

SCHEDULES

SCHEDULE 1

Section 3(9).

MEMBERS AND PROCEEDINGS OF REGIONAL AND LOCAL LAND DRAINAGE COMMITTEES

Terms of office of members

- 1 Members of a regional or local land drainage committee other than those appointed by or on behalf of constituent councils shall hold and vacate office in accordance with the terms of their appointment.
- 2 (1) Members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils may be members of that council or one of those councils or other persons.
- (2) Any member of a regional or local land drainage committee appointed by or on behalf of a constituent council who at the time of his appointment was a member of that council shall if he ceases to be a member of that council, cease also to be a member of the committee at the expiration of the period of 3 months beginning with the date when he ceases to be a member of the council or on the appointment of another person in his place, whichever first occurs; but for the purposes of this sub-paragraph a member of a council shall not be deemed to have ceased to be a member of the council by reason of retirement if he has been re-elected a member thereof not later than the date of his retirement.
- 3 (1) The first members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils shall come into office on the day on which the committee comes into existence, or, in the case of a member who is for any reason appointed after that day, on the day on which the appointment is made, and, subject to the following provisions of this Schedule, shall hold office until the end of May in such year as may be specified for the purposes of this paragraph in the resolution or scheme establishing the committee.
- (2) Any other members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils shall come into office at the beginning of the June next following the day on which they are appointed, and, subject to the following provisions of this Schedule, shall hold office for a term of 4 years.
- (3) If for any reason any such member as is mentioned in sub-paragraph (2) above is appointed on or after the day on which he ought to have come into office, he shall come into office on the day on which he is appointed and shall hold office for the remainder of the term.

Vacation of office by members

- 4 (1) The chairman of a regional land drainage committee may resign his office at any time by giving notice in writing to the chairman of the water authority and to the Minister.

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- (2) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee and also to the Minister if he was appointed by him.
- (3) The chairman of a local land drainage committee may resign his office at any time by giving notice in writing to the chairman of the regional land drainage committee.
- (4) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee.
- 5 (1) The office of a member of a regional or local land drainage committee shall become vacant upon the happening of any of the following events, namely, if he—
- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors ; or
 - (b) is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine ; or
 - (c) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or under Part VIII of the Local Government Act 1972 ; or
 - (d) has, for a period of 6 consecutive months, been absent from meetings of the committee, otherwise than by reason of illness or some other cause approved during that period by the committee.
- (2) For the purposes of sub-paragraph (1)(d) above, the attendance of a member of a regional or local land drainage committee at a meeting of any sub-committee of the committee of which he is a member, or at any joint committee to which he has been appointed by the committee, shall be treated as attendance at a meeting of the committee.

Appointments to fill casual vacancies

- 6 Where, for any reason whatsoever, the place of a member of a regional or local land drainage committee becomes vacant before the end of his term of office the vacancy—
- (a) shall, if the unexpired portion of the term of office of the vacating member is 6 months or more, be filled by the appointment of a new member ; and
 - (b) may be so filled in any other case.
- 7 A person appointed by virtue of paragraph 6 above to fill a casual vacancy shall hold office so long only as the former member would have held office.

Disqualification and re-appointment

- 8 (1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a regional or local land drainage committee if he—
- (a) is a paid officer of the committee ; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors ; or
 - (c) has within the period of 5 years ending on the day on which his qualification for appointment falls to be determined, incurred an obligation to pay an amount exceeding £500 pursuant to an order of the court under, or a

- certificate of a district auditor under, section 161 of the Local Government Act 1972 (or pursuant to a surcharge by a district auditor under the corresponding provisions of the Local Government Act 1933); or
- (d) has within 5 years before the day of his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine ; or
- (e) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or Part VIII of the Local Government Act 1972.
- (2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, then—
- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge ; and
- (c) if he is discharged without such a certificate his disqualification shall cease on the expiration of 5 years from the date of his discharge.
- (3) Where a person is disqualified under sub-paragraph (1) above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease on the expiration of 5 years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (4) For the purposes of sub-paragraph (1)(c) and (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails by reason of non-prosecution shall be taken to be the date of the surcharge or conviction, as the case may be.
- (5) Section 92 of the Local Government Act 1972 (proceedings for disqualification) shall apply in relation to disqualification under this paragraph for appointment as a member of a regional or local land drainage committee as it applies in relation to disqualification for acting as a member of a local authority.
- 9 Subject to the provisions of this Schedule, a member of a regional or local land drainage committee shall be eligible for reappointment.

Payment

- 10 A water authority—
- (a) shall pay the chairman of their regional land drainage committee and their local land drainage committees such remuneration and such allowances as may be determined by the Ministers with the consent of the Minister for the Civil Service ; and
- (b) if the Ministers with the consent of the Minister for the Civil Service so determine in the case of any person who is or has been chairman of any such committee, shall pay or make arrangements for the payment of a pension,

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allowance or gratuity to or in respect of that person in accordance with the determination.

Arrangements for discharge of functions

- 11 (1) Subject to any express provision contained in this Act or any Act passed after this Act, a regional or local land drainage committee may arrange for the discharge of any of their functions—
- (a) by a sub-committee, a committee of a sub-committee (referred to in the following provisions of this paragraph as " an under sub-committee ") or an officer of the committee ; or
 - (b) by any other regional or, as the case may be, local land drainage committee ;
- and two or more regional or two or more local land drainage committees may arrange to discharge any of their functions jointly or may arrange for the discharge of any of their functions by a joint sub-committee of theirs.
- (2) Where by virtue of this paragraph any functions of a regional or local land drainage committee or two or more such committees may be discharged by a sub-committee, then, unless the committee or committees otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an under sub-committee or by an officer of the committee or one of those committees, and where by virtue of this paragraph any such functions may be discharged by an under sub-committee, then, unless the committee or committees or the sub-committee otherwise direct, the under subcommittee may arrange for the discharge of any of those functions by an officer of the committee or one of those committees.
- (3) Any arrangements made by a regional or local land drainage committee under this paragraph for the discharge of any functions shall not prevent the committee from discharging those functions.
- (4) References in the foregoing provisions of this paragraph to the discharge of any functions of a regional or local land drainage committee include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- (5) For the purpose of discharging any functions in pursuance of arrangements under this paragraph—
- (a) a regional or local land drainage committee may appoint a sub-committee of the committee ; or
 - (b) two or more regional or two or more local land drainage committees may appoint a joint sub-committee of those committees; or
 - (c) any such sub-committee may appoint one or more under sub-committees;
- and the number of members of any such sub-committee and their term of office shall be fixed by the appointing committee or committees or, in the case of an under sub-committee, by the appointing sub-committee.
- (6) A sub-committee appointed under sub-paragraph (5) above may include persons who are not members of the appointing committee or committees or, in the case of an under sub-committee, the committee or committees of whom they are an under sub-committee, but at least two-thirds of the members appointed to any such sub-committee shall be members of that committee or those committees, as the case may be.

- (7) A person who is disqualified for being a member of a regional or local land drainage committee shall be disqualified also for being a member of a sub-committee or under sub-committee appointed under this paragraph.
- (8) A regional land drainage committee shall not, under this paragraph, make arrangements for the discharge in a local land drainage district of any functions which fall to be discharged there by the local land drainage committee.

Appointment of deputies

- 12 (1) Subject to the following provisions of this paragraph, a person nominated by one or more constituent councils may act as deputy for a member of a regional or local land drainage committee appointed by or on behalf of that council or those councils and may accordingly (instead of that member) attend and vote at a meeting of the committee.
- (2) A person nominated under sub-paragraph (1) above as deputy for a member of a regional land drainage committee may by virtue of that nomination attend and vote at a meeting of a sub-committee of that committee (other than a meeting of a local land drainage committee) to which the member for whom he is a deputy belongs.
- (3) A person nominated under sub-paragraph (1) above as deputy for a member of a local land drainage committee may attend and vote at a meeting of a sub-committee of that committee to which the member for whom he is a deputy belongs.
- (4) A person acting as deputy for a member of a regional or local land drainage committee shall be treated for the purposes for which he is nominated as a member of that committee.
- (5) A person shall not act as deputy for a member of a regional or local land drainage committee unless his nomination has been notified to an officer of the water authority appointed to receive such nominations.
- (6) A nomination shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the nomination is revoked.
- (7) A person shall not act as deputy for more than one member of a regional or local land drainage committee.

Authentication of documents

- 13 (1) Any notice or other document which a regional or local land drainage committee are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the committee by any member or officer of the committee generally or specifically authorised for that purpose by a resolution of the committee; and any document purporting to bear the signature of a person expressed to be so authorised shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the committee.
- (2) In this paragraph "signature" includes a facsimile of a signature by whatever process reproduced.

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Proceedings

- 14 A water authority may not make rules with regard to the proceedings of their regional land drainage committee or any of their local land drainage committees.

Disqualification for paid office of water authority

- 15 A person shall, so long as he is, and for 12 months after he ceases to be, a member of a water authority's regional land drainage committee or any of their local land drainage committees, be disqualified from being appointed to any paid office by the water authority other than the office of chairman of the authority or chairman of their regional land drainage committee or one of their local land drainage committees.

Interpretation

- 16 Any reference in this Schedule to an officer of a regional or local land drainage committee is a reference to an officer of the parent water authority.

SCHEDULE 2

Section 7(2)(3).

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

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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 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

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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.

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

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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.

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.

PART II

PERSONS TO VOTE AT THE ELECTION OF MEMBERS

- 22 The electors for members of an internal drainage board shall be the persons who at the date of the election own or occupy land in the board's district on which a drainage rate has been levied in the year immediately preceding, save that—
- (a) a person shall not be entitled to be an elector by reason of his occupation 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 a month; and
 - (b) a person shall not be entitled to be an elector by reason of his ownership of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied on that land has remained unpaid for more than one month.
- 23 (1) Each elector at an election of members of a board shall be entitled to 1 or more votes in accordance with the following scale:—

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Where the assessable value of the property in respect of which the elector is entitled to vote—

is less than £50	1 vote
is not less than £50, but is less than £100	2 votes
is not less than £100, but is less than £150	3 votes
is not less than £150, but is less than £200	4 votes
is not less than £200, but is less than £250	5 votes
is not less than £250, but is less than £500	6 votes
is not less than £500, but is less than £1,000	8 votes
is £1,000 or more	10 votes

(2) In sub-paragraph (1) above, " assessable value " means—

- (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), the value on which such a drainage rate would be assessable ;
- (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 to rateable value, the value on which such a rate would be assessable under subsection (2) of section 65 (whether or not there is then in force a resolution pursuant to that subsection);

and for this purpose the relevant date is the date as at which, in accordance with rules made under section 7(3) above, the voting entitlement of electors at the election in question is determined.

SCHEDULE 3

Section 109(5).

PROVISIONS AS TO CERTAIN ORDERS

General

- 1 The Minister may make regulations in relation to the publication of notices and advertisements under this Schedule, the holding of and procedure at public local inquiries under this Schedule and any other matters of procedure respecting the making of orders.

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Procedure and other matters with respect to the making of an order

2 Before making an order the Minister shall cause notice of the intention to make it and of the place where copies of the draft order may be inspected and obtained, and of the time within and the manner in which objections to the draft order may be made, to be published in the London Gazette and in such other manner as he thinks best adapted for informing persons affected, and to be sent to—

(a) every relevant local authority in whose area any part of the area proposed to be affected by the order is situated, and

(b) every drainage body, navigation authority, harbour authority or conservancy authority that is known to the Minister to be exercising jurisdiction within the area proposed to be affected by the order.

3 In paragraph 2 above " relevant local authority " means any local authority other than a district council.

4 Before making an order the Minister shall consider any objections duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order ; and in making the order the Minister may make such modifications in the terms of the draft as appear to him to be desirable.

Procedure and other matters after the making of an order

5 After the Minister has made an order it shall be published in such manner as he thinks best adapted for informing the persons affected, together with a notice that the Minister has made the order and that the order will become final and have effect unless within such period of not less than 30 days as may be specified in the notice a memorial is presented to the Minister, by a person who is affected by the order and has such interest as may be prescribed as being sufficient for the purpose, praying that the order shall be subject to special parliamentary procedure.

6 If no such memorial has been presented within such period as aforesaid or if every such memorial has been withdrawn, the Minister shall confirm the order and it shall thereupon have effect, but if such a memorial has been presented and has not been withdrawn the order shall be subject to special parliamentary procedure.

7 An order shall in any event be subject to special parliamentary procedure if the Minister so directs.

8 The Minister may revoke, either wholly or partially, any order that is subject to special parliamentary procedure, at any time before it has been laid before Parliament.

Validity of orders

9 As soon as may be after an order has effect the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has come into force, and naming a place where a copy of it may be seen at all reasonable hours.

10 If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with he may, within 6 weeks of the date specified in paragraph 11 below, make an application for the purpose to the High Court.

11 The date referred to in paragraph 10 above is—

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- (a) where the order is subject to special parliamentary procedure, the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act 1945;
 - (b) where the order is not subject to special parliamentary procedure, the date of publication of the notice mentioned in paragraph 9 above.
- 12 Where an application is duly made under paragraph 10 above, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.
- 13 Subject to paragraphs 10 to 12 above, an order shall not at any time be questioned by prohibition or certiorari or in any legal proceedings whatsoever.
- 14 Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.
- 15 Paragraphs 9 to 14 above shall not apply to an order that is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945.

SCHEDULE 4

Section 34.

BYELAWS MADE BY DRAINAGE AUTHORITIES

- 1 No byelaw made by a drainage authority under this Act shall have effect until confirmed by the Minister.
- 2 An authority shall, at least one month before they apply for the confirmation of any byelaw—
- (a) cause a notice of their intention to make the application to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected, and
 - (b) cause copies of the notice to be served on any public authorities who appear to them to be concerned.
- 3 For at least one month before an application is made for the confirmation of any byelaw, a copy of it shall be deposited at the offices of the authority.
- 4 The authority shall provide reasonable facilities for the inspection without charge of a byelaw deposited under paragraph 3 above.
- 5 Any person on application to the authority shall be entitled to be furnished free of charge with a printed copy of such a byelaw.
- 6 The Minister, with or without a local inquiry, may refuse to confirm any byelaw submitted for confirmation under this Schedule, or may confirm the byelaw either without or, if the authority consent, with modifications ; and the authority shall if so directed by the Minister, cause notice of any proposed modifications to be given in accordance with such directions.
- 7 The Minister may fix the date on which any byelaw confirmed under this Schedule is to come into operation, and if no date is so fixed the byelaw shall come into operation at the end of the period of one month beginning with the date of confirmation.

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- 8 Any byelaw confirmed under this Schedule shall be printed and deposited at the office of the authority and copies of it shall, at all reasonable hours, be open to public inspection without charge.
- 9 Any person on application to the authority shall be entitled to be furnished with a copy of it, on payment of such reasonable sum as the authority may determine.
- 10 If it appears to the Minister that the revocation of a byelaw is necessary or expedient, he may, after giving notice to the authority and considering any objections raised by them and, if required by them, holding a local inquiry, revoke that byelaw.
- 11 The production of a printed copy of a byelaw purporting to be made by a drainage authority upon which is indorsed a certificate, purporting to be signed on their behalf, stating—
- (a) that the byelaw was made by the authority ;
 - (b) that the copy is a true copy of the byelaw ;
 - (c) that on a specified date the byelaw was confirmed under this Schedule ; and
 - (d) the date, if any, fixed under paragraph 7 above for the coming into operation of the byelaw,
- shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

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 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 London Government Act 1963 ;
- and " the main metropolitan watercourses " means the watercourses falling within paragraph (a) above (referred to below as " the tidal Thames "), the watercourses

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falling within paragraph (b) above, the watercourses mentioned by name in paragraphs (c) to (e) above and any watercourse that immediately before the commencement of this Act was a main metropolitan watercourse by virtue of an order under the said paragraph 15(2).

(2) The Minister may, after consultation with the Greater London Council and the council of any district or London borough appearing to him to be affected, by order provide that—

- (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 ;

and an order under paragraph (a) above shall specify the local enactments that are to be the local enactments for the purposes of this Schedule in relation to the watercourse or part of a watercourse dealt with by the order.

(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.

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;

" the Authority " means the Thames Water Authority ;

" 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 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 London County Council (General Powers) Act 1932;
- (b) in relation to any watercourse falling within paragraph 1(1)(b) above, the River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961 ;
- (c) in relation to any watercourse falling within paragraph 1(1)(c) above, the River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961 ;
- (d) in relation to any watercourse falling within paragraph 1(1)(d) above, Part II of the Surrey County Council Act 1925, section 15 of the Surrey County Council Act 1931, Part II of the Surrey County Council Act 1936 and the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960 ;
- (e) in relation to any watercourse falling within paragraph 1(1)(e) above, Part V of the Middlesex County Council Act 1944 ;
- (f) in relation to any watercourse that is a metropolitan watercourse by virtue of an order under paragraph 1(2)(a) above, such enactments as may be specified in relation thereto by the order ;

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" 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 " .

General provision with respect to the London excluded area

- 3 (1) Nothing in section 1(1) or any other provision of this Act shall make any land drainage function exercisable in the London excluded area by the Authority or any other water authority, and no part of the London excluded area shall be included in any local land drainage district.
- (2) Land drainage functions relating to the London excluded area shall continue to be exercisable (subject to the provisions of this Schedule) by the Greater London Council and other authorities by whom they were exercisable immediately before the passing of this Act, and in accordance with the enactments by virtue of which they are exercisable.
- (3) Part III of the Surrey County Council Act 1925 shall not apply to any area outside the London excluded area.

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 London Government Act 1963—
- (a) the functions conferred on the council of any county or county borough by the local enactments relating to the metropolitan watercourses shall (instead of being exercisable by that council, or the successor to that council under the Local Government Act 1972) be exercisable by the Greater London Council, and references in any such enactment to any such council shall be construed accordingly;
- (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.

- 5 Subject to section 21 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 and to any provision made by an order under section 84 or 87 of the London Government Act 1963, the power of the Greater London Council under the said Act of 1879 and the other enactments relating to the

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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 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.

- 6 Paragraph 4(a) and (b) above and so much of paragraph 2 above as relates to paragraph 4(a) and (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.

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

- 7 The Minister may give the Greater London Council directions, either of a general or of a particular character, as to the exercise by the Council of their land drainage functions.

- 8 (1) The following provisions of the Water Act 1973, namely—
 section 4(5)(a) and (b) ;
 section 8(1) to (4);
 section 22; and
 section 24(5) and (6) and (8) to (12),

shall have effect in relation to the land drainage functions of the Greater London Council as if that Council were a water authority and the London excluded area were their water authority area.

- (2) The Greater London Council shall send the Authority a copy of any report which sets out the results of a survey made by them under section 24(5) of the Water Act 1973, as applied by sub-paragraph (1) above, and of any programme submitted by them to the Minister under section 24(6) of that Act as applied by that sub-paragraph.
- 9 (1) If the Greater London Council intend to carry out any works for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Authority of any of their functions in the London excluded area, the Council shall notify the Authority in writing of their intention.
- (2) The Authority may within 2 months of the date of a notice under sub-paragraph (1) above require the Council to consult with them about any of the matters to which the notice relates.
- (3) If, within a period of 2 months beginning with the date on which a requirement under sub-paragraph (2) above was sent by the Authority to the Council, the Authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Authority shall notify the Ministers of that fact and the Ministers shall give directions to the Council as to any such matter.
- 10 (1) If the Authority intend—
 (a) to carry out works in their area for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions, or
 (b) to carry out any works in the London excluded area for the purposes of any of their functions or to exercise any of those functions in that area in a manner

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which is likely to affect the exercise by the Greater London Council of their land drainage functions,

the Authority shall notify the Greater London Council in writing of their intention.

- (2) The Greater London Council may within 2 months of the date of a notice under sub-paragraph (1) above require the Authority to consult with them about any of the matters to which the notice relates.
- (3) If, within a period of 2 months beginning with the date on which a requirement under sub-paragraph (2) above was sent to the Authority by the Greater London Council, the Authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Council shall notify the Ministers of that fact and the Ministers shall give directions to the Authority as to any such matter.

Provision with respect to the Common Council

- 11 The powers conferred by the provisions of this Act other than section 98 on the Common Council shall be exercisable as respects the City, the Inner Temple and the Middle Temple.

SCHEDULE 6

Section 117(1).

TRANSITIONAL PROVISIONS

Commissioners of Sewers

- 1 Commissioners of Sewers in existence immediately before the commencement of this Act shall (subject to any scheme under section 11 above for the abolition of or the abrogation of the powers of any such Commissioners, or to any other scheme under this Act affecting their powers) continue to have the powers then exercisable by them, subject to the conditions, restrictions and qualifications then attaching to them, save that so far as any such powers were exercisable under, or subject to any conditions, restrictions or qualifications in, any enactment repealed by this Act they shall now be exercisable under, or subject to the conditions, restrictions or qualifications in, the corresponding provision of this Act.

Penny rate product

- 2 Without prejudice to paragraph 6 below, any rules in force immediately before the commencement of this Act under section 113(1)(c) of the General Rate Act 1967 for determining the appropriate penny rate product for the purposes of Part III of Schedule 5 to the Water Act 1973 shall thereafter have effect (so far as they relate to the determination aforesaid) for determining the estimated penny rate product for the purposes of section 46(1) of this Act (and accordingly for the purposes of section 3 of this Act too), and references in any such rules shall thereafter be construed accordingly (so that, in particular, references to the appropriate penny rate product are construed as references to the estimated penny rate product).

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Drainage rates

- 3 (1) As regards any drainage rates raised in order to defray expenses incurred, or charges in respect of liabilities incurred, before the commencement of the Land Drainage Act 1930, the provisions as to the incidence of rates contained in section 38 of the Land Drainage Act 1861 or, in the case of drainage rates raised under any local Act, the corresponding provisions in that Act, shall have effect in substitution for the provisions of section 63(2) above.
- (2) Without prejudice to paragraph 6 below, any resolution by an internal drainage board pursuant to section 1 of the Drainage Rates Act 1962 shall, if in force immediately before the commencement of this Act, have effect thereafter as a resolution pursuant to section 65(2) of this Act, that is to say as a resolution that the relative fraction for the purposes of section 65 shall be applied on a values basis.

Grants

- 4 Where a grant could have been made under any enactment repealed by this Act in respect of any expenditure a grant may be made in respect of that expenditure under the corresponding provision of this Act.

Local land charges

- 5 (1) If on the coming into force of this Act the Local Land Charges Act 1975 has not come into force, then—
- (a) the repeal by this Act of the entry relating to the Land Drainage Act 1961 in Schedule 1 to the said Act of 1975 shall not have effect until immediately after the coming into force of the said Act of 1975 ;
 - (b) until the coming into force of the said Act of 1975 the following subsection (" the transitional subsection") shall have effect in substitution for subsection (4) of section 31 of this Act (" the permanent subsection "):—

“(4) Any such scheme shall be registered in the register of local land charges by the proper officer of the district council or, in Greater London, in accordance with section 79 of the London Government Act 1963, in such manner as may be prescribed by rules made under section 15 of the Land Charges Act 1925,”; and
 - (c) upon the coming into force of the said Act of 1975 the entry referred to in paragraph (a) above shall operate in relation to this Act (so that the permanent subsection shall then have effect and the transitional subsection shall then cease to have effect).
- (2) This paragraph is hereby repealed as from immediately after the time when the repeal by this Act of the entry referred to in sub-paragraph (1)(a) above has effect.

General

- 6 In so far as any instrument made or any other thing done or having effect as if made or done under any enactment repealed by this Act could have been made or done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if made or done under that provision and anything begun under any such repealed enactment may be continued under the corresponding provision of this Act as if begun under that provision.

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- 7 Without prejudice to paragraph 6 above, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of, or by reference to or in contravention of this Act or any provision of this Act, or an instrument made under any such provision, shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding enactment repealed by this Act, or an instrument made thereunder.
- 8 Where any period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 9 Any enactment or other document of any kind referring, or to be treated as referring, to an enactment repealed by this Act shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Act.
- 10 The provisions of this Schedule are without prejudice to the operation, in relation to this Act and the enactments repealed by this Act, of section 38 of the Interpretation Act 1889.

SCHEDULE 7

Section 117(2).

CONSEQUENTIAL AMENDMENTS

The Water Act 1973

- 1 In the Water Act 1973—
- (a) in section 36, for the words from " other statutory undertakers " onwards in subsection (3) substitute " and other statutory undertakers under any enactment, other than byelaws made by water authorities under section 34 of the Land Drainage Act 1976 (in respect of which Schedule 4 to that Act contains provisions corresponding to those in the said Part II) ";
 - (b) in section 38(1)—
 - (i) in the definition of "local land drainage committee " and " regional land drainage committee ", for the words from "established" onwards substitute " referred to by those names in sections 2 and 4 respectively of the Land Drainage Act 1976 " , and
 - (ii) in the definition of " local land drainage district" for " established under that Schedule " substitute " established or continued under section 4 of the Land Drainage Act 1976 " and for "Parts II and III of that Schedule" substitute " sections 45 to 49 of that Act (in accordance with section 89(2) of that Act) ";
 - (c) in paragraph 2(1) of Schedule 2, for " section 19(1) of the Land Drainage Act 1961 " substitute " section 17(2) of the Land Drainage Act 1976 ";
 - (d) in paragraph 12(1) of Schedule 2, for "paragraph 11(1) above " substitute " section 9(5) of the Land Drainage Act 1976 ";
 - (e) in paragraph 31(2) of Schedule 3—

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- (i) for " Part II of Schedule 5 to this Act" in paragraph (a) substitute " sections 45 to 49 of the Land Drainage Act 1976 ",
 - (ii) for "section 21(1) of the Land Drainage Act 1930 " in paragraph (b) substitute " section 84(1) of the Land Drainage Act 1976 " , and
 - (iii) for " section 3 of the Land Drainage Act 1961 " in paragraph (c) substitute " section 50 of the Land Drainage Act 1976 ";
- (f) in paragraph 31(3) of Schedule 3, for " section 21(1) of the Land Drainage Act 1961 " substitute " section 86(1) of the Land Drainage Act 1976 ", for " section 21(1) of the Land Drainage Act 1930 " substitute " section 84(1) of the Land Drainage Act 1976 " and for " section 21(1) of the said Act of 1930" substitute " section 84(1) of the said Act of 1976 ";
- (g) in paragraph 12(2) of Schedule 7, omit the words from " and to internal drainage boards " onwards.

Other Acts

- 2 In Part I of Schedule 1 to the Highways Act 1959, as set out in Schedule 13 to the Highways Act 1971, in paragraph (ii) of the Table in paragraph 3 for "paragraph 15(3) of Schedule 14 to the London Government Act 1963" substitute " section 116(1) of the Land Drainage Act 1976 ".
- 3 In paragraph 1(3) of Part III of Schedule 9 to the London Government Act 1963 for " Section 31(2) of the Land Drainage Act 1930 " substitute " Section 29(1) of the Land Drainage Act 1976 ".
- 4 In the Water Resources Act 1963—
- (a) in section 67(4), for " section 61 of the Land Drainage Act 1930" substitute " section 112 of the Land Drainage Act 1976 ";
 - (b) in section 69(4), for " Section 61 of the Land Drainage Act 1930" substitute " section 112 of the Land Drainage Act 1976 " and for " the said Act of 1930 " substitute " the said Act of 1976 ";
 - (c) in section 71(6), for " section 76 of the Land Drainage Act 1930" substitute " section 36 of the Land Drainage Act 1976 ".
- 5 In section 3(9) of the 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 ".
- 6 In paragraph 1 of the Schedule to the Public Works Loan Act 1965, for " section 46 of the Land Drainage Act 1930 " substitute " section 87 of the Land Drainage Act 1976 ".
- 7 In section 22(12) of the Highways Act 1971 for " other drainage authority within the meaning of the Land Drainage Act 1930" substitute " other drainage body within the meaning of the Land Drainage Act 1976 ".
- 8 In paragraph 1(d) of Schedule 2 to the Land Charges Act 1972, for " The Land Drainage Act 1930 " substitute " The Land Drainage Act 1976 " (with a corresponding amendment to the Chapter number) and for " Section 9(5)" substitute " Section 26(6) ".

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SCHEDULE 8

Section 117(3).

REPEALS

Chapter	Short Title	Extent of Repeal
20 & 21 Geo.5. c. 44.	The Land Drainage Act 1930.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 70.	The Agriculture Act 1937.	Section 15.
3 & 4 Geo. 6. c. 50.	The Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940.	Section 3.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act 1946.	In Schedule 2, the entry numbered 2 under the heading beginning "Amendments of enactments relating to land drainage".
6 & 7 Eliz. 2. c. 37.	The Drainage Rates Act 1958.	The whole Act.
9 & 10 Eliz. 2. c. 48.	The Land Drainage Act 1961.	The whole Act.
10 & 11 Eliz. 2. c. 39.	The Drainage Rates Act 1962.	The whole Act.
1963 c. 10.	The Drainage Rates Act 1963.	The whole Act.
1963 c. 25.	The Finance Act 1963.	In Schedule 12, paragraphs 21, 23 and 24(7) and (8).
1963 c. 33.	The London Government Act 1963.	Schedule 14, except paragraph 10.
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Part IV and Schedule 6.
1968 c. xxxix.	The Greater London Council (General Powers) Act 1968.	In section 7(4), paragraphs (c) and (d).
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, paragraph 32.
1970 c. 40.	The Agriculture Act 1970.	Part V.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, in Part I the entry relating to the Land Drainage Act 1930.
1971 c. 75.	The Civil Aviation Act 1971.	In Schedule 5, paragraph 1.
1972 c. 60.	The Gas Act 1972.	In Schedule 6, paragraph 1.
1972 c. 70.	The Local Government Act 1972.	In Schedule 29, paragraphs 24 and 25.
1972 c. xv.	The Thames Barrier and Flood Prevention Act 1972.	Section 69(3).

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Chapter	Short Title	Extent of Repeal
1973 c. 37.	The Water Act 1973.	<p>Section 19.</p> <p>In Schedule 2, in paragraph 6 the definition of " main river map", paragraphs 8 to 11 and paragraph 13(2) and (3)(b).</p> <p>In Schedule 3, in paragraph 11(1)(a) the words from " and the chairmen " to " committees ", and in paragraph 11(1)(b) the words "or any such committee ".</p> <p>Schedule 5.</p> <p>In Schedule 7, in paragraph 12(2) the words from " and to internal" onwards.</p> <p>In Schedule 8, paragraphs 20, 21, 24 to 31 and 72 to 75.</p>
1974 c. 7.	The Local Government Act 1974.	In Schedule 7, paragraph 13.
1975 c. 76.	The Local Land Charges Act 1975.	In Schedule 1, the entry relating to the Land Drainage Act 1961.
1975 c. 78.	The Airports Authority Act 1975.	Section 25(4).
1976 c. 15.	The Rating (Caravan Sites) Act 1976.	Section 1(8).
1976 c. 17.	The Land Drainage (Amendment) Act 1976.	The whole Act.