

Status: Point in time view as at 25/11/2005.

Changes to legislation: Land Drainage Act 1991, SCHEDULE 5 is up to date with all changes known to be in force on or before 09 July 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 5

Section 66.

BYELAWS

Publicity for application for confirmation

- 1 (1) An internal drainage board shall, at least one month before they apply for the confirmation of any byelaw—
- (a) cause a notice of their intention to make the application to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected; and
 - (b) cause copies of the notice to be served on any public authorities who appear to them to be concerned.
- (2) For at least one month before an application is made for the confirmation of any byelaw, a copy of it shall be deposited at the offices of the relevant drainage board.
- (3) The relevant drainage board shall provide reasonable facilities for the inspection, without charge, of a byelaw deposited under sub-paragraph (2) above.
- (4) Any person on application to the relevant drainage board shall be entitled to be furnished free of charge with a printed copy of such a byelaw.

Confirmation

- 2 (1) The relevant Minister, with or without a local inquiry, may—
- (a) refuse to confirm any byelaw submitted for confirmation under this Schedule; or
 - (b) confirm any such byelaw either without or, if the relevant drainage board consent, with modifications.
- (2) The relevant drainage board shall, if so directed by the relevant Minister, cause notice of any proposed modifications to be given in accordance with his directions.

Commencement of byelaw

- 3 (1) The relevant Minister may fix the date on which any confirmed byelaw is to come into force.
- (2) If no date is fixed in relation to a byelaw under sub-paragraph (1) above, the byelaw shall come into force at the end of the period of one month beginning with the date of confirmation.

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Publicity for confirmed byelaw

- 4 (1) Any byelaw confirmed under this Schedule shall be printed and deposited at the office of the relevant drainage board and copies of it shall, at all reasonable hours, be open to public inspection without charge.
- (2) Any person, on application to the relevant drainage board, shall be entitled to be furnished with a copy of any confirmed byelaw, on payment of such reasonable sum as the relevant drainage board may determine.

Revocation of byelaw

- 5 If it appears to the relevant Minister that the revocation of a byelaw is necessary or expedient, he may, after—
- (a) giving notice to the relevant drainage board and considering any objections raised by them; and
 - (b) if required by them, holding a local inquiry,
- revoke that byelaw.

Proof of byelaws

- 6 The production of a printed copy of a byelaw purporting to be made by an internal drainage board upon which is indorsed a certificate, purporting to be signed on their behalf, stating—
- (a) that the byelaw was made by that board;
 - (b) that the copy is a true copy of the byelaw;
 - (c) that on a specified date the byelaw was confirmed; and
 - (d) the date (if any) fixed under any enactment for the coming into force of the byelaw,
- shall be prima facie evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign the certificate.

Interpretation

- 7 In this Schedule “the relevant drainage board”, in relation to a byelaw, means the internal drainage board which made the byelaw.

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