

SCHEDULES

SCHEDULE 5

Section 19.

LAND DRAINAGE

PART I

REGIONAL AND LOCAL LAND DRAINAGE COMMITTEES

Regional Land Drainage Committees

- 1 (1) Every water authority shall establish not later than 1st December 1973 or such later date as may be authorised in their case under sub-paragraph (2) below a committee, to be known as a regional land drainage committee.
- (2) The Minister may, on the application of any water authority, authorise them to establish their regional land drainage committee not later than such date after 1st December 1973, but not after 31st March 1974, as he may specify.
- (3) A regional land drainage committee shall consist of—
 - (a) a chairman and a number of other members appointed by the Minister;
 - (b) two members appointed by the water authority ; and
 - (c) a number of members appointed by or on behalf of constituent councils.
- (4) If any part of a county is in a water authority area, the council of that county shall be a constituent council for the authority's regional land drainage committee.
- (5) If any part of Greater London is in a water authority area, the council of any London borough wholly or partly within that area shall be a constituent council for the authority's regional land drainage committee.
- (6) The Greater London Council shall be a constituent council for the Thames Water Authority's regional land drainage committee.
- (7) Subject to the following provisions of this paragraph, the water authority shall determine the total number of members of their regional land drainage committee and may from time to time make a determination varying that number.
- (8) The total number of such members shall be not less than eleven and, except where an order under sub-paragraph (11) below provides otherwise, not more than seventeen.
- (9) A water authority shall submit any determination under sub-paragraph (7) above to the Minister.
- (10) Any determination that a regional land drainage committee should consist of more than seventeen members shall be provisional, and shall only take effect if the Minister makes an order under sub-paragraph (11) below.

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- (11) If the water authority submit a provisional determination to the Minister, he may by order—
- (a) confirm it; or
 - (b) substitute for the number of members determined by the water authority some other number not less than seventeen.
- (12) When the number of members of a regional land drainage committee has been fixed under this paragraph (whether on the first or any subsequent determination), the Minister shall by order specify, subject to paragraphs 3 and 15 below, the number of members to be appointed to the committee by or on behalf of constituent councils.
- (13) An order under sub-paragraph (12) above shall be so framed that the total number of members appointed under sub-paragraph (3)(a) and (b) above is one less than the number of those appointed by or on behalf of constituent councils.
- 2 (1) The chairman of a regional land drainage committee shall be one of the members of the water authority appointed to that authority by the Minister.
- (2) The remaining members appointed to such a committee by the Minister under paragraph 1(3)(a) above shall be appointed from among persons who in his opinion have had experience of, and have shown capacity in, or otherwise have special knowledge of, matters relating to land drainage or agriculture and, in particular, matters so relating which affect the area of the water authority or part of that area.
- 3 (1) In determining for the purposes of an order under paragraph 1 above the number of persons to be appointed to a regional land drainage committee by or on behalf of each constituent council, the Minister shall have regard to the appropriate penny rate product for each relevant area of that council for the relevant year; and where, having regard to the proportion which that product bears to the aggregate of the appropriate penny rate products for the relevant areas of all the constituent councils for that year—
- (a) he considers it to be inappropriate that that council should appoint a member of the committee, or
 - (b) he considers that one or more members should be appointed jointly by that council and one or more other constituent councils,
- he may by the order so provide.
- (2) Where, in accordance with sub-paragraph (1)(b) above, an order provides for the joint appointment of one or more members of a regional land drainage committee, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member or members in question shall be appointed by the Minister on behalf of those councils.
- (3) In the appointment of members of a regional land drainage committee, that committee's constituent councils or the Minister, as the case may be, shall, so far as may be practicable, select persons appearing to them or him to have a practical knowledge of land drainage or agriculture.
- (4) In this paragraph " relevant year " means, in relation to any determination, the latest financial year for which, at the time when that determination falls to be made, precepts have been issued under section 87 of the Water Resources Act 1963 (precepts by river authorities) or paragraph 11 below.

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Local Land Drainage Committees

- 4 (1) It shall be the duty of every regional land drainage committee, subject to any direction given under sub-paragraph (3) below, to submit to the water authority for their area not later than 1st January 1974 or such later date as may in their case be authorised under sub-paragraph (5) below a local land drainage scheme, and any scheme submitted under this sub-paragraph is hereafter in this Part of this Schedule referred to as an initial scheme.
- (2) In this Part of this Schedule " a local land drainage scheme " means a scheme—
- (a) for the creation in a water authority area of one or more districts to be called " local land drainage districts "; and
 - (b) for the constitution, membership, functions and procedure of a committee for each such district, to be called the " local land drainage committee " for that district.
- (3) The Minister may, on the application of any water authority, direct—
- (a) that no initial scheme is required for their area ; or
 - (b) that such a scheme is required for part of their area, but no such scheme is required for the remainder.
- (4) It shall be the duty of a water authority to send any scheme submitted to them under sub-paragraph (1) above to the Minister not later than 1st February 1974 or such later date as may in their case be authorised under sub-paragraph (5) below.
- (5) The Minister may, on the application of any water authority—
- (a) authorise their regional land drainage committee to submit an initial scheme to them not later than such date after 1st January 1974, but not later than 31st March 1974, as he may specify;
 - (b) authorise the authority to submit an initial scheme to him on such date after 1st February 1974, but not after 31st March 1974, as he may specify.
- (6) A regional land drainage committee may at any time submit to a water authority a local land drainage scheme for any part of their area for which there is then no such scheme in force.
- (7) Before submitting a scheme to a water authority under sub-paragraph (6) above, a regional land drainage committee shall consult—
- (a) the councils of counties and districts any part of which will fall within the area to which the scheme is proposed to relate, and
 - (b) such organisations representative of persons interested in land drainage or agriculture as the regional land drainage committee consider to be appropriate.
- (8) It shall be the duty of the water authority to send any scheme submitted to them under sub-paragraph (6) above to the Minister.
- (9) A local land drainage scheme may define a local land drainage district—
- (a) by reference to areas established for the purposes of functions relating to land drainage under any enactment in force immediately before the passing of this Act;
 - (b) by reference to the water authority area in which that district is situated;
 - (c) by reference to a map ;
- or partly by one of those means and partly by another or the others.

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- (10) A local land drainage scheme may contain incidental, consequential and supplementary provisions.
- (11) The Minister may approve a local land drainage scheme with or without modifications, and—
- (a) an initial scheme approved by him shall come into operation on 1st April 1974; and
 - (b) any other scheme so approved shall come into operation on a date fixed by him.
- 5 (1) Subject to sub-paragraphs (2) and (3) below, a local land drainage scheme shall provide that any local land drainage committee to which it relates shall consist of not less than eleven and not more than fifteen members.
- (2) A regional land drainage committee may include in a local land drainage scheme which they submit to the water authority a recommendation that a committee to which the scheme relates should consist of a number of members greater than fifteen ; and a scheme so submitted shall be taken to provide for the number of members of a committee if it contains a recommendation under this sub-paragraph relating to that committee.
- (3) The power conferred on the Minister by paragraph 4(11) above shall include power to direct that a committee to which a recommendation under sub-paragraph (2) above relates shall consist either of the recommended number of members or of some other number of members greater than fifteen.
- (4) A local land drainage committee shall consist of—
- (a) a chairman appointed from among their own members by the regional land drainage committee ;
 - (b) other members appointed by that committee ; and
 - (c) members appointed, in accordance with and subject to the terms of the local land drainage scheme, by or on behalf of constituent councils.
- (5) If any part of a county is in a local land drainage district, the council of that county shall be a constituent council for the local land drainage committee for that district.
- (6) If any part of Greater London is in a local land drainage district, the Greater London Council and the council of any London borough wholly or partly within that district shall each be constituent councils for the local land drainage committee for that district.
- (7) The total number of members appointed to a local land drainage committee by the regional land drainage committee shall be one less than the number of those appointed by or on behalf of constituent councils.
- (8) The members of a local land drainage committee appointed to that committee by the regional land drainage committee shall be appointed from among persons who in the opinion of the regional land drainage committee are qualified to be appointed to the local land drainage committee by their knowledge and experience of land drainage or agriculture.
- 6 (1) a regional land drainage committee may at any time submit to the water authority for their area a scheme varying a local land drainage scheme or revoking such a scheme and, if the committee think fit, replacing it with another such scheme.

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- (2) Sub-paragraphs (7) to (11) of paragraph 4 above and paragraph 5 above shall apply to a scheme under this paragraph as they apply to a local land drainage scheme which is not an initial scheme.

General

- 7 (1) Members of a regional or local land drainage committee other than those appointed by or on behalf of constituent councils shall hold and vacate office in accordance with the terms of their appointment.
- (2) The chairman of a regional land drainage committee may resign his office at any time by giving notice in writing to the chairman of the water authority and to the Minister.
- (3) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee and also to the Minister if he was appointed by him.
- (4) Section 3(12) of this Act shall apply in relation to members of a regional or local land drainage committee appointed by or on behalf of a constituent council or constituent councils as it applies in relation to members of a water authority appointed by a local authority or authorities.
- (5) Any member of a regional or local land drainage committee appointed by or on behalf of a constituent council who at the time of his appointment was a member of that council shall if he ceases to be a member of that council, cease also to be a member of the committee at the expiration of the period of three months beginning with the date when he ceases to be a member of the council or on the appointment of another person in his place, whichever first occurs ; but for the purposes of this sub-paragraph a member of a council shall not be deemed to have ceased to be a member of the council by reason of retirement if he has been re-elected a member thereof not later than the date of his retirement;
- (6) The chairman of a local land drainage committee may resign his office at any time by giving notice in writing to the chairman of the regional land drainage committee.
- (7) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee.
- (8) Paragraph 4 of Schedule 3 above shall apply in relation to members of a regional or local land drainage committee appointed by or on behalf of a constituent council or constituent councils as it applies in relation to members of a water authority appointed by a local authority or authorities, but with the substitution in sub-paragraph (2) of a reference to the resolution or scheme establishing the committee for the reference to the order establishing the authority.
- (9) A person shall, so long as he is, and for twelve months after he ceases to be, a member of a water authority's regional land drainage committee or any of their local land drainage committees, be disqualified from being appointed to any paid office by the water authority other than the office of chairman of the authority or chairman of their regional land drainage committee or one of their local land drainage committees.
- 8 (1) Paragraphs 6 to 10 and 19 of Schedule 3 above shall also apply in relation to regional and local land drainage committees and their proceedings as they apply in relation to water authorities and their proceedings, but as if paragraph 19 gave any such

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committee power to authorise the signature of documents on their behalf by an officer of the water authority.

- (2) Subsections (1) and (2), (4) to (7) and (9) of section 6 above shall apply to every regional and local land drainage committee as they apply to a water authority, but a regional land drainage committee shall not make arrangements under those provisions, as applied by this paragraph, for the discharge in a local land drainage district of any functions which fall to be discharged there by the local land drainage committee.
- (3) A water authority may not make rules with regard to the proceedings of their regional land drainage committee or any of their local land drainage committees.
- 9 (1) Subject to the following provisions of this paragraph, a person nominated by one or more constituent councils may act as deputy for a member of a regional or local land drainage committee appointed by or on behalf of that council or those councils and may accordingly (instead of that member) attend and vote at a meeting of the committee.
- (2) A person nominated under sub-paragraph (1) above as deputy for a member of a regional land drainage committee may by virtue of that nomination attend and vote at a meeting of a sub-committee of that committee (other than a meeting of a local land drainage committee) to which the member for whom he is a deputy belongs.
- (3) A person nominated under sub-paragraph (1) above as deputy for a member of a local land drainage committee may attend and vote at a meeting of a sub-committee of that committee to which the member for whom he is a deputy belongs.
- (4) A person acting as deputy for a member of a regional or local land drainage committee shall be treated for the purposes for which he is nominated as a member of that committee.
- (5) A person shall not act as deputy for a member of a regional or local land drainage committee unless his nomination has been notified to an officer of the water authority appointed to receive such nominations.
- (6) A nomination shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the nomination is revoked.
- (7) A person shall not act as deputy for more than one member of a regional or local land drainage committee.

PART II

FINANCIAL PROVISIONS FOR LAND DRAINAGE

Notional local land drainage districts

- 10 For the purposes of this Part of this Schedule and of Part III below, a water authority area in relation to which no scheme under paragraph 4 or paragraph 6 above is in force shall be treated as a single local land drainage district, and any parts of such an area in relation to which no such scheme is in force shall be treated as included in a single such district.

Precepts by water authorities

- 11 (1) For the purposes of this paragraph the aggregate amount required to be raised by precepts to local authorities by a water authority in respect of a local land drainage district for any financial year shall be ascertained as follows, that is to say—
- (a) subject to paragraph (b) below, that aggregate amount shall be an amount equal to so much of the relevant expenditure of the water authority for that financial year as is neither defrayed out of any reserve fund, replacement fund or sinking fund maintained by the authority nor defrayed out of sums received by the authority in respect of that year and that district otherwise than by virtue of this paragraph ;
 - (b) there shall also be added to (or, as the case may be, deducted from) that amount—
 - (i) any amount required to be provided in that financial year by way of new working capital;
 - (ii) any amount required to be brought forward from a previous financial year;which is required to be added or deducted in accordance with this paragraph.
- (2) Not later than the month of February immediately preceding each financial year, each water authority shall estimate the aggregate amount required to be raised for that year by precepts to local authorities in respect of each local land drainage district in their area; and the amount so estimated shall be apportioned by the water authority among the local authorities any part of whose area is comprised in a local land drainage district on the basis of the appropriate penny rate product for the relevant area for the relevant year (calculated in accordance with Part III of this Schedule).
- (3) A water authority may issue precepts to local authorities requiring payments of amounts apportioned to those authorities under sub-paragraph (2) above ; and each such authority shall pay, in accordance with any precept issued to them, the amount demanded by that precept.
- (4) If at any time during a financial year it appears to a water authority that the aggregate amount for which they have issued precepts for that year in respect of any local land drainage district will fall short of the aggregate amount required to be raised by precept by them for that year in respect of that district, they shall estimate the amount of the deficiency ; and sub-paragraphs (2) and (3) above shall have effect in relation to an amount estimated under this sub-paragraph as they have effect in relation to an amount estimated under sub-paragraph (2) above, except that the words from the beginning of sub-paragraph (2) to " financial year" shall be omitted.
- (5) Subject to sub-paragraph (6) below, the aggregate amount for which precepts in respect of a local land drainage district may be issued under this paragraph for any one financial year to a local authority shall not, unless special consent has been obtained, exceed 1.7 times the appropriate penny rate product for the relevant area of the authority for the relevant year.
- (6) Where a water authority have borrowed or propose to borrow any money under this Act, if a special resolution is passed sub-paragraph (5) above shall have effect, during the currency of the loan, as if for the reference to 1.7 times the appropriate penny rate product for any relevant area there were substituted a reference to such greater amount as may be specified in the resolution.

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- (7) In this paragraph " special consent" and " special resolution " mean respectively a consent given and a resolution passed—
- (a) in the case of a local land drainage district with a local land drainage committee, by a majority of the whole number of the local authority members of that committee ; and
 - (b) in the case of any other local land drainage district, by a majority of the whole number of those of the local authority members of the regional land drainage committee who were appointed to that committee by or on behalf of constituent councils any part of whose area is in the district.
- (8) It shall be the duty of a water authority to prepare, in such form as the Minister may direct, a statement of the purposes to which the amount demanded by any precept by the authority under this paragraph is intended to be applied, and of the basis on which it is calculated ; and a local authority shall not be liable to pay the amount demanded by any such precept until they have received such a statement.
- (9) It shall also be the duty of a water authority, as soon as practicable after the end of each financial year, to calculate the amount by which the amount demanded by any precept for that year issued under this paragraph to a local authority in respect of any relevant area exceeds, or falls short of, the amount which would have fallen to be so demanded from that authority if the apportionment under sub-paragraph (2) above had been made, in relation to each of the local authorities referred to in that sub-paragraph, on the basis of the actual penny rate product for that year for the relevant area, multiplied by the appropriate factor for that year notified to the authority with the notification of the conclusive calculation of the amount (if any) of the resources element of rate support grant payable to the authority for that year ; and—
- (a) if in any case the calculation under this sub-paragraph shows an excess, the amount of the excess shall be recoverable by the local authority from the water authority ;
 - (b) if in any case it shows a deficiency, the amount of the deficiency shall be recoverable by the water authority from the local authority.
- (10) As soon as practicable after the end of each financial year, each water authority shall ascertain the actual amount which was the aggregate amount required to be raised by precept by them for that year in respect of each local land drainage district in their area and shall determine whether, and (if so) how far, the aggregate amount for which precepts have been issued by them for that year exceeds or falls short of the amount ascertained under this sub-paragraph.
- (11) If the comparison under sub-paragraph (10) above shows an excess or a deficiency, the amount of the excess or deficiency shall be brought forward to the next financial year and (if an excess) shall be deducted, or (if a deficiency) shall be added, in ascertaining the aggregate amount required to be raised by precept by the water authority for that next financial year.
- (12) The duty imposed on water authorities by sub-paragraph (2) above shall apply in relation to the financial year beginning on 1st April 1974 as it applies in relation to any subsequent financial year; and the power of a water authority to issue precepts under sub-paragraph (3) above shall accordingly be exercisable before that day.
- (13) In this paragraph—

" the appropriate factor " means the appropriate factor as defined by regulations for the time being in force under section 5 of the Local Government Act 1966;

" the conclusive calculation " means the conclusive calculation notified under such regulations ;

" local authority " means the council of a county or a London borough;

" local authority members ", in relation to a committee, means the members of that committee appointed by, or on behalf of, constituent councils;

" relevant expenditure ", in relation to a local land drainage district, means expenditure by a water authority in the performance of land drainage functions in or for the benefit of that district;

" the relevant year " means, in relation to any precepts, the financial year for which they are to be issued.

General drainage charges

- 12 (1) For section 1 of the Land Drainage Act 1961 (general drainage charges) there shall be substituted the following sections:—

“1 Power of water authority to raise revenue by means of general drainage charges.

- (1) Subject to subsection (2) below, a water authority may raise at an amount per acre of chargeable land in a local land drainage district a charge to be known as a general drainage charge and to be levied on the occupiers of the land in accordance with the following provisions of this Part of this Act and sections 24 to 27 and 29 of the Agriculture (Miscellaneous Provisions) Act 1968.
- (2) A water authority shall not levy a general drainage charge in respect of any local land drainage district unless the regional land drainage committee for the authority's area have recommended that such a charge should be raised.
- (3) In this section and section 1A below, "local land drainage district" has the meaning assigned to it by the Water Act 1973. Amount of general drainage charge.

1A Amount of general drainage charge.

- (1) The general drainage charge raised by a water authority for a local land drainage district for any year shall be at a uniform amount per acre of chargeable land in that district, and that amount shall be ascertained, subject to subsection (2) below, by—
 - (a) dividing the aggregate amount demanded by the precepts issued by the water authority under sub-paragraphs (2) and (3) of paragraph 11 of Schedule 5 to the Water Act 1973 in respect of the year for which the charge is raised by the aggregate amount of the appropriate penny rate products on the basis of which the amount so demanded was apportioned in pursuance of the said sub-paragraph (2); and
 - (b) multiplying the quotient by one new penny and by such number as the Minister may specify by order made for the purposes of this paragraph.

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- (2) The number specified in an order made under subsection (1) above shall (apart from any adjustment made to it to take account of rough grazing land) be such as the Minister considers will secure, so far as reasonably practicable, that the aggregate amount produced by any charge levied by reference to a quotient ascertained in pursuance of subsection (1)(a) above will be equal to the aggregate amount which, if the chargeable land in the local land drainage district were liable to be rated, would be produced by a rate levied on that land at an amount in the pound (of rateable value) equal to that quotient multiplied by one new penny.
 - (3) An order under this section may be made so as to apply either to all general drainage charges or to the general drainage charges proposed to be raised in any one or more water authority areas specified in the order or in any one or more local land drainage districts situated in one or more water authority areas and there specified, and any such order applying to more than one local land drainage district may make different provision as respects the different districts to which it applies.
 - (4) In subsection (1) above "appropriate penny rate product" has the same meaning as it has for the purposes of Schedule 5 to the Water Act 1973 ; but the reference to precepts in paragraph (a) of that subsection does not include precepts issued by virtue of the application of sub-paragraph (3) of paragraph 11 of the said Schedule to amounts estimated under sub-paragraph (4) (which authorises the issue of supplementary precepts)."
- (2) In accordance with sub-paragraph (1) above section 21(1) of the Agriculture (Miscellaneous Provisions) Act 1968 (introduction of system of drainage charges on an acreage basis) shall cease to apply to general drainage charges.

PART III

CALCULATION OF APPROPRIATE PENNY RATE PRODUCT

- 13 (1) For the purposes of the application of this Schedule to any water authority area, "relevant area " means, in relation to any local authority, so much of their area as is comprised in any local land drainage district in the water authority area, and the appropriate penny rate product for each relevant area of any local authority for the relevant year shall be calculated in accordance with this paragraph.
- (2) There shall be estimated, in such manner as the Ministers may direct, the amount of the product of a rate of one new penny in the pound for each relevant area of the authority for the relevant year.
 - (3) The appropriate penny rate product for each relevant area of the authority for the relevant year shall be the product of a rate of one new penny in the pound for that area for that year as estimated in accordance with sub-paragraph (2) above, multiplied by the appropriate factor as defined by regulations for the time being in force under section 5(3) of the Local Government Act 1966 and as it was most recently estimated and notified by the Secretary of State to the local authority before the time when the calculation in accordance with this paragraph falls to be made.
 - (4) In this Part of this Schedule " local authority " has the meaning assigned to it by paragraph 11(13) above and "relevant year"—

- (a) has the meaning assigned to it by sub-paragraph (4) of paragraph 3 above in any case where the appropriate penny rate product falls to be calculated for the purposes of that paragraph ; and
- (b) has the meaning assigned to it by sub-paragraph (13) of paragraph 11 above in any case where the appropriate penny rate product falls to be calculated for the purposes of that paragraph.

PART IV

LONDON

General

- 14 Nothing in section 9 or section 19(1) above shall make any land drainage function exercisable in the London excluded area by the Thames Water Authority (in this Part of this Schedule referred to as " the water authority ") or any other water authority.
- 15 The Greater London Council shall be entitled to appoint one member of the water authority's regional land drainage committee.
- 16 (1) No part of the London excluded area shall be treated as being in the area of the water authority for the purposes of paragraph 1(5) above.
- (2) No part of the London excluded area shall be included in any local land drainage district.

Duties and powers of Greater London Council and Thames Water Authority

- 17 (1) The following provisions of this Act, namely—
section 4(5)(a) and (b);
section 8(1) to (4);
section 22; and
section 24(5) and (6) and (8) to (12).
shall have effect in relation to the land drainage functions of the Greater London Council as if that Council were a water authority and the London excluded area were their water authority area.
- (2) The Greater London Council shall send the water authority a copy of any report which sets out the results of a survey made by them under section 24(5) above, as applied by sub-paragraph (1) above, and of any programme submitted by them to the Minister under section 24(6) above as applied by that sub-paragraph.
- 18 (1) If the Greater London Council intend to carry out any works for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the water authority of any of their functions in the London excluded area, the Council shall notify the water authority in writing of their intention.
- (2) The water authority may within two months of the date of a notice under sub-paragraph (1) above require the Council to consult with them about any of the matters to which the notice relates.

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- (3) If, within a period of two months beginning with the date on which a requirement under sub-paragraph (2) above was sent by the water authority to the Council, the authority and the Council have not reached agreement as to any of the matters to which the notice relates, the authority shall notify the Ministers of that fact and the Ministers shall give directions to the Council as to any such matter.
- 19 (1) If the water authority intend—
- (a) to carry out works in their area for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions ; or
 - (b) to carry out any works in the London excluded area for the purpose of any of their functions or to exercise any of those functions in that area in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions;
- the authority shall notify the Greater London Council in writing of their intention.
- (2) The Greater London Council may within two months of the date of a notice under sub-paragraph (1) above require the water authority to consult with them about any of the matters to which the notice relates.
- (3) If, within a period of two months beginning with the date on which a requirement under sub-paragraph (2) above was sent to the water authority by the Greater London Council, the authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Council shall notify the Ministers of that fact and the Ministers shall give directions to the authority as to any such matter.
- 20 The Minister may give the Greater London Council directions, either of a general or of a particular character, as to the exercise by the Council of their land drainage functions.
- 21 Paragraphs 11 to 14 of Schedule 14 to the London Government Act 1963 shall have effect in relation to the expenses incurred by the Greater London Council in the discharge of the functions conferred on them by virtue of this Part of this Schedule as they have effect in relation to the expenses incurred by them in the discharge of the functions conferred on them by virtue of that Schedule.

Amendments of enactments relating to London excluded area

- 22 (1) The amendments specified in this paragraph shall have effect in relation to the London excluded area, and in any such amendment " the metropolitan watercourses" and " the main metropolitan watercourses" have the meanings assigned to them by paragraph 15 of Schedule 14 to the London Government Act 1963.
- (2) After section 36(3) of the Land Drainage Act 1930 (enforcement of obligations to repair) there shall be inserted the following subsection:—
- “(4) The reference in subsection (2) above to the drainage board in whose district a watercourse, bridge or drainage work is situate shall be construed—
- (a) in relation to the main metropolitan watercourses, as a reference to the Greater London Council;
 - (b) in relation to the metropolitan watercourses, as a reference to that council and the council of the London borough in which it is situate

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(or if it is situate in the City of London, or in the Inner Temple or the Middle Temple, to the Common Council of the City);
and the reference to a drainage board in subsection (3) above shall be construed accordingly.”

- (3) After section 44(9) of that Act (obstructions in watercourses) there shall be added the following subsection:—
- “(10) Any reference to a drainage board in this section shall be construed—
- (a) in relation to the main metropolitan watercourses, as a reference to the Greater London Council;
 - (b) in relation to the metropolitan watercourses, as a reference to that council and the council of the London borough in which it is situate (or if it is situate in the City of London, or in the Inner Temple or the Middle Temple, to the Common Council of the City).”
- (4) In section 34 of the Land Drainage Act 1961 (power of local authorities to undertake drainage works against flooding), after subsection (2A) (which was added to that section by paragraph 25(4) of Schedule 29 to the Local Government Act 1972) there shall be inserted the following subsections:—
- “(2B) Neither the council of a London borough nor the Common Council of the City of London shall execute any drainage works authorised by this section in connection with any watercourse, except with the consent of the Minister and in accordance with any reasonable conditions imposed by him.
- (2C) A consent required under subsection (2B) of this section shall not be unreasonably withheld and shall, if neither given nor refused within two months after application therefore is made, be deemed to have been given.
- (2D) Subsection (2B) of this section shall not apply to any work executed in an emergency, but a council executing any work excepted by this subsection shall as soon as practicable inform the Minister in writing of the execution and all the circumstances in which it was executed.
- (2E) It shall be the duty of a council to send a copy of any application to the Minister under subsection (2B) of this section to the Greater London Council”.
- 23 In Schedule 14 to the London Government Act 1963 (land drainage etc.)—
- (a) in paragraph 8, for the word " lie " there shall be substituted the words " immediately before 1st April 1974 lay "; and
 - (b) in paragraph 15(3), for the definition of the London excluded area there shall be substituted the following definition—

“" London excluded area " has the meaning assigned to it by section 38 of the Water Act 1973 ;”

and, notwithstanding anything to the contrary in any enactment or instrument, no part of any of the metropolitan watercourses (within the meaning of that Schedule) shall be or form part of a public sewer.