

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### MEMBERS OF INTERNAL DRAINAGE BOARDS

##### PART I

##### ELECTION OF MEMBERS

###### *Election rules*

- 1 (1) An election of members of an internal drainage board shall be conducted in accordance with rules contained in regulations made by the relevant Minister—
  - (a) for the preparation of registers of electors and for securing that the registers are open to inspection;
  - (b) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes; and
  - (c) for allowing any person or body of persons entitled to vote at an election to vote by a deputy.
- (2) Provision made by virtue of sub-paragraph (1)(a) above may include provision with respect to the making of objections to entries in registers and with respect to the hearing and determination of such objections.

###### *Eligibility of electors*

- 2 (1) Subject to sub-paragraphs (2) and (3) below, the electors for members of an internal drainage board shall be the persons who at the date of the election occupy land in the board's district on which a drainage rate has been levied in the year immediately preceding.
- (2) A person shall not be entitled to be an elector by reason of his occupation of land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than a month.
- (3) For the purposes of this paragraph the owner of any hereditament shall be deemed to be its occupier during any period during which it is unoccupied.
- (4) The preceding provisions of this paragraph and paragraph 3 below shall have effect subject to the provisions of paragraph 17 of Schedule 2 to the <sup>M1</sup>Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to electors who qualify by reference to drainage rates made in respect of years beginning before 1993).

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 2(1) amended (*temp.*) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **17(1)**

**Marginal Citations**

**M1** 1991 c. 60.

*Number of votes for each elector*

- 3 (1) Each elector at an election of members of an internal drainage board shall be entitled, in accordance with the following table, to one or more votes, according to the assessable value of the property in respect of which the elector is entitled to vote—

TABLE

<i>Assessable value</i>	<i>Number of votes</i>
Less than £50	1 vote
Not less than £50 but less than £100	2 votes
Not less than £100 but less than £150	3 votes
Not less than £150 but less than £200	4 votes
Not less than £200 but less than £250	5 votes
Not less than £250 but less than £500	6 votes
Not less than £500 but less than £1,000	8 votes
£1,000 or more	10 votes

- (2) In sub-paragraph (1) above, the reference to the assessable value of any land is a reference to the amount which for the purposes of any drainage rate levied at the relevant date would be the annual value of the land.
- (3) In this paragraph “the relevant date” means the date as at which the qualifications of electors is determined for the purposes of the election in accordance with rules made under paragraph 1 above.

**Modifications etc. (not altering text)**

**C2** Sch. 1 para. 3: definition applied (*temp.*) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **17(3)**

**C3** Sch. 1 para. 3(1) amended (date before 1.4.1993) (*temp.*) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **17(2)**

*Qualification for election*

- 4 (1) A person shall not be qualified for election as a member of an internal drainage board unless he is—

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

- (a) both the owner and the occupier of not less than four hectares of land in respect of which a drainage rate may be levied by the board and which is situated in the electoral district for which he is a candidate for election; or
  - (b) the occupier, whether under tenancies of year to year or otherwise, of not less than eight hectares of such land as aforesaid; or
  - (c) the occupier of land which is of an assessable value of £30 or upwards and is situated in the electoral district for which he is a candidate for election; or
  - (d) a person nominated as a candidate for election by the person (whether an individual or a body of persons) who is both the owner and the occupier of land which—
    - (i) is situated in the electoral district in question; and
    - (ii) is either of not less than four hectares in extent or of an assessable value of £30 or upwards.
- (2) A person shall not be qualified for the purposes of sub-paragraph (1) above as being an occupier of any land or, as being the owner and occupier of any land or a person nominated by the owner and occupier of any land, if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than one month.
- (3) In sub-paragraph (1) above, the reference to the assessable value of any land is a reference to the amount which for the purposes of any drainage rate levied at the relevant date would be the annual value of the land.
- (4) The preceding provisions of this paragraph shall have effect subject to the provisions of paragraph 18 of Schedule 2 to the <sup>M2</sup>Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to relevant dates falling before 1st April 1993).
- (5) In this paragraph “the relevant date” means the date as at which the qualifications of candidates for the election in question are determined in accordance with rules made under paragraph 1 above.

#### Modifications etc. (not altering text)

- C4** Sch. 1 para. 4: definition applied (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), Sch. Pt. II paras. 15(3), **18(5)**
- C5** Sch. 1 para. 4 modified (until 1993) (*temp.*) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **18(1)**
- C6** Sch. 1 para. 4(1) modified (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **18(4)**
- C7** Sch. 1 para. 4(1)(a)(c)(d) restricted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), Sch. 2 Pt. II paras. 15(3), **18(2)(3)**

#### Marginal Citations

- M2** 1991 c. 60.

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

## PART II

### MEMBERS APPOINTED BY CHARGING AUTHORITIES

#### Modifications etc. (not altering text)

- C8** Sch. 1 Pt. II 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)**

#### *Appointment of members by charging authorities*

- 5 (1) The charging authority for any area wholly or partly included in an internal drainage district may appoint a member or members of the internal drainage board having power, by virtue of regulations under the <sup>M3</sup>Local Government Finance Act 1988, to issue special levies to that authority.
- (2) In appointing a person to be a member of an internal drainage board a charging authority shall have regard to the desirability of appointing a person who—
- (a) has knowledge or experience (including knowledge of the internal drainage district in question or commercial experience) of some matter relevant to the functions of the board; and
  - (b) has shown capacity in such a matter.
- (3) This paragraph has effect subject to the restrictions on appointments which are imposed by paragraph 6 below or, as the case may require, paragraph 16 of Schedule 2 to the <sup>M4</sup>Water Consolidation (Consequential Provisions) Act 1991 (number of appointed members of internal drainage board allowed in period ending with 31st March 1993).

#### Marginal Citations

- M3** 1988 c. 41.  
**M4** 1991 c. 60.

#### *Numbers of members appointed by charging authorities*

- 6 (1) The number of appointed members of an internal drainage board—
- (a) shall be determined, in accordance with the following provisions of this paragraph, for the period 1st April 1993 to 31st March 1996 and each succeeding three-year period beginning with 1st April; and
  - (b) shall be so determined in relation to each drainage board by reference to [<sup>F1</sup>the proportion of the expenses of the drainage board to be raised from the proceeds of special levies in the first financial year in that period, determined in accordance with section 37 of this Act.].
- (2) The number of appointed members of an internal drainage board—
- (a) shall not exceed by more than one the number of other members of the board; and
  - (b) subject to paragraph (a) above, shall be such that the number of appointed members bears, as nearly as possible, the same proportion to the maximum

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

number of all the members of the board as [<sup>F2</sup>the proportion of the expenses of the board that is to be raised from the proceeds of special levies.].

- (3) If more than one charging authority is entitled to appoint members of an internal drainage board under paragraph 5 above—
- (a) each such authority may appoint the number of members of the board calculated by multiplying the maximum number of appointed members by the relevant fraction for that authority and disregarding any fraction in the resulting product; and
- (b) where in respect of the board—
- (i) any such authority has appointed a member; or
- (ii) the calculation referred in paragraph (a) above results in respect of each such authority in a product of less than one,
- the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.
- (4) For the purposes of sub-paragraph (3) above the relevant fraction, in relation to a charging authority, is the fraction [<sup>F3</sup>the fraction of the expenses of the internal drainage board that is to be raised from the proceeds of special levies in the first financial year of the relevant period referred to in sub-paragraph (1)(a) above, which is to be raised by a special levy issued to that authority.]
- (5) In this paragraph “appointed members”, in relation to an internal drainage board, means members of the board appointed by one or more charging authorities under this Part of this Schedule or, at a time before the commencement of this Act, under the corresponding provisions of the <sup>M5</sup>Internal Drainage Boards (Finance) Regulations 1990.

#### Textual Amendments

- F1** Words in Sch. 1 para. 6(1)(b) substituted (30.12.1992) by S.I. 1992/3079, reg. 4(a)
- F2** Words in Sch. 1 para. 6(2)(b) substituted (30.12.1992) by S.I. 1992/3079, reg. 4(b)
- F3** Words in Sch. 1 para. 6(4) substituted (30.12.1992) by S.I. 1992/3079, reg. 4(c)

#### Marginal Citations

- M5** S.I. 1990/72.

### PART III

#### SUPPLEMENTAL PROVISIONS WITH RESPECT TO MEMBERS

##### *Terms of office etc. of members*

- 7 (1) Subject to the following provisions of this Part of this Schedule, elected members of an internal drainage board shall come into office on 1st November next after the day on which they are elected and shall hold office for a term of three years.

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

- (2) Subject as aforesaid, the terms of appointment of a member of an internal drainage board who is appointed by one or more charging authorities shall be determined by the authority or authorities by which he is appointed.
- (3) Subject as aforesaid, the members of an internal drainage board who are appointed by the relevant Minister as first members of that board shall hold office until the end of one year from the 1st November next following the day on which they are appointed.

*Resignation etc. of elected members*

- 8 (1) An elected member of an internal drainage board may resign his office by notice given to the chairman of the board.
- (2) If an elected member of an internal drainage board is absent from meetings of the board for more than six months consecutively, he shall, unless his absence is due to illness or some other reason approved by the board, vacate his office at the end of that six months.

*Insolvency of members or candidates*

- 9 (1) A person who is an undischarged bankrupt or who has at any time within the preceding five years made a composition or arrangement with, or granted a trust deed for, his creditors shall be ineligible for election as a member of an internal drainage board and also for being a member of such a board.
- (2) If—
  - (a) an elected member of an internal drainage board is adjudged bankrupt;
  - (b) the estate of such a member is sequestrated; or
  - (c) such a member makes a composition or arrangement with, or grants a trust deed for, his creditors,
 he shall vacate his office.

*Filling casual vacancies*

- 10 (1) Subject to sub-paragraph (2) below, if for any reason whatsoever the place of an elected member of an internal drainage board becomes vacant before the end of his term of office, the vacancy shall be filled by the election by the board of a new member.
- (2) Where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.
- (3) A person elected to fill a casual vacancy shall hold office so long as the vacating member would have held office.

*Eligibility of vacating member of board*

- 11 Subject to the preceding provisions of this Schedule, a vacating member of an internal drainage board shall be eligible for re-election or re-appointment.

---

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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)*

---

*Meaning of “elected member”*

- 12       References in this Part of this Schedule to an elected member, in relation to an internal drainage board, are references to any member of that board other than a member appointed by one or more charging authorities.

**Status:**

Point in time view as at 21/09/1995.

**Changes to legislation:**

Land Drainage Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 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.