

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## SCHEDULES

### SCHEDULE 5

#### 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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

### *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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (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

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

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.