



Land Drainage Act 1991

1991 CHAPTER 59

PART IV

FINANCIAL PROVISIONS

CHAPTER I

PROVISION FOR THE EXPENSES OF INTERNAL DRAINAGE BOARDS

Modifications etc. (not altering text)

- C1** Pt. IV Chs. I, II (ss. 36-54) restricted (1.12.1991) by [Water Consolidation \(consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(2), 4(2), [Sch. 2 Pt. I para. 2\(2\)](#)

Raising and apportionment of expenses

36 Raising of the expenses of internal drainage boards.

- (1) The expenses under this or any other Act of the drainage board for an internal drainage district (including any contribution made by the board towards expenses of the NRA) shall, in so far as they are not met by contributions from the NRA, be raised by means of—
- (a) drainage rates made by the board under and in accordance with Chapter II of this Part or, in relation to any time before 1st April 1993, the provisions saved by virtue of paragraph 15 of Schedule 2 to the ^{M1}Water Consolidation (Consequential Provisions) Act 1991; and
 - (b) special levies issued by the board under and in accordance with regulations made under section 75 of the ^{M2}Local Government Finance Act 1988.
- (2) The expenses of a drainage board which are raised by means of drainage rates in respect of the financial year beginning in 1993 and subsequent financial years shall be

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defrayed out of such rates without regard to the purpose for which any such expenses were incurred.

Marginal Citations

M1 1991 c. 60.

M2 1988 c. 41.

37 Apportionment of drainage expenses.

- (1) Subject to any provision made by or under section 38 below, the following provision shall have effect with respect to the raising by a drainage board for any internal drainage district of their expenses for the financial year beginning in 1993 and each subsequent financial year, that is to say—
 - (a) the proportion of the expenses of the board which shall be raised from the proceeds of drainage rates shall be equal to the agricultural proportion, determined for that year in accordance with the following provisions of this section, of land values in that district; and
 - (b) the proportion of the expenses of the board which shall be raised from the proceeds of special levies shall be such as to raise the balance of the expenses of the board remaining after deduction of the amount to be raised for that year from the proceeds of drainage rates.
- (2) The drainage board for every internal drainage district, before 15th February 1993 and before 15th February in every subsequent year, shall determine for the financial year beginning on the following 1st April—
 - (a) the aggregate annual value of the chargeable properties in that district; and
 - (b) the aggregate value of all other land in that district;
 and the agricultural proportion for any financial year of land values in that district shall be the amount determined for that year under paragraph (a) above divided by the sum of that amount and the amount determined for that year under paragraph (b) above.
- (3) A determination made under subsection (2) above for any financial year shall be made as at the 31st December preceding that financial year.
- (4) For the purposes of this section the annual value of a chargeable property shall be its annual value for the purposes of Chapter II of this Part.
- (5) For the purposes of this section the value of other land in an internal drainage district shall be taken to be—
 - (a) in the case of a hereditament shown in the local non-domestic rating list of a charging authority on 1st April 1990, one third of the relevant proportion of the rateable value shown for that hereditament in respect of that date in that list on 31st December 1992;
 - (b) in the case of domestic property shown in a valuation list on 31st March 1990, one third of the relevant proportion of the rateable value shown for it in the list on that date multiplied by a factor of 6.73;
 - (c) in the case of a hereditament which—
 - (i) is neither one to which paragraph (a) above applies nor domestic property to which paragraph (b) above applies; but

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- (ii) was shown on the 31st March 1990 in the register maintained for the drainage board for that district in accordance with the ^{M3}Registers of Drainage Boards Regulations 1968,
one third of the annual value shown for that hereditament in that register on that date multiplied by a factor of 8.02;
- [^{F1}(d) in the case of any land which, as at 31st March 1990 was in the district but to which none of paragraphs (a) to (c) applies, and which did not then comprise agricultural land or agricultural buildings, a nil value;
- (e) in the case of any land to which none of paragraphs (a) to (d) applies, the amount calculated by multiplying—
- (i) the area of the land, expressed in hectares and parts of a hectare; by
- (ii) such a unit value per hectare as represents the average value per hectare of all land to which those paragraphs do apply if the average is calculated by reference to the values determined in accordance with those paragraphs.]
- (6) In paragraphs (a) and (b) of subsection (5) above—
- “relevant proportion”, in relation to the rateable value of any hereditament, means the proportion of that value which the area of the part of the hereditament lying within the internal drainage district in question bears to the total area of that hereditament; and
- “valuation list” means a valuation list maintained under Part V of the ^{M4}General Rate Act 1967.

Textual Amendments

F1 S. 37(5)(d)(e) substituted (30.12.1992) for s. 37(5)(d) by S.I. 1992/3079, reg.3.

Marginal Citations

M3 S.I. 1968/1672.

M4 1967 c. 9.

Division of district for purposes of drainage rates and special levies

38 Orders sub-dividing a district for the purposes of raising expenses.

- (1) A drainage board for an internal drainage district, after consultation with the NRA, may—
- (a) for the purpose of levying differential drainage rates or issuing differential special levies, from time to time by order divide that district into sub-districts; and
- (b) if, having regard to all the circumstances, they think that it is just to do so, exercise their powers, under Chapter II of this Part or any regulations made under section 75 of the ^{M5}Local Government Finance Act 1988, to make and levy differential drainage rates or issue differential special levies.
- (2) Any order made under this section in respect of an internal drainage district may determine the proportions of the expenses of the drainage board for that district which are to be raised in the respective sub-districts within that district.

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- (3) Where an order made under this section is in force in respect of an internal drainage district and the order does not determine the proportions of the expenses of the drainage board for that district which are to be raised in the respective sub-districts, the amount to be raised in the respective sub-districts shall be determined as follows, that is to say—
- (a) expenses incurred in connection with new works or the maintenance or improvement of existing works in each sub-district shall be raised in that sub-district; and
 - (b) there shall be raised in each sub-district a proportionate part—
 - (i) of the charges incurred by the board in respect of contributions to the NRA under section 139 of the ^{M6}Water Resources Act 1991 (contributions from internal drainage boards to NRA), or amounts specified under section 58 below as corresponding to such contributions; and
 - (ii) of other expenses and charges not directly attributable to the maintenance of particular works.
- (4) Where an order under this section is in force in respect of an internal drainage district, the proportions of the expenses of the drainage board for that district raised in a sub-district which shall be raised by means of drainage rates and special levies respectively shall, in respect of the financial year beginning in 1993 and each subsequent financial year, bear the same proportion to each other as are borne to each other by the following amounts, that is to say—
- (a) the aggregate of the annual values of the chargeable properties in that sub-district; and
 - (b) the aggregate of the values of other land in that sub-district;
- and subsections (2) to (6) of section 37 above shall have effect in respect of each sub-district for the purpose of determining those aggregate amounts as they have effect in respect of an internal drainage district for the purpose of determining the amounts specified in subsection (2)(a) and (b) of that section.
- (5) When an order is made under this section by the drainage board for an internal drainage district, the board shall—
- (a) submit the order to the relevant Minister; and
 - (b) forthwith thereafter publish, in one or more newspapers circulating in that district, a notice under subsection (6) below.
- (6) A notice under this subsection is a notice stating—
- (a) that the order has been submitted to the relevant Minister;
 - (b) that a copy of the order is open to inspection at a specified place; and
 - (c) that representations with respect to the order may be made to the relevant Minister within one month after the publication of the notice.
- (7) Where an order is submitted to the relevant Minister under this section—
- (a) he shall forthwith take into consideration the order; and
 - (b) the order shall have no effect unless and until it is confirmed by him.

Marginal Citations

M5 1988 c. 41.

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M6 1991 c. 57.

39 Petition for sub-division of internal drainage district.

- (1) Subject to subsection (6) below, where a petition for the making, variation or revocation of an order under section 38 above is made to the drainage board for an internal drainage district by a sufficient number of qualified persons or by a qualified authority, the board—
 - (a) shall consider the petition; and
 - (b) if so directed by a direction under subsection (2) below, shall make, vary or revoke the order, either in accordance with the petition or in accordance with the petition as modified by the direction.
- (2) A direction under this subsection is a direction given—
 - (a) if the NRA is the board, by either of the Ministers; and
 - (b) in any other case, by the NRA.
- (3) Where an internal drainage board object to a direction under subsection (2) above given by the NRA, the direction shall have no effect unless confirmed (with or without modifications) by the relevant Minister.
- (4) Subject to subsection (6) below, where a petition under this section is received by the drainage board for an internal drainage district, the board shall—
 - (a) inform the NRA or, if the NRA is the board, one of the Ministers; and
 - (b) publish a notice under subsection (5) below in one or more newspapers circulating in that district.
- (5) A notice under this subsection is a notice—
 - (a) that the petition has been received,
 - (b) that the making, variation or revocation of an order under section 38 above will be considered; and
 - (c) that representations may be made to the drainage board within a period (which shall not be less than thirty days) stated in the notice.
- (6) This section does not require the drainage board for an internal drainage district to consider any petition or publish any notice of a petition if—
 - (a) they have received a petition under this section within the period of ten years immediately preceding the making of the first-mentioned petition;
 - (b) they have, within that period, by an order made in exercise of the powers conferred by section 38 above, divided their district into sub-districts or varied or abolished any sub-district; or
 - (c) the petition is frivolous in the opinion of the NRA or, if the NRA is the board, of either of the Ministers.
- (7) After considering a petition under this section and not later than six months after it is received, a drainage board shall inform the NRA or, as the case may be, one of the Ministers—
 - (a) whether they propose to make, vary or revoke any order under section 38 above; and
 - (b) if they propose to make or vary such an order, of the terms of the order or variation they propose to make.

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