



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Information provisions*

#### **69 Power to hold inquiries for land drainage purposes etc.**

- (1) Each of the Ministers shall have power to cause such inquiries to be held as he considers necessary or desirable for the purposes of this Act.
- (2) Subject to subsection (3) below, the person appointed to hold any inquiry under subsection (1) above or otherwise under this Act may for the purposes of the inquiry—
  - (a) by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control relating to any matter in question at the inquiry; and
  - (b) take evidence on oath and for that purpose administer oaths.
- (3) No person shall be required, in obedience to a summons under this section, to attend to give evidence or to produce any documents, unless the necessary expenses of his attendance are paid or tendered to him; and nothing in this section shall empower a person holding an inquiry to require the production of the title, or of any instrument relating to the title, of any land which is not the property of a local authority.
- (4) Any person who—
  - (a) refuses or deliberately fails to attend in obedience to a summons under this section, or to give evidence; or
  - (b) deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section,shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.

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*Changes to legislation: Land Drainage Act 1991, Section 69 is up to date with all changes known to be in force on or before 01 June 2024. 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. (See end of Document for details) View outstanding changes*

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- (5) Where either of the Ministers causes an inquiry to be held under this Act—
- (a) the costs incurred by him in relation to the inquiry shall be paid by such authority or party to the inquiry as he may direct; and
  - (b) the Minister in question may cause the amount of the costs so incurred to be certified;
- and any amount so certified and directed to be paid by any authority or person shall be recoverable from that authority or person by that Minister summarily as a civil debt.
- (6) Where either of the Ministers causes an inquiry to be held under this section—
- (a) he may make orders as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid; and
  - (b) every such order may be made a rule of the High Court on the application of any party named in the order.
- (7) Section 42 of the <sup>M1</sup>Housing and Planning Act 1986 (recovery of Minister's costs in connection with inquiries) shall apply where either of the Ministers is authorised by virtue of subsection (5) above to recover costs incurred by him in relation to an inquiry as it applies where a Minister is so authorised by virtue of an enactment specified in subsection (1) of that section.

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**Marginal Citations**

**M1** 1986 c. 63.

**Changes to legislation:**

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**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\(2\)\(b\)](#)
- s. 37(5A) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(i\)](#)
- s. 37(5B)(5C) words substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)
- s. 37(5D)(5E) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)