



Land Drainage Act 1991

1991 CHAPTER 59

PART I

INTERNAL DRAINAGE BOARDS

General provision with respect to functions of drainage boards

- 7 Supervision of drainage boards by the [^{F1}appropriate supervisory body].**
- (1) The [^{F2}Agency] may, for the purpose of securing—
- (a) the efficient working and maintenance of existing drainage works; and
 - (b) the construction of such new drainage works as may be necessary,
- give such general or special directions as it considers reasonable for the guidance of the internal drainage boards with respect to the exercise and performance by those boards of their powers and duties as such.
- (2) Without prejudice to subsection (1) above, an internal drainage board shall not—
- (a) except with the consent of the [^{F2}Agency], construct any drainage works or alter any existing drainage works, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other drainage board; or
 - (b) otherwise than by way of maintaining an existing work, construct or alter any structure, appliance or channel for the discharge of water from their district into a main river except on such terms as may be agreed between the [^{F2}Agency] and the internal drainage board or, in default of agreement, be determined by the relevant Minister.
- (3) The consent of the [^{F2}Agency] for the purposes of subsection (2)(a) above shall not be unreasonably withheld and may be given subject to reasonable conditions.
- (4) If an internal drainage board acts in contravention of subsection (2) above, the [^{F2}Agency] shall—

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- (a) have power itself to carry out and maintain any works and do any things which are, in its opinion, necessary in order to prevent or remedy any damage which may result, or has resulted, from the action of the internal drainage board; and
 - (b) be entitled to recover from that board the amount of any expenses reasonably incurred by the [F2 Agency] in the exercise of that power.
- (5) If any question arises under this section—
- (a) whether the consent of the [F2 Agency] is unreasonably withheld;
 - (b) whether any condition subject to which any consent of the [F2 Agency] is given is reasonable; or
 - (c) whether any expenses have been reasonably incurred by the [F2 Agency] in pursuance of this section;
- that question shall be referred to the relevant Minister for decision.
- (6) Where the relevant Minister gives any decision under this section, he shall make and cause to be laid before Parliament a report giving particulars of the question referred to him and of the reasons for his decision.

Textual Amendments

- F1** Words in s. 7 heading 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)
- F2** Words in s. 7 substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 191 (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F48 Concurrent powers of [F3 Agency].

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Textual Amendments

- F3** Words in s. 8 substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 191 (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** S. 8 repealed (6.4.2012) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), **Sch. 2 para. 26** (with s. 49(1)(6)); S.I. 2012/879, art. 3(b)

9 Default powers of the [F5 appropriate supervisory body].

- (1) Subject to subsections (2) and (3) below ^{F6}..., where in the opinion of the [F7 Agency] any land is injured or likely to be injured by ^{F8}... inadequate drainage that might be remedied wholly or partially by the exercise of drainage powers vested in any internal drainage board which either—
- (a) are not being exercised at all; or
 - (b) in the opinion of the [F7 Agency], are not being exercised to the necessary extent,
- the [F7 Agency] may exercise all or any of those powers and also any power vested in that board for the purpose of defraying expenses incurred in the exercise by that board of those powers or for any purposes incidental to the exercise of those powers.

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- (2) Before exercising any powers under subsection (1) above the [F7Agency] shall give to the internal drainage board in whose default it proposes to exercise the powers not less than thirty days' notice of its intention to do so.
- (3) If, before the end of the period of notice specified under subsection (2) above, the internal drainage board in question intimate in writing to the [F7Agency] their objection to the exercise by the [F7Agency] of the powers, the [F7Agency] shall not exercise the powers except with the consent of the relevant Minister.
- (4) The relevant Minister may, if he thinks fit, cause a public local inquiry to be held with respect to an objection for the purposes of subsection (3) above.
- (5) Where in pursuance of this section the [F7Agency] is exercising the powers of the drainage board for an internal drainage district, any person authorised in that behalf by the [F7Agency] may, so far as is reasonably necessary for the purpose of, and in connection with, the exercise by the [F7Agency] of those powers, at all reasonable times inspect and take copies of any deeds, maps, books, papers or other documents which—
 - (a) are in the possession of the board; and
 - (b) relate to land drainage or the provision of flood warning systems in that district.
- (6) Any person who intentionally obstructs or impedes any person authorised as mentioned in subsection (5) above in the exercise of his powers under this section shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

Textual Amendments

- F5** Words in s. 9 heading 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)
- F6** Words in s. 9(1) omitted (6.4.2012) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), **Sch. 2 para. 27(a)** (with s. 49(1)(6)); S.I. 2012/879, art. 3(b)
- F7** Words in s. 9 substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 191 (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Words in s. 9(1) omitted (6.4.2012) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), **Sch. 2 para. 27(b)** (with s. 49(1)(6)); S.I. 2012/879, art. 3(b)

10 Exercise of default powers by local authorities.

- (1) The [F9appropriate supervisory body] may, on the application of the council of any county [F10county borough], metropolitan district or London borough, direct that the powers conferred by section 9 above on the [F9appropriate supervisory body] shall, as respects land in the area of the council, be exercisable by that council instead of by the [F9appropriate supervisory body].
- (2) If the [F9appropriate supervisory body] refuses to comply with any application under subsection (1) above, the council by which the application was made may appeal against the refusal to the relevant Minister and he may, if he thinks fit, require the [F9appropriate supervisory body] to comply with the application.
- (3) Without prejudice to the power of the [F9appropriate supervisory body] to give a new direction, the [F9appropriate supervisory body] may—
 - (a) subject to the consent of the relevant Minister; and

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- (b) on giving the council concerned not less than six months' notice of its intention to do so,
 revoke any direction given under subsection (1) above.

Textual Amendments

- F9** Words in s. 10 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)
- F10** Words inserted in s. 10(1) (1.4.1996) by 1994 c. 19, s. 22(5) Sch. 11, Pt. II, para. 4(1), (with ss. 54(5) (7), 55(5)); S.I. 1996/396, art.3

11 Arrangements between drainage authorities.

- (1) The [^{F11}Agency][^{F12}or the Natural Resources Body for Wales] may enter into an agreement with any internal drainage board for the carrying out by the board, on such terms as to payment or otherwise as may be specified in the agreement, of any work in connection with a main river which the [^{F11}Agency][^{F12}or the Natural Resources Body for Wales] is authorised to carry out.
- (2) Notwithstanding any restriction by reference to a main river of the powers conferred on the [^{F13}appropriate supervisory body] by section 165 of the ^{M1}Water Resources Act 1991, the [^{F13}appropriate supervisory body] may—
- (a) with the consent of an internal drainage board, carry out and maintain in that board's district any works which the board might carry out or maintain, on such terms as to payment or otherwise as may be agreed between the board and the [^{F13}appropriate supervisory body]; or
 - (b) agree to contribute to the expense of the carrying out or maintenance of any works by any internal drainage board.
- (3) An internal drainage board may—
- (a) with the consent of an internal drainage board for any other district, carry out and maintain in that other district any works which the first-mentioned board might carry out or maintain within their own district, on such terms as to payment or otherwise as may be agreed between the boards; or
 - (b) agree to contribute to the expense of the carrying out or maintenance of any works by the internal drainage board for any other district.
- (4) Any expense incurred by an internal drainage board under subsection (3) above shall be defrayed as if the expense had been incurred in their own district.
- [^{F14}(5) Two internal drainage boards may agree that one is to provide administrative, professional or technical services for the other.]

Textual Amendments

- F11** Words in s. 11 substituted (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22, para. 191 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F12** Words in s. 11(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 318\(2\)](#) (with Sch. 7)
- F13** Words in s. 11(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 318\(3\)](#) (with Sch. 7)

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F14 S. 11(5) added (1.10.2010) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 28](#) (with s. 49(1)(6)); S.I. 2010/2169, art. 4, Sch.

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