



# Land Drainage Act 1991

## 1991 CHAPTER 59

### PART I

#### INTERNAL DRAINAGE BOARDS

##### *Constitution etc. of boards*

### 3 Schemes for reorganisation of internal drainage districts etc.

- (1) The [F<sup>1</sup>appropriate supervisory body]—
- (a) may at any time (in consequence of a review under section 2 above or otherwise) prepare and submit to the relevant Minister for confirmation a scheme making provision for any of the matters specified in subsection (2) below; and
  - (b) shall prepare and so submit such a scheme if it is directed to do so by the relevant Minister.
- (2) The matters mentioned in subsection (1) above are—
- (a) the alteration of the boundaries of any internal drainage district;
  - (b) the amalgamation of the whole or any part of any internal drainage district with any other such district;
  - (c) the abolition as from such date as may be specified in the scheme of Commissioners of Sewers exercising jurisdiction within the area for which the [F<sup>1</sup>appropriate supervisory body] carries out functions that are flood defence functions within the meaning of the <sup>M1</sup>Water Resources Act 1991;
  - (d) the abolition or reconstitution of any internal drainage district and of the drainage board for that district;
  - (e) the constitution of new internal drainage districts;
  - (f) the constitution of internal drainage boards for all or any of the separate internal drainage districts constituted by the scheme;
  - (g) where it appears desirable so to provide in the case of any internal drainage board, the amendment of the method of constituting that board so far as is

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necessary to secure that members of the board shall include persons elected as such in accordance with the provisions for that purpose contained in section 1 above and Schedule 1 to this Act;

- (h) the making of alterations in, and the addition of supplemental provisions to, the provisions of any local Act or of any award made under any such Act, where such alterations or supplemental provisions are necessary or expedient for enabling the area for the benefit of which drainage works are authorised by the local Act or award to be drained effectually;
- (i) any matters supplemental to or consequential on the matters mentioned in paragraphs (a) to (h) above for which it appears necessary or desirable to make provision, including the transfer to the [F1appropriate supervisory body] or an internal drainage board of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the [F1appropriate supervisory body] or by the internal drainage board affected by the scheme.

(3) A scheme under this section may provide for the revocation or amendment of, and for the retransfer of property, rights, powers, duties, obligations and liabilities transferred by, any previous scheme under this section.

(4) As soon as any scheme under this section has been submitted to the relevant Minister, the [F1appropriate supervisory body] shall—

- (a) send copies of the scheme to every internal drainage board, local authority, navigation authority, harbour authority and conservancy authority affected by it; and
- (b) publish F2... a notice stating—
  - (i) that the scheme has been submitted to that Minister; and
  - (ii) that a copy of it is open to inspection at a specified place; and
  - (iii) that representations with respect to the scheme may be made to that Minister at any time within one month after the publication of the notice.

F3(4A) .....

(5) The relevant Minister may by order made by statutory instrument confirm any scheme submitted to him under this section, either with or without modifications.

(6) Schedule 3 to this Act shall apply with respect to an order confirming a scheme under this section.

(7) An order confirming a scheme under this section may contain provisions with respect to the persons by whom all or any of the expenses incurred by the relevant Minister or other persons in connection with the making or confirmation of the order, or the making of the scheme, are to be borne.

(8) Where the boundaries of an internal drainage district are altered under this section, all powers exercisable under any local Act by the drainage board for the district with respect to land included in it shall be exercisable with respect to land added to the district, except so far as provision is otherwise made by the scheme effecting the alteration or by the order confirming that scheme.

**Textual Amendments**

F1 Words in s. 3 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), [Sch. 2 para. 317](#) (with Sch. 7)

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- F2** Words in s. 3(4)(b) repealed (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 9 para. 3(2)**; S.I. 2014/1823, art. 2(b)
- F3** S. 3(4A) omitted (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), **ss. 82(1)**, 88(2)(d)
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**Marginal Citations**

- M1** 1991 c. 57.

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