

*Status: Point in time view as at 21/09/1995.*

*Changes to legislation: Land Drainage Act 1991, Part I 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

#### 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).

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**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—

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- (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.

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