



Land Drainage Act 1991

1991 CHAPTER 59

[PART IVA

DUTIES WITH RESPECT TO THE ENVIRONMENT AND RECREATION]

[^{F1}61E Codes of practice.

- (1) The Ministers may by order approve any code of practice issued (whether by them or by another person) for the purpose of—
 - (a) giving practical guidance—
 - (i) to internal drainage boards with respect to any of the matters for the purposes of which sections 61A and 61C above have effect; and
 - (ii) to local authorities with respect to any of the matters for the purposes of which sections 61B and 61C above have effect; and
 - (b) promoting what appear to the Ministers to be desirable practices by internal drainage boards or, as the case may be, local authorities with respect to those matters,

and may at any time by order approve a modification of such a code or withdraw their approval of such a code or modification.

- (2) A contravention of a code of practice as for the time being approved under this section shall not of itself—
 - (a) constitute a contravention of any requirement imposed by section 61A, 61B or 61C above; or
 - (b) give rise to any criminal or civil liability;

but each of the Ministers shall be under a duty to take into account whether there has been or is likely to be any such contravention in determining when and how he should exercise his powers in relation to an internal drainage board or local authority under this Act.

- (3) The power of the Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 20/02/1999. This version of this provision has been superseded.

Changes to legislation: Land Drainage Act 1991, Section 61E is up to date with all changes known to be in force on or before 26 May 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)

- (4) The Ministers shall not make an order under this section unless they have first consulted—
- (a) the NRA;
 - (b) the [^{F2}Countryside Agency], the Nature Conservancy Council for England and the Countryside Council for Wales;
 - (c) the Historic Buildings and Monuments Commission for England; and
 - (d) such other persons or bodies as the Ministers consider it appropriate to consult.]

Textual Amendments

F1 Ss. 61A-61E inserted (21.9.1994) by 1994 c. 25, ss. 1, 3(2)

F2 Words in s. 61E substituted (20.2.1999) by S.I. 1999/416, art. 3(d), **Sch. 1 para. 16**

Status:

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