

STATUTORY INSTRUMENTS

1978 No. 319

LAND DRAINAGE

The Land Drainage Act 1976 (Amendment) Regulations 1978

Made - - - - - 28th February 1978

Laid before Parliament 10th March 1978

Coming into Operation 1st April 1978

The Minister of Agriculture, Fisheries and Food, in exercise of the powers vested in him by section 7(1), (2)(a) and (5) of the Agriculture (Miscellaneous Provisions) Act 1976(a) and of all other powers enabling him in that behalf, and after consultation with such organisations as appear to him appropriate as representing any interests concerned, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Land Drainage Act 1976 (Amendment) Regulations 1978 and shall come into operation on the 1st April 1978.

Interpretation

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendments of the Land Drainage Act 1976

3. The Land Drainage Act 1976(c) shall be amended in accordance with the provisions of the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th February 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

(a) 1976 c. 55.

(b) 1889 c. 63.

(c) 1976 c. 70.

Regulation 3

THE SCHEDULE

(Amendments of the Land Drainage Act 1976)

1. In paragraph (c) of section 30(2) (particulars to be stated in schemes for drainage of small areas), for the words “£20 for each acre” there shall be substituted the words “£50 for each hectare”.
2. In section 48(1) (raising of general drainage charges), for the word “acre” there shall be substituted the word “hectare”.
3. In section 49(1) (amount of general drainage charge), for the word “acre” there shall be substituted the word “hectare”.
4. In section 51(2) (amount of special drainage charge),—
 - (i) for the word “acre” there shall be substituted the word “hectare”; and
 - (ii) for “10p” in each place where it occurs there shall be substituted “25p”.
5. In section 52(1) (drainage charge area comprising fractions of an acre), for the word “acre” in each place where it occurs there shall be substituted the word “hectare”.
6. In section 116(1) (interpretation), in the definition of “agricultural land”, for the words “one quarter of an acre” there shall be substituted “0.10 hectare”.
7. In paragraph 1(1) in Part I of Schedule 2 (members and proceedings of internal drainage boards),—
 - (1) in sub-paragraph (a), for the words “10 acres” there shall be substituted the words “4 hectares”;
 - (2) in sub-paragraph (b), for the words “20 acres” there shall be substituted the words “8 hectares”; and
 - (3) in sub-paragraph (d), for the words “10 acres” there shall be substituted the words “4 hectares”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st April 1978, amend the Land Drainage Act 1976 (which repealed and re-enacted by way of consolidation (among other enactments) the Land Drainage Acts 1930 and 1961 and sections 21(1), 23(1) and 24(1) of the Agriculture (Miscellaneous Provisions) Act 1968) by substituting for references therein to areas expressed in imperial units references to areas expressed in metric units and consequentially amending associated monetary references.

The effect of the substitutions is as follows:—

- (a) In section 30(2)(c), the maximum amount of the permissible estimated expenses of schemes for the drainage of small areas under that section is increased slightly. The equivalent of the rate of £20 per acre is £49.42 per hectare, but this has been rounded up to £50 per hectare;
- (b) in sections 48(1) and 49(1), the substitution of a hectare as the unit of area by reference to which an amount of a general drainage charge may be raised;
- (c) in section 51(2), the substitution of a hectare as the unit of area by reference to which an amount of a special drainage charge may be raised, and slightly increasing the maximum amount that may be charged by 0.3p per hectare (the conversion of 10p per acre being 24.7p per hectare);
- (d) in section 52(1), in the calculation of the sum payable by any person by way of a drainage charge, where the area of chargeable land includes a fraction of a hectare (formerly an acre), if the fraction is less than one-half a hectare it is to be disregarded but otherwise is to be treated as one hectare;
- (e) in section 116(1), in the definition of “agricultural land”, the minimum area of land used for poultry farming which qualifies as agricultural land is slightly reduced (the conversion of $\frac{1}{4}$ acre being 0.1012 hectare);
- (f) in sub-paragraphs (a), (b) and (d) of paragraph 1(1) in Part I of Schedule 2, the effect of the substitution of “4 hectares” for “10 acres” (4.0468 hectares) in each place where it occurs and “8 hectares” for “20 acres” (8.0936 hectares) is slightly to reduce the minimum area of land which qualifies an owner or occupier, as the case may be, for election as a member of an internal drainage board.

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