Land Drainage Act 1991

1991 CHAPTER 59

PART II

PROVISIONS FOR FACILITATING OR SECURING THE DRAINAGE OF LAND

General powers

14 General drainage powers of boards and local authorities.

(1) Subject to section 11 above and subsection (4) and section 17 below—
   (a) every drainage board acting within the internal drainage district for which they
   are the drainage board; and
   (b) every local authority acting ...—
      (i) for the purpose of carrying out works in pursuance of a scheme under
          section 18 below; or
      (ii) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
   shall have the powers specified in subsection (2) below.

(2) The powers mentioned in subsection (1) above are the powers, otherwise than in
connection with a main river or the banks of such a river—
   (a) to maintain existing works, that is to say, to cleanse, repair or otherwise
      maintain in a due state of efficiency any existing watercourse or drainage
      work;
   (b) to improve any existing works, that is to say, to deepen, widen, straighten
      or otherwise improve any existing watercourse or remove or alter mill dams,
      weirs or other obstructions to watercourses, or raise, widen or otherwise
      improve any existing drainage work;
   (c) to construct new works, that is to say, to make any new watercourse or
      drainage work or erect any machinery or do any other act (other than an act
      referred to in paragraph (a) or (b) above) required for the drainage of any land.

(3) Subject to section 11 above and subsection (4) and section 17 below, an internal
    drainage board or local authority that desire, otherwise than in connection with a main
river or the banks of such a river, to carry out any drainage works for the benefit of their
district or area in lands outside that district or area shall have the same powers for that
purpose as are conferred by this Act on persons interested in land which is capable of
being drained or improved and desiring to carry out drainage works for that purpose.

(4) Nothing in this section—

(a) authorises any person to enter on the land of any person except for the purpose
    of maintaining existing works; or

(b) . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(5) Where injury is sustained by any person by reason of the exercise by a drainage board
or local authority of any of their powers under this section, the board or authority shall
be liable to make full compensation to the injured person.

(6) In case of dispute, the amount of the compensation payable under subsection (5) above
shall be determined by the [F4Upper Tribunal].

(7) Any expenses incurred by an internal drainage board under subsection (3) above shall
be defrayed as if the expenses had been incurred in their district.

Annotations:

Amendments (Textual)

F1 Word in s. 14(1)(b) omitted (19.7.2011 for E., 1.10.2011 for W.) by virtue of Flood and Water
Management Act 2010 (c. 29), s. 49(3), Sch. 2 para. 29(2)(a) (with s. 49(1)(6)); S.I. 2011/1770, art.
3(c); S.I. 2011/2204, art. 3(2)(c)

F2 S. 14(1)(b)(ii) omitted (19.7.2011 for E., 1.10.2011 for W.) by virtue of Flood and Water Management
Act 2010 (c. 29), s. 49(3), Sch. 2 para. 29(2)(b) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e); S.I.
2011/2204, art. 3(2)(c)

F3 S. 14(4)(b) omitted (19.7.2011 for E., 1.10.2011 for W.) by virtue of Flood and Water Management Act
2010 (c. 29), s. 49(3), Sch. 2 para. 29(3) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e); S.I. 2011/2204,
art. 3(2)(c)

F4 Words in s. 14(6) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and
Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 238 (with Sch. 5)

Modifications etc. (not altering text)

C1 S. 14 amended (5.11.1993) by 1993 c. 42, s. 22.
**Changes to legislation:**
Land Drainage Act 1991, Section 14 is up to date with all changes known to be in force on or before 23 June 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 37(5A)-(5D) inserted by 2016 anaw 3 s. 83(2)(b)