

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 38. (See end of Document for details)

SCHEDULES

SCHEDULE 2 **E+W**

RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

Land Drainage Act 1991

- 38 (1) Section 66 (byelaws) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) An internal drainage board may make byelaws for Purpose 1, 2 or 3.
- (1A) A local authority, except an English county council, may make byelaws for Purpose 1, 2, 3 or 4.
- (1B) An English county council which is a lead local flood authority may make byelaws for Purpose 3 or 4.
- (1C) Purpose 1 is to secure the efficient working of a drainage system in the authority's district or area.
- (1D) Purpose 2 is to regulate the effects on the environment in the authority's district or area of a drainage system.
- (1E) Purpose 3 is to secure the effectiveness of flood risk management work within the meaning of section 14A.
- (1F) Purpose 4 is to secure the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion).”
- (3) In subsection (2) for “Without prejudice to the generality of subsection (1) above but subject as aforesaid, an internal drainage board or local authority, other than an English county council, may, in particular, make byelaws for any of the following purposes, that is to say” substitute “Byelaws may, in particular, have the purpose of”.
- (4) For subsection (3) substitute—
- “(3) An internal drainage board may not rely on this section to do anything in connection with a main river, the banks of a main river or any drainage works in connection with a main river.”

Commencement Information

- 11** Sch. 2 para. 38 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(e)
12 Sch. 2 para. 38 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(c)

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