



Land Drainage Act 1976

1976 CHAPTER 70

PART I

INTRODUCTORY

Review of boundaries, supervision and exercise of functions in default

14 Review of boundaries of internal drainage districts

- (1) Where the boundaries of an internal drainage district have for a period exceeding 10 years been neither altered nor in pursuance of this section reviewed and a petition for their alteration is made to the water authority within whose area the district is situated by a sufficient number of qualified persons, or by a qualified authority, the water authority shall, subject to subsection (5) below, review those boundaries.
- (2) Where, in the circumstances mentioned in subsection (1) above, any such petition is received by a water authority, the water authority shall inform the Minister and, subject to subsection (5) below, shall publish in one or more newspapers circulating in the internal drainage district a notice stating that the petition has been received, that a review of the boundaries is being undertaken, and that representations may be made to the water authority within a time (which shall not be less than 30 days) stated in the notice.
- (3) In carrying out any review required by this section the water authority shall consult the drainage board of the internal drainage district (except where the water authority are that drainage board) and shall consider any representations duly made to them; and within 6 months after the petition was made or such longer time as the Minister may allow the water authority shall inform the Minister whether, as a result of the review, they propose to submit to him a scheme under section 11 above and, if so, what provision they propose to make by the scheme.
- (4) Where the water authority do not propose, as a result of the review, to submit to the Minister a scheme under section 11 above but it appears to them that an order under section 68(1) below, or an order varying or revoking such an order, should be made by the drainage board of the internal drainage district, they may direct the drainage

Status: This is the original version (as it was originally enacted).

board to make such an order in such terms as may be specified in the direction; but if the drainage board object to the direction it shall have no effect unless it is confirmed (with or without modifications) by the Minister.

- (5) This section does not require a water authority to carry out a review or publish any notice on a petition which in the opinion of the Minister is frivolous.

15 Supervision of internal drainage boards and districts

- (1) A water authority may for the purpose of securing the efficient working and maintenance of existing drainage works within the water authority area and the construction of such new drainage works as may be necessary, give such general or special directions as they consider reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.
- (2) Without prejudice to the provisions of subsection (1) above an internal drainage board shall not—
- (a) except with the consent of the water authority (which shall not be unreasonably withheld and may be given subject to reasonable conditions), construct any drainage works within the water authority area or alter any existing drainage works within that area, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other internal drainage board; or
 - (b) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into the main river except on such terms as may be agreed between the water authority and the internal drainage board or in default of agreement be determined by the Minister.
- (3) If an internal drainage board acts in contravention of subsection (2) above, the water authority shall have power themselves to execute any works and do any things which are in their opinion necessary in order to prevent or remedy any damage which may result or has resulted from the action of the internal drainage board, and shall be entitled to recover from that board the amount of any expenses reasonably incurred by them in the exercise of that power.
- (4) If any question arises under this section—
- (a) whether the consent of the water authority is unreasonably withheld; or
 - (b) whether any condition subject to which any consent of the water authority was given was reasonable; or
 - (c) whether any expenses have been reasonably incurred by the water authority in pursuance of this section;
- that question shall be referred to the Minister for decision.
- (5) Where the Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

16 Exercise by water authority of functions in default

- (1) Where, in the opinion of a water authority, any land in the water authority area is injured or likely to be injured by flooding or inadequate drainage which might be

remedied wholly or partially by the exercise of drainage powers which are vested in any internal drainage board and which either are not being exercised at all, or, in the opinion of the water authority, are not being exercised to the necessary extent, then, subject to subsection (2) below, the water authority may—

- (a) exercise all or any of those powers ; and
 - (b) exercise any power vested in the said drainage board for the purpose of defraying expenses incurred in the exercise by that board of the said powers or for any purpose incidental to the exercise of any such powers.
- (2) The water authority shall, before exercising any such powers, give to the internal drainage board in whose default they propose to exercise the powers not less than 30 days' notice in writing of their intention so to do and if, before the expiration of the period of notice, the board intimate in writing to the water authority their objection to the exercise by that authority of the powers, that authority shall not exercise the powers except with the consent of the Minister, who may, if he thinks fit, cause a public local inquiry to be held with respect to the objection.
- (3) Where in pursuance of this section a water authority is exercising the powers of an internal drainage board, any person authorised in that behalf by the water authority may, so far as is reasonably necessary for the purpose of and in connection with the exercise by the water authority of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which are in the possession of the board and relate to land drainage in the district of the board.
- (4) Any person who intentionally obstructs or impedes any person authorised as mentioned in subsection (3) above in the execution of his powers under this section shall be liable on summary conviction to a fine not exceeding £200.
- (5) A water authority may, on the application of the council of any county or London borough wholly or partly within the water authority area, direct that the power conferred by this section shall, as respects land in the area or that part of the area of the council, be exercisable by that council instead of by the water authority.
- (6) If a water authority refuses to comply with any such application, the council by which the application was made may appeal against the refusal to the Minister, and the Minister may, if he thinks fit, require the authority to comply with the application.
- (7) A water authority may, subject to the consent of the Minister, and on giving the council concerned not less than 6 months' notice of their intention so to do, revoke any direction given under subsection (5) above, without prejudice to the power of the authority to give a new direction.