



Water Resources Act 1991

1991 CHAPTER 57

PART VI

FINANCIAL PROVISIONS IN RELATION TO THE [F¹AGENCY]

CHAPTER II

REVENUE PROVISIONS

Revenue from internal drainage boards

139 Contributions from internal drainage boards.

- (1) Subject to subsections (2) and (3) below, the [F¹Agency] shall by resolution require every internal drainage board to make towards the expenses of the [F¹Agency] such contribution as the [F¹Agency] may consider to be fair.
- (2) Subject to subsection (3) below, where an internal drainage district ("the main internal drainage district") comprises two or more other internal districts ("minor internal drainage districts"), the [F¹Agency] shall not require the drainage board for that district to make any contribution towards the expenses of the [F¹Agency] except in respect of such part, if any, of that district as is not situated within any minor internal drainage district.
- (3) Notwithstanding subsection (2) above, the [F¹Agency], after determining what contribution should be made by the drainage board for each of the minor internal drainage districts, may, if it thinks fit, require the drainage board for the main internal drainage district to pay direct to the [F¹Agency] an amount equal to the aggregate of those contributions.
- (4) If the [F¹Agency] make a requisition under subsection (3) above, the drainage board of the main internal drainage district shall raise the amount paid by them under that subsection to the [F¹Agency] by means of drainage rates levied by them within, or

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special levies issued in respect of, the main internal drainage district or, as the case may be, such part of that district as is situated within a minor internal drainage district.

- (5) Without prejudice to subsection (3) of section 140 below, a resolution under this section may be acted upon by the [^{F1}Agency] forthwith, notwithstanding that the time for bringing an appeal under that section has not expired or that an appeal so brought is pending.

Textual Amendments

F1 Words in s. 139 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

140 Appeals in respect of resolutions under section 139.

- (1) If—
- (a) an internal drainage board is aggrieved by a resolution of the [^{F2}Agency] under section 139 above determining the amount of any contribution; or
 - (b) the council of any county [^{F3}, county borough] or London borough is aggrieved by any such resolution on the ground that the amount of the contribution required to be made by an internal drainage board is inadequate, the board or council may, within six weeks after the date on which notice of the resolution is given by the [^{F2}Agency] to the internal drainage board in question, appeal to the relevant Minister against the resolution.
- (2) On an appeal under this section the relevant Minister may, after—
- (a) considering any objections made to him; and
 - (b) if he thinks fit, holding a local public inquiry,
- make such an order in the matter as he thinks just.
- (3) Where the [^{F2}Agency] has acted on a resolution by virtue of section 139(5) above and an appeal is brought in respect of the resolution, the relevant Minister shall by his order direct such adjustment to be made in respect of any sums recovered or paid in pursuance of the resolution as may be necessary for giving effect to his decision.
- (4) Where the relevant Minister makes an order under this section, he shall lay before Parliament particulars of the matter in respect of which the appeal was made and of the reasons for his order.
- (5) Compliance with any order made by the relevant Minister under this section may be enforced by mandamus.
- (6) In this section “the relevant Minister”—
- (a) in relation to an internal drainage district wholly in Wales or the drainage board for such a district, means the Secretary of State;
 - (b) in relation to an internal drainage district partly in Wales or the drainage board for such a district, means the Ministers; and
 - (c) in any other case, means the Minister.

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Textual Amendments

- F2** Words in s. 140 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 140(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. I para. 3(3)** (with ss. 54(4)(7), 55(5) Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 140 extended (1.12.1991) by **Land Drainage Act 1991 (c. 59, SIF 73:1)**, **ss. 58(7), 76(2)**.

141 Precepts for recovery of contributions from internal drainage boards.

- (1) The [^{F4}Agency] may issue precepts to internal drainage boards requiring payment of any amount required to be contributed by those boards under section 139 above.
- (2) An internal drainage board shall pay, in accordance with any precept issued to them under this section, the amount thereby demanded.
- (3) It shall be the duty of the [^{F4}Agency] to prepare, in such form as the relevant Minister may direct, a statement of—
 - (a) the purposes to which the amount demanded by any precept issued by the [^{F4}Agency] under this section is intended to be applied; and
 - (b) the basis on which it is calculated;and an internal drainage board shall not be liable to pay the amount demanded by any such precept until they have received such a statement.
- (4) Compliance with any precept issued by the [^{F4}Agency] in accordance with this section may be enforced by mandamus.
- (5) In this section “the relevant Minister” has the same meaning as in section 140 above.

Textual Amendments

- F4** Words in s. 141 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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