



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART IV

#### FINANCIAL PROVISIONS

#### CHAPTER I

#### PROVISION FOR THE EXPENSES OF INTERNAL DRAINAGE BOARDS

##### *Raising and apportionment of expenses*

#### **37 Apportionment of drainage expenses.**

- (1) Subject to any provision made by or under section 38 below, the following provision shall have effect with respect to the raising by a drainage board for any internal drainage district of their expenses for the financial year beginning in 1993 and each subsequent financial year, that is to say—
  - (a) the proportion of the expenses of the board which shall be raised from the proceeds of drainage rates shall be equal to the agricultural proportion, determined for that year in accordance with the following provisions of this section, of land values in that district; and
  - (b) the proportion of the expenses of the board which shall be raised from the proceeds of special levies shall be such as to raise the balance of the expenses of the board remaining after deduction of the amount to be raised for that year from the proceeds of drainage rates.
- (2) The drainage board for every internal drainage district, before 15th February 1993 and before 15th February in every subsequent year, shall determine for the financial year beginning on the following 1st April—
  - (a) the aggregate annual value of the chargeable properties in that district; and
  - (b) the aggregate value of all other land in that district;

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and the agricultural proportion for any financial year of land values in that district shall be the amount determined for that year under paragraph (a) above divided by the sum of that amount and the amount determined for that year under paragraph (b) above.

- (3) A determination made under subsection (2) above for any financial year shall be made as at the 31st December preceding that financial year.
- (4) For the purposes of this section the annual value of a chargeable property shall be its annual value for the purposes of Chapter II of this Part.
- (5) For the purposes of this section the value of other land in an internal drainage district shall <sup>[F1]</sup> be taken to be—
- (a) in the case of a hereditament shown in the local non-domestic rating list of a charging authority on 1st April 1990, one third of the relevant proportion of the rateable value shown for that hereditament in respect of that date in that list on 31st December 1992;
  - (b) in the case of domestic property shown in a valuation list on 31st March 1990, one third of the relevant proportion of the rateable value shown for it in the list on that date multiplied by a factor of 6.73;
  - (c) in the case of a hereditament which—
    - (i) is neither one to which paragraph (a) above applies nor domestic property to which paragraph (b) above applies; but
    - (ii) was shown on the 31st March 1990 in the register maintained for the drainage board for that district in accordance with the <sup>M1</sup>Registers of Drainage Boards Regulations 1968,
 

one third of the annual value shown for that hereditament in that register on that date multiplied by a factor of 8.02;
  - <sup>[F2]</sup>(d) in the case of any land which, as at 31st March 1990 was in the district but to which none of paragraphs (a) to (c) applies, and which did not then comprise agricultural land or agricultural buildings, a nil value;
  - (e) in the case of any land to which none of paragraphs (a) to (d) applies, the amount calculated by multiplying—
    - (i) the area of the land, expressed in hectares and parts of a hectare; by
    - (ii) such a unit value per hectare as represents the average value per hectare of all land to which those paragraphs do apply if the average is calculated by reference to the values determined in accordance with those paragraphs.]
- <sup>[F3]</sup>(5ZA) The Secretary of State may by regulations make provision for the value of other land in an English internal drainage district to be determined in accordance with the regulations.
- (5ZB) The provision that may be made under subsection (5ZA) includes, in particular, provision—
- (a) about methods to be applied, or factors to be taken into account, in determining the value of land;
  - (b) for the value of land to be determined on the basis of estimates, assumptions or averages;
  - (c) for the value of land to be determined by reference to such time or times as may be specified in the regulations;
  - (d) for the value of land to be determined by reference to the value shown for the time being in a list or register prepared for the purposes of another enactment;

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- (e) for determining the value of land which is only partly within the internal drainage district in question;
- (f) for the making of adjustments to what would otherwise be determined to be the value of land;
- (g) for land to be taken to have a nil value.

(5ZC) Regulations under subsection (5ZA) may apply in relation to—

- (a) English drainage boards specified in the regulations;
- (b) English drainage boards of a description specified in the regulations;
- (c) all English drainage boards.

(5ZD) Provision made by virtue of subsection (5ZC) may, in particular, include provision for an English drainage board—

- (a) to elect that the regulations are to apply to them, and
- (b) to make such an election in accordance with the procedure specified in the regulations.

(5ZE) Regulations under subsection (5ZA) may—

- (a) make different provision for different cases, including different provision in relation to different circumstances or different descriptions of English drainage board or of land;
- (b) make such incidental, supplementary, consequential, transitional, transitory or saving provision as the Secretary of State considers appropriate.

(5ZF) Provision made by virtue of subsection (5ZE)(b) may include provision which amends or repeals any provision of this Act.

(5ZG) Before making regulations under subsection (5ZA) the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate having regard to the extent to which the regulations are, in the view of the Secretary of State, likely to affect the valuation of any land.

(5ZH) Regulations may not be made under subsection (5ZA) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

(6) In paragraphs (a) and (b) of subsection (5) above—

“relevant proportion”, in relation to the rateable value of any hereditament, means the proportion of that value which the area of the part of the hereditament lying within the internal drainage district in question bears to the total area of that hereditament; and

“valuation list” means a valuation list maintained under Part V of the <sup>M2</sup>General Rate Act 1967.

#### Textual Amendments

- F1** Words in s. 37(5) inserted (29.9.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 94(2)**, 147(3) (with s. 144); [S.I. 2022/988](#), **reg. 2(a)**
- F2** [S. 37\(5\)\(d\)\(e\)](#) substituted (30.12.1992) for [s. 37\(5\)\(d\)](#) by [S.I. 1992/3079](#), **reg.3.**
- F3** [S. 37\(5ZA\)-\(5ZH\)](#) inserted (29.9.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 94(3)**, 147(3) (with s. 144); [S.I. 2022/988](#), **reg. 2(a)**

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**Marginal Citations**

**M1** S.I. 1968/1672.

**M2** 1967 c. 9.

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**Changes and effects yet to be applied to :**

- s. 37(5) words inserted by [2016 anaw 3 s. 83\(2\)\(a\)](#)
- s. 37(5) words inserted by 2016 anaw 3, s. 83(2)(a) (as substituted) by [2021 c. 30 s. 95\(2\)\(a\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(5A)-(5D) inserted by [2016 anaw 3 s. 83\(2\)\(b\)](#)
- s. 37(5A) substituted in earlier affecting provision 2016 anaw 3, s. 83(2)(b) by [2021 c. 30 s. 95\(2\)\(b\)\(i\)](#)
- s. 37(5B)(5C) words substituted in earlier affecting provision 2016 anaw 3, s. 83(2)(b) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)
- s. 37(5D)(5E) substituted in earlier affecting provision 2016 anaw 3, s. 83(2)(b) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)