



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART I

#### INTERNAL DRAINAGE BOARDS

##### *Constitution etc. of boards*

#### **5 Transfer of functions etc. back from the [<sup>F1</sup>appropriate supervisory body].**

(1) Where—

- (a) the [<sup>F2</sup>Agency] is (whether by virtue of a scheme under section 3 above or an order under section 4 above) the drainage board for an internal drainage district; and
- (b) a petition for constituting an internal drainage board for that district is made to the [<sup>F2</sup>Agency] by a sufficient number of qualified persons or by a qualified authority,

the relevant Minister may by order made by statutory instrument constitute an internal drainage board for that district and transfer to it the property and liabilities of the [<sup>F2</sup>Agency], so far as vested in or incurred by the [<sup>F2</sup>Agency] in its capacity as the drainage board for that district.

- (2) On receiving such a petition as is mentioned in subsection (1) above the [<sup>F2</sup>Agency] shall send a copy of it to the relevant Minister.
- (3) The [Agency] shall inform the relevant Minister, within six months of the date on which such a petition is received, whether in its opinion an order under subsection (1) above ought to be made.
- (4) Before making an order under subsection (1) above the relevant Minister shall consider the views expressed by the [<sup>F2</sup>Agency] in accordance with subsection (3) above.
- (5) Schedule 3 to this Act shall apply with respect to an order under this section.

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*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: Land Drainage Act 1991, Section 5 is up to date with all changes known to be in force on or before 05 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)*

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- (6) An order under this section may contain provisions with respect to the persons by whom all or any of the expenses incurred by the relevant Minister or other persons in connection with the making or confirmation of the order are to be borne.

**Textual Amendments**

- F1** Words in s. 5 heading substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 317](#) (with Sch. 7)
- F2** Words in s. 5 substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22, para. 191](#)(with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)

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