# Land Drainage Act 1976

## 1976 CHAPTER 70

An Act to consolidate certain enactments relating to land drainage. [15th November 1976]

### Modifications etc. (not altering text)

- C1** Act amended (1.4.1996) by [S.I. 1996/593](#), [reg. 2](#), [Sch. 1](#)
- C2** The base date version of this Act is as revised to 1.12.1991 and takes into account the effects (if any) on it of consolidating legislation which came into force at that date
- C3** Act extended by [S.I. 1986/208](#) art. 2(1)
- C4** Act modified by [Water Act 1989](#) (c. 15, SIF 130), [ss. 136\(7\)](#), [137\(10\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26](#) paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C5** Act amended by [Water Act 1989](#) (c. 15, SIF 130), [s. 136](#), [Sch. 15](#) para. [1\(4\)](#), [Sch. 26](#) para. [38](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26](#) paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C6** Certain functions of a Minister of the Crown under any provisions of this Act transferred (1.9.1989) by [Water Act 1989](#) (c. 15, SIF 130), [s. 136](#), [Sch. 15](#) para. [1\(2\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26](#) paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C7** By [Water Act 1989](#) (c. 15, SIF 130), [s. 136](#), [Sch. 15](#) para. [1\(1\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [189\(4\)–\(4\)](#), [193\(1\)](#), [Sch. 26](#) paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)) it is provided that, subject as mentioned therein, (a) for any reference in this Act (however framed) to any one or more water authorities there shall be substituted a reference to the National Rivers Authority; (b) for any reference in this Act to a regional land drainage committee there shall be substituted a reference to a regional flood defence committee; (c) for any reference in this Act to a local land drainage scheme there shall be substituted a reference to a local flood defence scheme; (d) for any reference in this Act to a local land drainage committee there shall be substituted a reference to a local flood defence committee; and (e) for any reference in this Act to a local land drainage district there shall be substituted a reference to a local flood defence district.
- C8** Functions of water authorities by virtue of any scheme or order made under this Act transferred subject to the provisions of this Act by [Water Act 1989](#) (c. 15, SIF 130), [s. 136](#), [Sch. 15](#) para. [1\(3\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26](#) paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C9** Act saved by [S.I. 1991/1619](#), [art. 12](#) (with [art. 8](#))
- C10** Definition of "watercourse" in this Act applied (26.7.1991) by [S.I. 1991/1760](#), [art. 2\(1\)](#)  
Definition of "watercourse" in this Act applied (28.9.1991) by [S.I. 1991/2210](#), [art. 10\(1\)](#)

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Commencement Information**

**II** Act not in force at Royal Assent but wholly in force at 17.1.1977 (being the appointed day for the coming into force of the Land Drainage (Amendment) Act 1976, see s. 118(2))

**PART I**

INTRODUCTORY

*Water authorities*

**1—3.** ..... <sup>F1</sup>

**Textual Amendments**

**F1** Ss. 1–3, 20, 62, 117(4), Sch. 5 para. 7 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**4, 5.** ..... <sup>F2</sup>

**Textual Amendments**

**F2** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Internal drainage boards*

**6, 7.** ..... <sup>F3</sup>

**Textual Amendments**

**F3** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Main rivers and their control*

**8, 9.** ..... <sup>F4</sup>

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Transfers of functions and reorganisation of internal drainage districts*

10— ..... <sup>F5</sup>  
13.

**Textual Amendments**

**F5** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Review of boundaries, supervision and exercise of functions in default*

14— ..... <sup>F6</sup>  
16.

**Textual Amendments**

**F6** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**PART II**

**POWERS OF DRAINAGE AUTHORITIES**

*Carrying out drainage works, etc.*

17— ..... <sup>F7</sup>  
19.

**Textual Amendments**

**F7** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

*Drainage works concerning more than one drainage authority*

**20** ..... **F8**

**Textual Amendments**  
**F8** Ss. 1–3, 20, 62, 117(4), Sch. 5 para. 7 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**21** ..... **F9**

**Textual Amendments**  
**F9** Ss. 21–61, 106–115 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by S.I. 1990/118, **reg. 12**)

*Arrangements with other persons and powers as respects the obligations and rights of other persons*

**22—** ..... **F10**  
**27.**

**Textual Amendments**  
**F10** Ss. 21–61, 106–115 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by S.I. 1990/118, **reg. 12**)

*Control of obstructions in and structures in, over or under watercourses*

**28, 29.** ..... **F11**

**Textual Amendments**  
**F11** Ss. 21–61, 106–115 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by S.I. 1990/118, **reg. 12**)

*Schemes for drainage of small areas*

**30, 31.** ..... **F12**

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Textual Amendments**

**F12** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), **reg. 12**)

*Flood warning systems*

32 ..... <sup>F13</sup>

**Textual Amendments**

**F13** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), **reg. 12**)

*Incidental powers*

33— ..... <sup>F14</sup>  
39.

**Textual Amendments**

**F14** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), **reg. 12**)

**PART III**

RESTORATION AND IMPROVEMENT OF DITCHES

40— ..... <sup>F15</sup>  
44.

**Textual Amendments**

**F15** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), **reg. 12**)

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**PART IV**

**RAISING OF REVENUE BY DRAINAGE AUTHORITIES**

*Power of water authorities to require payment of their land drainage expenses by local authorities*

**45**— ..... **F16**  
**47.**

**Textual Amendments**  
**F16** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), [Sch. 3](#) (with s. 2, [Sch. 2](#) paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in [Sch. 2](#) para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), [reg. 12](#))

*Power of water authorities to raise drainage charges*

**48**— ..... **F17**  
**51.**

**Textual Amendments**  
**F17** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), [Sch. 3](#) (with s. 2, [Sch. 2](#) paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in [Sch. 2](#) para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), [reg. 12](#))

*Supplementary provisions as to drainage charges*

**52**— ..... **F18**  
**61.**

**Textual Amendments**  
**F18** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), [Sch. 3](#) (with s. 2, [Sch. 2](#) paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47 in [Sch. 2](#) para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118](#), [reg. 12](#))

*Alternative basis for financing drainage expenses of water authorities*

**62** ..... **F19**

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Textual Amendments**

**F19** Ss. 1–3, 20, 62, 117(4), Sch. 5 para. 7 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

*Power of internal drainage boards to raise drainage rates*

**63, 64.** ..... **F20**

**Textual Amendments**

**F20** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**65, 66.** ..... **F21**

**Textual Amendments**

**F21** Ss. 65, 66, 70, 73, 80(1), 81 repealed by S.I. 1991/523, **reg. 8**

**67—** ..... **F22**  
**69.**

**Textual Amendments**

**F22** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**70** ..... **F23**

**Textual Amendments**

**F23** Ss. 65, 66, 70, 73, 80(1), 81 repealed by S.I. 1991/523, **reg. 8**

*Supplementary provisions as to drainage rates*

**71, 72.** ..... **F24**

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Textual Amendments**

**F24** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) 1by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**73** ..... **F25**

**Textual Amendments**

**F25** Ss. 65, 66, 70, 73, 80(1), 81 repealed by S.I. 1991/523, **reg. 8**

**74**— ..... **F26**  
**79.**

**Textual Amendments**

**F26** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**80** (1) ..... **F27**  
(2) ..... **F28**

**Textual Amendments**

**F27** Ss. 65, 66, 70, 73, 80(1), 81 repealed by S.I. 1991/523, **reg. 8**  
**F28** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**81** ..... **F29**

**Textual Amendments**

**F29** Ss. 65, 66, 70, 73, 80(1), 81 repealed by S.I. 1991/523, **reg. 8**

**82, 83.** ..... **F30**



*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**Textual Amendments**

**F30** Ss. 82–100 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for s. 89, in Sch. 2 para. 2(5))

*Miscellaneous revenue-raising powers*

**84**— ..... **F31**  
**88.**

**Textual Amendments**

**F31** Ss. 82–100 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), sS. 3, 4(2), Sch. 3 (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for s. 89, in Sch. 2 para. 2(5))

*Interpretation of Part IV*

**89** ..... **F32**

**Textual Amendments**

**F32** Ss. 82–100 (1.12.1991) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), sS. 3, 4(2), Sch. 3 (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for s. 89, in Sch. 2 para. 2(5))

**PART V**

POWERS OF THE MINISTER AND LOCAL AUTHORITIES

*Powers of the Minister*

**90**— ..... **F33**  
**96.**

**Textual Amendments**

**F33** Ss. 82–100 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for s. 89, in Sch. 2 para. 2(5))

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

### *Powers of local authorities*

**97—** ..... **F34**  
**100.**

#### **Textual Amendments**

**F34** Ss. 82–100 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for s. 89, in Sch. 2 para. 2(5))

**101** ..... **F35**

#### **Textual Amendments**

**F35** S. 101 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**102—** ..... **F36**  
**104A.**

#### **Textual Amendments**

**F36** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

## **PART VI**

### MISCELLANEOUS AND GENERAL

**105** **Provisions relating to London.**

Schedule 5 to this Act, which contains provisions relating to London, shall have effect.

**106—** ..... **F37**  
**115.**

#### **Textual Amendments**

**F37** Ss. 21–61, 106–115 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch.3** (with s. 2, Sch. 2 paras. 10, 14(1), 15) (subject to a saving for ss. 45 to 47, 89 and 110 in Sch. 2 para. 2(5) and as so saved ss. 46(8), 47(1) are amended by [S.I. 1990/118, reg. 12](#))

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

## 116 Interpretation.

(1) In this Act, unless the context otherwise requires—

..... F38  
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“drainage” includes defence against water (including sea water), irrigation, other than spray irrigation, and warping;

..... F38  
..... F38  
..... F38

“land” includes water and any interests in land or water and any easement or right in, to, or over land or water;

“land drainage” means the drainage of land and the provision of flood warning systems, and “land drainage functions” shall be construed accordingly;

..... F38  
..... F38  
..... F38  
..... F38

[<sup>F39</sup>“London excluded area” means so much of Greater London and of any area adjoining Greater London as did not on 31st March 1986 lie, for the purpose of the exercise of land drainage functions, within the area of any water authority;]

..... F38  
..... F38  
..... F38  
..... F38  
..... F38  
..... F38  
..... F38  
..... F38

(2) ..... F38

### Textual Amendments

**F38** S. 116 repealed, except so much of subsection (1) as defines “drainage”, “land”, “land drainage”, “land drainage functions” and “the London excluded area” by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, [Sch. 3](#) (with s. 2, [Sch. 2 paras. 10, 14\(1\), 15](#))

**F39** Words in s. 116(1) substituted by [S.I. 1986/208, Sch. 1 para. 5](#)

## 117 Transitional provisions, consequential amendments, repeals and saving.

(1) ..... F40

(2) The enactments mentioned in Schedule 7 to this Act shall in consequence of this Act, be amended as there provided.

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

- (3) ..... F40  
(4) ..... F41

#### Textual Amendments

- F40** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)
- F41** Ss. 1–3, 20, 62, 117(4), Sch. 5 para. 7 repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

#### Modifications etc. (not altering text)

- C11** The text of s. 117(2), Sch. 7 paras. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 118 Short title, commencement and extent.

- (1) This Act may be cited as the Land Drainage Act 1976.
- (2) This Act shall come into force immediately after the coming into force of the <sup>M1</sup>Land Drainage (Amendment) Act 1976.
- (3) ..... <sup>F42</sup>, this Act extends to England and Wales only.

#### Textual Amendments

- F42** Words repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

#### Modifications etc. (not altering text)

- C12** 17.1.1977 appointed for commencement of [Land Drainage \(Amendment\) Act 1976](#) (c. 17) by S.I. 1976/2244

#### Marginal Citations

- M1** 1976 c. 17.

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1-4

. . . <sup>F43</sup>

#### Textual Amendments

**F43** Schs. 1–4 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 para. 10, 14(1), 15)

### SCHEDULE 5

Section 105.

#### PROVISIONS RELATING TO LONDON

##### *Interpretation*

- 1 (1) In this Act, subject to any order under sub-paragraph (2) below, “the metropolitan watercourses” means—
- (a) so much of the river Thames as lies within the London excluded area, including all its associated watercourses within the flow and re-flow of its tides in that area;
  - (b) the watercourses shown marked in red on the signed plan as defined in and for the purposes of Part II (Alteration of Kent River Authority area and London excluded area) of the <sup>M2</sup>Greater London Council (General Powers) Act 1968;
  - (c) the river Ravensbourne, the Chaffinch Brook, the Beck River, the Pool River, the Quaggy River, the Kid Brook, the Kyd Brook and the Lower Kid Brook, and their associated watercourses;
  - (d) the Beverley Brook, the river Graveney, the Pyl Brook and the river Wandle, and their associated watercourses;
  - (e) the river Brent, the river Crane and the Duke of Northumberland’s river, and their associated watercourses;
  - (f) any watercourse that immediately before the commencement of this Act was a metropolitan watercourse by virtue of an order under paragraph 15(2) of Schedule 14 to the <sup>M3</sup>London Government Act 1963;
- and . . . <sup>F44</sup>
- (2) The Minister may, after consultation with . . . <sup>F45</sup> the council of any district or London borough appearing to him to be affected, by order provide that—

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

- (a) the whole or any part of a watercourse within the London excluded area shall become a metropolitan watercourse; or
- (b) the whole or any part of a watercourse other than the tidal Thames shall cease to be a metropolitan watercourse; or
- (c) the whole or any part of a metropolitan watercourse shall become or cease to be a main metropolitan watercourse;

F45

(3) Notwithstanding anything to the contrary in any enactment or instrument, no part of any of the metropolitan watercourses shall be or form part of a public sewer.

**Textual Amendments**

**F44** Definition of “main metropolitan watercourse” repealed by [S.I. 1986/208, art. 5\(3\), Sch. 2](#)

**F45** Words repealed by [S.I. 1986/208, art. 5\(3\), Sch. 2](#)

**Marginal Citations**

**M2** 1968 c. xxxix.

**M3** 1963 c. 33.

2 In this Schedule—

“associated watercourse”, in relation to any river, means a tributary or other watercourse the water from which ultimately flows into, or which is directly or indirectly connected with, that river;

F46;

“flood works”, in relation to the tidal Thames, has the same meaning as in the local enactments relating thereto;

“the former county of London” means the area constituted by the county of London as it existed immediately before the passing of the <sup>M4</sup>London Government Act 1963 (under which the said county ceased to exist);

“local enactment” means—

- (a) in relation to any watercourse falling within paragraph 1(1)(a) above, the Thames River (Prevention of Floods) Acts 1879 to 1962 and section 14 of the <sup>M5</sup>London County Council (General Powers) Act 1932;

F46

- (b) “the tidal Thames” means the watercourses falling within paragraph 1(1) (a) above;

“watercourse” includes all rivers and streams and all ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows;

and any mention of a particular river shall not be construed as prejudicing the meaning of the expression “associated watercourse”.

**Textual Amendments**

**F46** Definition of “the Authority” and subparagraphs (b) to (f) in the definition of “local enactment” repealed by [S.I. 1986/208, art. 5\(3\), Sch. 2](#)

**Marginal Citations**

**M4** 1963 c. 33.

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

**M5** 1932 c. lxx.

*General provision with respect to the London excluded area*

3 (1) ..... <sup>F47</sup>

(3) Part III of the <sup>M6</sup>Surrey County Council Act 1925 shall not apply to any area outside the London excluded area.

**Textual Amendments**

**F47** Sch. 5 para. 3(1)(2) repealed by S.I. 1986/208, art. 5(3), Sch. 2

**Marginal Citations**

**M6** 1925 c. cxv.

*Functions of the Greater London Council with respect to the metropolitan watercourses*

4 (1) Subject to paragraph 6 below, and to any provision made by an order under section 84 or 87 of the <sup>M7</sup>London Government Act 1963—

- (a) ..... <sup>F48</sup>
- (b) the local enactments relating to so much of the tidal Thames as lies within the former county of London shall apply to the whole of the tidal Thames (as defined for the purposes of this Schedule), and in those enactments references to, or which are to be taken as references to, the county of London shall be construed as references to the London excluded area;
- (c) no functions relating to the drainage of land, flood prevention and the like matters shall (subject to paragraph 6 below) be exercisable with respect to the tidal Thames by any authority under any local statutory provisions other than the enactments mentioned in sub-paragraph (b) above.

(2) In sub-paragraph (1)(c) above “local statutory provisions” means provisions of a local Act (including an Act confirming a provisional order) or provisions of a public general Act passed with respect only to the whole or part of the former county of London or provisions of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act.

**Textual Amendments**

**F48** Sch. 5 para. 4(1)(a) repealed (and functions of Greater London Council transferred) by S.I. 1986/208, arts. 3, 5(3), Sch. 2

**Marginal Citations**

**M7** 1963 c. 33.

5 Subject to section 21 of the <sup>M8</sup>Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 [<sup>F49</sup>the power of the Thames Water Authority] under the said Act of 1879 and the other enactments relating to the tidal Thames to approve, require the execution of and execute flood works for the protection of land from flooding by the river Thames in the London excluded area shall be exercisable

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

by them for the protection of land from flooding by such of the river's associated watercourses as immediately before 1st April 1974 lay within the flow and re-flow of its tides in the Lee catchment area.

#### Textual Amendments

**F49** Words substituted by [S.I. 1986/208](#), art. 5(1), [Sch. 1 Pt. II para. 6\(1\)](#)

#### Modifications etc. (not altering text)

**C13** Functions of Greater London Council transferred by [S.I. 1986/208](#) art. 3

#### Marginal Citations

**M8** 1879 c. cxcviii.

- 6 Paragraph 4 . . . <sup>F50</sup>(b) above and so much of paragraph 2 above as relates to paragraph 4 . . . <sup>F50</sup>(b) above shall not be construed as extending or restricting the application of any of the local enactments relating to the tidal Thames to property for the time being held for the purposes of their undertaking by the Port of London Authority or as extending or restricting the functions of that Authority.

#### Textual Amendments

**F50** Words repealed by [S.I. 1986/208](#), art. 5(3), [Sch. 2](#)

#### *General provision with respect to the Greater London Council and the Thames Water Authority*

- 7 . . . . . <sup>F51</sup>

#### Textual Amendments

**F51** Ss. 1–3, 20, 62, 117(4), [Sch. 5 para. 7](#) repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

- 8—11. . . . . <sup>F52</sup>

#### Textual Amendments

**F52** [Sch. 5 paras. 8–11](#) repealed by [S.I. 1986/208](#), art. 5(3), [Sch. 2](#)



*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

## SCHEDULE 6

F53

### Textual Amendments

**F53** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

## SCHEDULE 7

Section 117(2).

### CONSEQUENTIAL AMENDMENTS

*M<sup>9</sup> The Water Act 1973*

### Marginal Citations

**M9** 1973 c. 37.

1 . . . . . F54

### Textual Amendments

**F54** Sch. 7 paras. 1, 4 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt I**, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

*Other Acts*

2 . . . . . F55

### Textual Amendments

**F55** Sch. 7 paras. 2, 7 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

3 In paragraph 1(3) of Part III of Schedule 9 to the <sup>M10</sup> London Government Act 1963 for “Section 31(2) of the Land Drainage Act 1930” substitute “Section 29(1) of the Land Drainage Act 1976”.

### Modifications etc. (not altering text)

**C14** The text of s. 117(2), Sch. 7 paras. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

### Marginal Citations

**M10** 1963 c. 33.

4 ..... **F56**

### Textual Amendments

**F56** Sch. 7 paras. 1, 4 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt I**, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

5 In section 3(9) of the <sup>M11</sup> New Forest Act 1964 for “any drainage authority as defined by the Land Drainage Act 1930” substitute “any drainage body as defined by the Land Drainage Act 1976”.

### Modifications etc. (not altering text)

**C15** The text of s. 117(2), Sch. 7 paras. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M11** 1964 c. 38.

6 ..... **F57**

### Textual Amendments

**F57** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

7 ..... **F58**

### Textual Amendments

**F58** Sch. 7 paras. 2, 7 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

8 ..... **F59**

### Textual Amendments

**F59** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

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*Status: Point in time view as at 01/12/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Land Drainage Act 1976. (See end of Document for details)*

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## SCHEDULE 8

F60

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### Textual Amendments

**F60** Ss. 4–19, 63, 64, 67–69, 71, 72, 74–79, 80(2)–(4), 102–104A, 117(1)(3), Sch. 6, Sch. 7 paras. 6, 8, Sch. 8 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**Status:**

Point in time view as at 01/12/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Drainage Act 1976.