



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART III

#### POWERS TO MODIFY EXISTING OBLIGATIONS

#### **32 Variation of awards.**

- (1) Where any award made under any public or local Act contains any provision which in any manner affects or relates to the drainage of land, including any provision affecting the powers or duties of any drainage body or other person with respect to the drainage of land, the [F1appropriate agency]—
  - (a) may submit to the appropriate Minister for confirmation a scheme for revoking, varying or amending that provision; and
  - (b) shall submit such a scheme if it is directed to do so by the appropriate Minister on an application under subsection (2) below.
- (2) An application may be made to the appropriate Minister for such a direction as is mentioned in subsection (1)(b) above by any person who is under any obligation imposed by the award or by any internal drainage board.
- (3) An application under subsection (2) above shall not be entertained unless—
  - (a) the applicant has requested the [F1appropriate agency] to submit a scheme under this section; and
  - (b) the [F1appropriate agency] has either refused to do so or failed to do so within six months or has submitted a scheme different from that which was requested.
- (4) A scheme under this section with respect to any award may—
  - (a) provide for commuting, on the basis on which the obligations to which section 33 below relates are to be commuted, the obligation of any person under the award to repair or maintain any drainage works;
  - (b) contain such incidental, consequential or supplemental provisions as are necessary or proper for the purposes of the scheme;
  - (c) be revoked or varied by a subsequent scheme under this section.

*Status: Point in time view as at 15/10/2020. This version of this provision has been superseded.*

*Changes to legislation: Land Drainage Act 1991, Section 32 is up to date with all changes known to be in force on or before 30 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)*

- (5) The appropriate Minister may by order made by statutory instrument confirm any scheme submitted to him under this section, either with or without modifications.
- (6) Schedule 3 to this Act shall apply with respect to an order confirming a scheme under this section.
- (7) An order confirming a scheme under this section may contain provisions with respect to the persons by whom all or any of the expenses incurred by the appropriate Minister or other persons in connection with the making or confirmation of the order, or the making of the scheme, are to be borne.
- (8) In this section “the appropriate Minister”—
  - (a) in relation to England, means the Minister; and
  - (b) in relation to Wales, means the Secretary of State.

#### **Textual Amendments**

- F1** Words in s. 32 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 323](#) (with Sch. 7)

#### **Modifications etc. (not altering text)**

- C1** S. 32 excluded (1.6.2016) by [The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 \(S.I. 2016/547\), arts. 1, 3\(1\)\(d\)](#) (with arts. 4, 5(3))
- C2** S. 32 excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\), arts. 1, 3\(1\)\(e\)](#) (with arts. 4, 37)
- C3** S. 32 excluded (30.10.2019) by [The Northampton Gateway Rail Freight Interchange Order 2019 \(S.I. 2019/1358\), arts. 1, 45\(1\)\(b\)](#) (with art. 45(7), Sch. 13 Pt. 1 para. 19)
- C4** S. 32 excluded (25.5.2020) by [The West Midlands Rail Freight Interchange Order 2020 \(S.I. 2020/511\), arts. 1, 44\(1\)\(c\)](#) (with art. 44(8))
- C5** S. 32 excluded (15.10.2020) by [The Great Yarmouth Third River Crossing Development Consent Order 2020 \(S.I. 2020/1075\), arts. 1, 3\(1\)\(b\)](#)

**Status:**

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**Changes to legislation:**

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