



Land Drainage Act 1976

1976 CHAPTER 70

PART I

INTRODUCTORY

Water authorities

1 General supervision, and discharge of functions by committees

- (1) A water authority shall exercise a general supervision over all matters relating to land drainage in their area but shall arrange for the discharge by their regional land drainage committee (without prejudice to any scheme for the appointment of local land drainage committees) of all their land drainage functions except the raising of drainage charges, the levying of precepts, the borrowing of money and the making of an application for a water charges option order.
- (2) A water authority may give their regional land drainage committee directions as to the exercise of any land drainage function other than one of their internal drainage functions, so far as the exercise of that function appears to the authority likely to affect materially the authority's management of water for purposes other than land drainage.
- (3) In subsection (2) above " internal drainage functions" means the functions of a water authority under sections 10 to 16, 68(1) to (4) and (7) to (9), 69(2), (3) and (6), 84 and 86(1) below.

2 Regional land drainage committees

- (1) The regional land drainage committee established by that name for every water authority shall continue in existence and shall continue to consist of—
 - (a) a chairman and a number of other members appointed by the Minister;
 - (b) 2 members appointed by the water authority ; and
 - (c) a number of members appointed by or on behalf of constituent councils.

Status: This is the original version (as it was originally enacted).

- (2) The total number of members of a water authority's regional land drainage committee shall continue to be such as was determined, or last determined, by the water authority before the commencement of this Act; but, subject to subsections (3) to (5) below, a water authority may from time to time make a determination varying that number and any such determination shall be submitted to the Minister.
- (3) The total number of such members shall not be less than 11 and, except where an order under subsection (5) below otherwise provides, not more than 17.
- (4) Any determination that a regional land drainage committee shall consist of more than 17 members shall be provisional, and shall take effect only if the Minister makes an order under subsection (5) below.
- (5) If the water authority submit a provisional determination to the Minister, he may by order—
 - (a) confirm it; or
 - (b) substitute for the number of members determined by the water authority some other number not less than 17.
- (6) Subject to subsection (7) below, the council of any county or London borough any part of which is in the area of a water authority shall be a constituent council for the authority's regional land drainage committee, and references in this Act to constituent councils, in relation to a regional land drainage committee, shall be construed accordingly.
- (7) The constituent councils for the Thames Water Authority's regional land drainage committee shall consist of—
 - (a) the council of any county any part of which is in the Authority's area,
 - (b) the council of any London borough any part of which is in the Authority's area, and
 - (c) the Greater London Council;but no part of the London excluded area shall be treated as being in the Authority's area for the purposes of paragraph (b) above.

3 Members and proceedings of regional land drainage committees

- (1) The chairman of a regional land drainage committee shall be one of the members of the water authority appointed to that authority by the Minister.
- (2) The remaining members appointed to a regional land drainage committee by the Minister under section 2(1)(a) above shall be appointed from among persons who in his opinion have had experience of, and have shown capacity in, or otherwise have special knowledge of, matters relating to land drainage or agriculture and, in particular, matters so relating which affect the area of the water authority or part of that area.
- (3) The number of members to be appointed to a regional land drainage committee by or on behalf of each of the constituent councils shall (subject to this subsection) continue to be such as was specified, or last specified, by the Minister by order before the commencement of this Act; but whenever the number of members of any such committee is varied by a determination under section 2(2) above the Minister shall by order specify, subject to subsections (4) to (7) below, the number of members to be appointed to the committee as aforesaid.

- (4) An order under subsection (3) above shall be so framed that the number of members appointed by or on behalf of constituent councils is one more than the total number of those appointed under section 2(1)(a) and (b) above.
- (5) In determining for the purposes of an order under subsection (3) above the number of persons to be appointed to a regional land drainage committee by or on behalf of each constituent council, the Minister shall have regard to the estimated penny rate product for each relevant area of that council for the relevant year; and where, having regard to the proportion which that product bears to the aggregate of the estimated penny rate products for the relevant areas of all the constituent councils for that year—
- (a) he considers it to be inappropriate that that council should appoint a member of the committee, or
 - (b) he considers that one or more members should be appointed jointly by that council and one or more other constituent councils,
- he may by the order so provide.
- (6) Where, in accordance with subsection (5)(b) above, an order provides for the joint appointment of one or more members of a regional land drainage committee, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member or members in question shall be appointed by the Minister on behalf of those councils.
- (7) The Greater London Council shall be entitled to appoint one member of the Thames Water Authority's regional land drainage committee.
- (8) In the appointment of members of a regional land drainage committee, that committee's constituent councils or the Minister (where he appoints on behalf of those councils) shall, so far as may be practicable, select persons appearing to them or him to have a practical knowledge of land drainage or agriculture.
- (9) The provisions of Schedule 1 to this Act shall have effect with respect to the members and proceedings of regional land drainage committees.
- (10) In this section—
- " estimated penny rate product " for any area for any year has the same meaning as is provided by section 45(3) below; and
 - " relevant year ", in relation to any determination, means the latest financial year for which, at the time when that determination falls to be made, precepts have been issued under section 46 below.
- (11) References in this section to a relevant area of any constituent council, in relation to a water authority's regional land drainage committee, are references to a part of the council's area comprised in any local land drainage district; and for this purpose a water authority area in relation to which no local land drainage scheme is in force shall be treated as a single local land drainage district, and any parts of a water authority area in relation to which no such scheme is in force shall be treated as included in a single such district.

4 Local land drainage schemes and local land drainage committees

- (1) In this Act " a local land drainage scheme " means a scheme—
- (a) for the creation in a water authority area of one or more districts to be called "local land drainage districts "; and

Status: This is the original version (as it was originally enacted).

- (b) for the constitution, membership, functions and procedure of a committee for each such district, to be called the "local land drainage committee" for that district,
- and any such scheme in force immediately before the coming into operation of this Act shall, subject to subsection (2) below, continue in force.
- (2) A regional land drainage committee may at any time submit to the water authority for their area—
- (a) a local land drainage scheme for any part of that area for which there is then no such scheme in force; or
 - (b) a scheme varying a local land drainage scheme or revoking such a scheme and, if the committee think fit, replacing it with another such scheme ;
- and references in the following provisions of this section and in section 5 below to local land drainage schemes are references to schemes under either paragraph (a) or paragraph (b) of this subsection.
- (3) Before submitting a scheme to a water authority under subsection (2) above, a regional land drainage committee shall consult—
- (a) the councils of counties and districts any part of which will fall within the area to which the scheme is proposed to relate, and
 - (b) such organisations representative of persons interested in land drainage or agriculture as the regional land drainage committee consider to be appropriate.
- (4) It shall be the duty of a water authority to send any scheme submitted to them under subsection (2) above to the Minister.
- (5) A local land drainage scheme may define a local land drainage district—
- (a) by reference to areas established for the purposes of functions relating to land drainage under any enactment in force immediately before the passing of the Water Act 1973 ;
 - (b) by reference to the water authority area in which that district is situated;
 - (c) by reference to a map ;
- or partly by one of those means and partly by another or the others.
- (6) A local land drainage scheme may contain incidental, consequential and supplementary provisions.
- (7) The Minister may approve a local land drainage scheme with or without modifications, and any scheme so approved shall come into operation on a date fixed by him.

5 Members and proceedings of local land drainage committees

- (1) Subject to subsections (2) and (3) below, a local land drainage scheme shall provide that any local land drainage committee to which it relates shall consist of not less than 11 and not more than 15 members,
- (2) A regional land drainage committee may include in a local land drainage scheme which they submit to the water authority a recommendation that a committee to which the scheme relates should consist of a number of members greater than 15; and a scheme so submitted shall be taken to provide for the number of members of a committee if it contains a recommendation under this subsection relating to that committee.

- (3) The power conferred on the Minister by section 4(7) above shall include power to direct that a committee to which a recommendation under subsection (2) above relates shall consist either of the recommended number of members or of some other number of members greater than 15.
- (4) A local land drainage committee shall consist of—
 - (a) a chairman appointed from among their own members by the regional land drainage committee;
 - (b) other members appointed by that committee ; and
 - (c) members appointed, in accordance with and subject to the terms of the local land drainage scheme, by or on behalf of constituent councils.
- (5) The number of members appointed to a local land drainage committee by or on behalf of constituent councils shall be one more than the total number of members appointed by the regional land drainage committee.
- (6) The members of a local land drainage committee appointed to that committee by the regional land drainage committee shall be appointed from among persons who in the opinion of the regional land drainage committee are qualified to be appointed to the local land drainage committee by their knowledge and experience of land drainage or agriculture.
- (7) The provisions of Schedule 1 to this Act shall have effect with respect to the members and proceedings of local land drainage committees.
- (8) The council of any county or London borough any part of which is in a local land drainage district shall be a constituent council for the local land drainage committee for that district, and if any part of any London borough is within the district the Greater London Council shall also be a constituent council for the committee; and references in this Act to constituent councils, in relation to a local land drainage committee, shall be construed accordingly.