



Environment (Wales) Act 2016

2016 anaw 3

PART 7

MISCELLANEOUS

Land drainage

82 Repeal of requirements to publish in local newspapers etc.

- (1) In the Land Drainage Act 1991 (c. 59), omit—
 - section 2(2A);
 - section 3(4A);
 - section 38(6A);
 - section 39(5A);
 - section 48(3A);
 - section 58(3A);
 - paragraph 1(1A) of Schedule 5.
- (2) In Schedule 9 to the Water Act 2014 (c. 21), omit paragraphs 2(3), 3(3), 4(3), 5(3), 6(3), 7(3) and 8(3).

PROSPECTIVE

83 Valuation of non-agricultural land for apportionment of drainage expenses

- (1) The Land Drainage Act 1991 (c. 59) is amended as follows.
- (2) In section 37 (apportionment of expenses of internal drainage boards)—
 - (a) in subsection (5), after “this section” insert “ as it applies in relation to England, ”;
 - (b) after subsection (5) insert—

Status: Point in time view as at 21/05/2016. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Land drainage. (See end of Document for details)

“(5A) For the purposes of this section as it applies in relation to Wales, the value of other land in an internal drainage district is to be determined in accordance with regulations made by the Welsh Ministers.

(5B) The regulations may, among other things, make provision—

- (a) about methods to be applied, or factors to be taken into account, in determining the value of land;
- (b) for the value of land to be determined on the basis of estimates, assumptions or averages;
- (c) for the value of land to be determined for the purposes of this section by reference to the value shown for the time being in a list or register prepared for the purposes of another enactment;
- (d) for determining the value of land which is only partly within the internal drainage district in question.

(5C) The regulations may—

- (a) make different provision for different cases, including different provision in relation to different circumstances or descriptions of land;
- (b) make such incidental, supplementary, consequential, transitional or saving provision as the Welsh Ministers consider appropriate.

(5D) Regulations may not be made under subsection (5A) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, the National Assembly for Wales.”

(3) In section 65(2) (regulations), after “Subject to” insert “ section 37(5D) and ”.

84 Power to make provision for appeals against special levies

(1) The Local Government Finance Act 1988 (c. 41) is amended as follows.

(2) In section 75 (special levies), after subsection (7) insert—

“(7A) Regulations made by the Welsh Ministers may include provision for appeals to be made to the Welsh Ministers from special levies issued to meet expenses incurred in the exercise of functions relating to land drainage.”

(3) In section 138 (judicial review)—

- (a) in subsection (2)(f), after “above” insert “ (subject to subsection (4)) ”;
- (b) after subsection (3) insert—

“(4) Subsection (1) does not affect appeals made by virtue of provision made in regulations under section 75(7A)”.

(4) In section 143 (orders and regulations)—

- (a) in subsection (3), after “Parliament” insert “ or, in the case of an order or regulations made by the Welsh Ministers, of the National Assembly for Wales ”;
- (b) omit subsection (4A).

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(5) In Schedule 7 to the Local Government Act 2003 (c. 26), omit paragraph 24(4).

85 Power of entry: compliance with order for cleansing ditches etc.

(1) In section 29 of the Land Drainage Act 1991 (c. 59) (effect of orders requiring cleansing of ditches etc.), after subsection (1) insert—

“(1A) Where, in the case of an order made under section 28 by the Agricultural Land Tribunal in relation to land in Wales, the Welsh Ministers, at any time after the end of three months or such longer period as may be specified in the order, have reasonable grounds for believing that any work specified in the order has not been carried out—

(a) the Welsh Ministers, or

(b) any person authorised by them, either generally or in a particular case, may, in order to ascertain whether the work has been carried out, enter any land which it is necessary to enter for that purpose.”

(2) The amendment made by subsection (1) has effect in relation to orders whenever made.

Status:

Point in time view as at 21/05/2016. This version of this cross heading contains provisions that are prospective.

Changes to legislation:

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