



Land Drainage Act 1991

1991 CHAPTER 59

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Subordinate legislation

66 Powers to make byelaws.

- (1) Subject to the following provisions of this section and to any other enactment contained in this Act or the ^{M1}Water Resources Act 1991, an internal drainage board or a local authority, except (subject to subsection (8) below) [^{F1}an English county] council, may make such byelaws as they consider [^{F2}necessary—
 - (a) for securing the efficient working of any drainage system, or
 - (b) for regulating the effects of any drainage system on the environment.]
- (2) Without prejudice to the generality of subsection (1) above but subject as aforesaid, an internal drainage board or local authority, other than [^{F1}an English county] council, may, in particular, make byelaws for any of the following purposes, that is to say—
 - (a) regulating the use and preventing the improper use of any watercourses, banks or works vested in them or under their control or for preserving any such watercourses, banks or works from damage or destruction;
 - (b) regulating the opening of sluices and flood gates in connection with any such works as are mentioned in paragraph (a) above;
 - (c) preventing the obstruction of any watercourse vested in them or under their control by the discharge into it of any liquid or solid matter or by reason of any such matter being allowed to flow or fall into it;
 - (d) compelling the persons having control of any watercourse vested in the board or local authority or under their control, or of any watercourse flowing into any such watercourse, to cut the vegetable growths in or on the bank of the watercourse and, when cut, to remove them.
- (3) The powers conferred by subsections (1) and (2) above—

Status: Point in time view as at 30/03/2006. This version of this provision has been superseded.

Changes to legislation: Land Drainage Act 1991, Section 66 is up to date with all changes known to be in force on or before 03 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)

- (a) shall not be exercisable by an internal drainage board in connection with a main river, the banks of such a river or any drainage works in connection with such a river; and
 - (b) shall be exercisable by a local authority only so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding.
- (4) No byelaw for any purpose specified in subsection (2)(a) above shall be valid if it would prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes.
- (5) Byelaws made under this section shall not be valid until they are confirmed—
- (a) in the case of byelaws made by an internal drainage board, by the relevant Minister;
 - (b) in the case of byelaws made by a local authority, in relation to any area of England, by the Minister; and
 - (c) in the case of byelaws made by a local authority in relation to any area of Wales, by the Secretary of State.
- and Schedule 5 to this Act and section 236 of the ^{M2}Local Government Act 1972 (procedure for byelaws) shall have effect, respectively, in relation to byelaws made under this section by an internal drainage board and in relation to byelaws made under this section by a local authority.
- (6) If any person acts in contravention of, or fails to comply with, any byelaw made under this section he shall be guilty of an offence and liable, on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale; and
 - (b) if the contravention or failure is continued after conviction, to a further fine not exceeding £40 for every day on which the contravention or failure is so continued.
- (7) If any person acts in contravention of, or fails to comply with, any byelaw made under this section by an internal drainage board or local authority, the board or authority may, without prejudice to any proceedings under subsection (6) above—
- (a) take such action as may be necessary to remedy the effect of the contravention or failure; and
 - (b) recover the expenses reasonably incurred by them in doing so from the person in default.
- (8) For the purposes of this section—
- (a) subsections (1) and (3) of section 16 above shall apply in relation to the powers conferred by this section as they apply in relation to the powers conferred by section 14 above; and
 - (b) section 17 above shall apply in relation to the carrying out by a local authority of any drainage works authorised by subsection (7) above as it applies in relation to the carrying out of any drainage works authorised by section 14(1) above;
- but nothing in this section shall authorise the carrying out of any works in connection with a main river.
- (9) Notwithstanding anything in this Act, no byelaw made by an internal drainage board or local authority under this section shall conflict with or interfere with the operation

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of any byelaw made by a navigation authority, harbour authority or conservancy authority.

Textual Amendments

- F1** Words in s. 66(1)(2) substituted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11**, Pt. II, para. 4(11) (with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art.3**
- F2** Words in s. 66(1) substituted (30.3.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 100(3)**, 107(7)

Modifications etc. (not altering text)

- C1** S. 66 amended (5.11.1993) by 1993 c. 42, **s. 22**.

Marginal Citations

- M1** 1991 c. 57.
M2 1972 c. 70.

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