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SCHEDULES

SCHEDULE 2

INTERNAL DRAINAGE BOARDS

PART I

MEMBERS AND PROCEEDINGS ETC.

Members, etc.

- 1 (1) A person shall not be qualified for election as a member of an internal drainage board unless he is either—
- (a) the owner of not less than 10 acres of land in respect of which a drainage rate may be levied by the board and which is situated in the electoral district for which he is a candidate for election; or
 - (b) the occupier, whether under tenancies of year to year or otherwise, of not less than 20 acres of such land as aforesaid; or
 - (c) the owner or occupier of land which is of the value of £30 or upwards and is situated in the electoral district for which he is a candidate for election ; or
 - (d) a person nominated as a candidate for election by the owner (whether the owner is an individual or a body of persons) of land which is situated in the electoral district in question, and is either of not less than 10 acres in extent or of the value of £30 or upwards.
- (2) A person shall not be qualified for the purposes of sub-paragraph (1) above as being an occupier of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than 1 month.
- (3) A person shall not be qualified for the purposes of sub-paragraph (1) above as being the owner, or a person nominated by the owner, of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied in respect of that land remains unpaid, unless—
- (a) the date of the election falls less than 6 months after the beginning of the period for which the rate was made, or
 - (b) the land was occupied, when the amount was demanded, by a person who, as between the owner and the occupier, was liable to pay the owner's drainage rate.
- (4) In sub-paragraph (1) above, the reference to the value of land is a reference to—
- (a) in the case of any land as respects which a drainage rate levied at the relevant date would (in accordance with section 64 above) be assessable by reference to annual value (within the meaning of that section), that value ;
 - (b) in the case of any land as respects which a drainage rate levied at the relevant date would (in accordance with section 65 above) be assessable by reference

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to rateable value, the value arrived at by applying to the rateable value (within the meaning of that section) the relative fraction applied pursuant to that section (whether pursuant to subsection (2) or to subsection (3)) in respect of the last drainage rate made before the relevant date,

and in this sub-paragraph " the relevant date " means the date as at which, in accordance with rules made under section 7(3) above, the qualifications of candidates for the election in question are determined.

- 2 (1) The first members of a board shall be persons appointed by the Minister or, in the case of any board for a district wholly or partly in Wales, the Minister and the Secretary of State jointly, and shall hold office until the expiration of 1 year from 1st November next following the day on which they are appointed.
- (2) The discharge of any functions exercisable under sub-paragraph (1) above by the Secretary of State shall belong to the Secretary of State for Wales; but nothing in this sub-paragraph shall be taken—
- (a) to prejudice any powers exercisable in relation to the functions of Ministers of the Crown and government departments by virtue of Her Majesty's prerogative, or
- (b) to affect the power of any Secretary of State to perform any functions of that office in place of the Secretary of State entrusted with the discharge of those functions.
- 3 Any members of a board other than the first members thereof shall come into office on 1st November next after the day on which they are elected and shall hold office for a term of 3 years:
- Provided that—
- (a) a member may resign his office by notice in writing given to the chairman of the board ; and
- (b) if a member becomes bankrupt or makes a composition or arrangement with his creditors he shall vacate his office ; and
- (c) if a member is absent from meetings of the board for more than 6 months consecutively, he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office on the expiration of the said 6 months.
- 4 If for any reason whatsoever the place of a member of a board becomes vacant before the end of his term of office, the vacancy shall be filled by the election by the board of a new member; but where the unexpired portion of the term of office of the vacating member is less than 6 months, the vacancy need not be filled.
- 5 A person elected to fill a casual vacancy shall hold office so long only as the vacating member would have held office.
- 6 A person who is an undischarged bankrupt or who has at any time within the preceding 5 years made a composition or arrangement with his creditors shall be ineligible for election as or being a member of a board.
- 7 A vacating member shall, subject to the provisions of this Schedule, be eligible for re-election.
- 8 The Minister may, if he thinks fit, by order authorise a board to pay to the chairman of the board for the purpose of enabling him to meet the expenses of his office such allowance as may be specified in the order.

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- 9 A board may pay any reasonable expenses incurred by their members and officers in attending meetings of the board or a committee or sub-committee thereof, in carrying out inspections necessary for the discharge of the functions of the board, or attending conferences or meetings convened by one or more internal drainage boards, or by any association of internal drainage boards, for the purpose of discussing matters connected with the discharge of the functions of internal drainage boards, and any reasonable expenses so incurred in purchasing reports of the proceedings of any such conference or meeting.
- 10 A board may pay to persons employed by them such reasonable remuneration as they think fit.
- 11 A board may provide housing accommodation for persons employed by them (and may accordingly acquire land for that purpose under section 37 of this Act).

Proceedings

- 12 The proceedings of a board shall not be invalidated by any vacancy in the membership, or by any defect in the appointment or qualification of any member of the board.
- 13 A board may, with the approval of the Minister, make rules—
- (a) for regulating the proceedings, including quorum, place of meetings and notices to be given of meetings, of the board;
 - (b) with respect to the appointment of a chairman and a vice-chairman ;
 - (c) for enabling the board to constitute committees ; and
 - (d) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings, including quorum, place of meeting and notices to be given of meetings, of committees.
- 14 The first meeting of a board shall be held on such day and at such time and place as may be fixed by the Minister, and the Minister shall cause notice of the meeting to be sent by post to each member of the board not less than 14 days before the appointed day.
- 15 A minute of the proceedings of a meeting of a board or of a committee of a board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates, shall be evidence of the proceedings and shall be received in evidence without further proof, and until the contrary is proved every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held and all the proceedings had at the meeting to have been duly had, and where the proceedings are the proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.
- 16 Any member of a board shall, if he is interested in any company with which the board has or proposes to make any contract, disclose to the board the fact and nature of his interest, and shall take no part in any deliberation or decision of the board relating to such contract; and such disclosure shall be forthwith recorded in the minutes of the board.

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Reports and accounts

- 17 A board shall, before such date in every year as the Minister may fix, send to the Minister a report of their proceedings during the preceding year, and shall at the same time send a copy of the report to the water authority and to the council of every county and London borough in which any part of the board's district is situated.
- 18 Every such report shall be in such form and shall contain particulars with respect to such matters as the Minister may direct.
- 19 The accounts of the income and expenditure of a board and of the officers of a board shall be made up in such manner and to such date in each year, and shall be audited by such persons and in such manner, as the Minister may from time to time direct.
- 20 As soon as the accounts of a board have been audited, the board shall send a copy of them to the Minister and shall at the same time send a copy to the water authority and to the council of every county or London borough in which any part of the board's district is situated.
- 21 A copy of the audited accounts of a board shall be kept at the office of the board and any person who is liable to pay drainage rates in the board's district shall be entitled, without payment, to inspect and take copies of, or extracts from, that copy.