



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART III

#### POWERS TO MODIFY EXISTING OBLIGATIONS

#### 33 Commutation of obligations.

- (1) Where—
  - (a) any person is under an obligation imposed on him by reason of tenure, custom, prescription or otherwise to do any work in connection with the drainage of land (whether by way of repairing banks or walls, maintaining watercourses or otherwise); and
  - (b) without prejudice to section 107(4) of the <sup>M1</sup>Water Resources Act 1991 (application of this section to main rivers), that work is otherwise than in connection with a main river,the [<sup>F1</sup> relevant authority for the area ] where the work falls to be done may commute the obligation with the consent of the appropriate Minister.
- (2) Where the [<sup>F2</sup> relevant authority proposes ] to commute any obligation to which this section applies, the [<sup>F3</sup> authority ] shall give, in such manner as the appropriate Minister may direct, notice of—
  - (a) the proposal;
  - (b) the terms on which it is to be commuted; and
  - (c) the period within which objection to the proposal may be made.
- (3) If within one month of any notice being given under subsection (2) above the person on whom the obligation is imposed gives notice to the [<sup>F4</sup> relevant authority ] of his objection to the proposal, the question whether the [<sup>F4</sup> relevant authority ] shall proceed to commute the obligation shall be referred to the appropriate Minister.
- (4) The decision of the appropriate Minister on a reference under subsection (3) above shall be final.
- (5) Nothing in this section shall apply to any obligation imposed by section 25 above.

*Status: Point in time view as at 19/07/2011. This version of this provision has been superseded.*

*Changes to legislation: Land Drainage Act 1991, Section 33 is up to date with all changes known to be in force on or before 17 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)*

- [<sup>F5</sup>(5A) In this section and section 34, references to the relevant authority for an area—
- (a) in relation to work in an area which forms part of an internal drainage district, are references to the drainage board for the district, and
  - (b) in relation to work in any other area, are references to the lead local flood authority for the area.]
- [<sup>F5</sup>(5B) “Lead local flood authority” has the meaning given by section 6 of the Flood and Water Management Act 2010.]
- (6) In this section and section 34 below “the appropriate Minister”—
- [<sup>F6</sup>(a) in relation to a lead local flood authority for an area in England, means the Secretary of State,
  - (aa) in relation to a lead local flood authority for an area in Wales, means the Welsh Ministers, and]
  - (b) in relation to an internal drainage board, means the relevant Minister.

#### Textual Amendments

- F1** Words in s. 33(1) substituted (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(2\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)
- F2** Words in s. 33(2) substituted (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(3\)\(a\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)
- F3** Word in s. 33(2) substituted (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(3\)\(b\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)
- F4** Words in s. 33(3) substituted (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(4\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)
- F5** S. 33(5A)(5B) inserted (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(5\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)
- F6** S. 33(6)(a)(aa) substituted for s. 33(6)(a) (19.7.2011 for E.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 35\(6\)](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(e)

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

- C1** Ss. 33 and 34 modified(01.12.91)by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 107\(4\)](#), 225(2).

#### Marginal Citations

- M1** 1991 c. 57.

**Status:**

Point in time view as at 19/07/2011. This version of this provision has been superseded.

**Changes to legislation:**

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