



Land Drainage Act 1991

1991 CHAPTER 59

[PART IVA

DUTIES WITH RESPECT TO THE ENVIRONMENT AND RECREATION]

^{F1}61A Duties in relation to drainage boards.

- (1) It shall be the duty of an internal drainage board, of each of the Ministers and of the [^{F2}appropriate supervisory body], in formulating or considering any proposals relating to any functions of such a board—
 - (a) so far as may be consistent—
 - (i) with the purposes of any enactment relating to the functions of such a board; and
 - (ii) in the case of the Secretary of State, with his duties under section 2 of the Water Industry Act 1991,
so to exercise any power conferred with respect to the proposals on the board, that Minister or, as the case may be, the [^{F2}appropriate supervisory body] as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest;
 - (b) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural or historic interest; and
 - (c) to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.
- (2) Subject to subsection (1) above, it shall be the duty of an internal drainage board, of each of the Ministers and of the [^{F2}appropriate supervisory body], in formulating or considering any proposals relating to any functions of such a board—
 - (a) to have regard to the desirability of preserving for the public any freedom of access to areas of woodland, mountains, moor, heath, down, cliff or foreshore and other places of natural beauty;

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- (b) to have regard to the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest; and
 - (c) to take into account any effect which the proposals would have on any such freedom of access or on the availability of any such facility.
- (3) Subsections (1) and (2) above shall apply so as to impose duties on an internal drainage board in relation to—
- (a) any proposals relating to the functions of the [^{F2}appropriate supervisory body] or of a water undertaker or sewerage undertaker;
 - (b) any proposals relating to the management, by the company holding an appointment as such an undertaker, of any land for the time being held by that company for any purpose whatever (whether or not connected with the carrying out of the functions of a water undertaker or sewerage undertaker); and
 - (c) any proposal which by virtue of section 156(7) of the Water Industry Act 1991 (disposals of protected land) falls to be treated for the purposes of section 3 of that Act as a proposal relating to the functions of a water undertaker or sewerage undertaker,
- as they apply in relation to proposals relating to the functions of an internal drainage board but as if, for that purpose, the reference in subsection (1)(a) above to enactments relating to the functions of such a board were a reference to enactments relating to that to which the proposal relates.
- (4) Subject to obtaining the consent of any navigation authority, harbour authority or conservancy authority before doing anything which causes navigation which is subject to the control of that authority to be obstructed or otherwise interfered with, it shall be the duty of an internal drainage board to take such steps as are—
- (a) reasonably practicable; and
 - (b) consistent with the purposes of the enactments relating to the functions of that board,
- for securing, so long as that board have rights to the use of water or land associated with water, that those rights are exercised so as to ensure that the water or land is made available for recreational purposes and is so made available in the best manner.
- (5) It shall be the duty of every internal drainage board, in determining what steps to take in performance of any duty imposed by virtue of subsection (4) above, to take into account the needs of persons who are chronically sick or disabled.
- (6) Nothing in this section (or any other provision of this Act) shall require recreational facilities made available by an internal drainage board to be made available free of charge.
- (7) In this section—
- “building” includes structure; and
 - “harbour authority” means a harbour authority within the meaning of the Prevention of Oil Pollution Act 1971.

Textual Amendments

F1 Ss. 61A-61E inserted (21.09.1994) by [1994 c. 25](#), ss .1, 3(2)

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F2 Words in s. 61A substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 328** (with Sch. 7)

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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\(2\)\(b\)\(ii\)](#)