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 STATUTORY INSTRUMENTS
 

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1986 No. 208

**LOCAL GOVERNMENT, ENGLAND AND WALES  
LONDON GOVERNMENT**
**The Local Government Act 1985 (Land Drainage Functions)  
Order 1986**

<i>Made</i> - - - - -	10th February 1986
<i>Laid before Parliament</i>	13th February 1986
<i>Coming into Operation</i> <i>For the purposes</i> <i>referred to</i> <i>in article 1(1)(a)</i>	14th February 1986
<i>Remainder</i>	1st April 1986

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 11(2) and 101 of the Local Government Act 1985(a) as read with section 103(6) of that Act and all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation, commencement and interpretation*

1.— (1) This Order may be cited as the Local Government Act 1985 (Land Drainage Functions) Order 1986 and shall come into operation—

- (a) for the purposes of requiring the Thames Water Authority to estimate qualifying expenses and to make apportionments under section 46 of the 1976 Act for the financial year beginning with 1st April 1986 and of enabling them to issue precepts for that year under that section, on 14th February 1986;
- (b) for all other purposes, on 1st April 1986.

(2) In this Order—

“London excluded area” means (subject to paragraph (3) below), so much of Greater London and of any area adjoining Greater London as did not on 31st March 1986 lie for the purpose of the exercise of land drainage functions, within the area of any land drainage authority;

“the 1973 Act” means the Water Act 1973(b);

“the 1976 Act” means the Land Drainage Act 1976(c);

“the 1985 Act” means the Local Government Act 1985.

and any expression used in this Order which is also used in the 1976 Act has the same meaning in this Order as in that Act.

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(a) 1986 c.51.      (b) 1973 c.37.      (c) 1976 c.70.

(3) In the application of this Order, by virtue of paragraph (1) above, in relation to any time before 1st April 1986, the definition of "the London excluded area" in paragraph (2) above shall have effect as if for 31st March 1986 there were substituted 14th February 1986.

*Extension of area of the Thames Water Authority*

2.— (1) The area of the Thames Water Authority shall, for the purposes of its land drainage functions under the 1976 Act, include the London excluded area.

(2) For the purposes of the 1976 Act any watercourses indicated by red, yellow or orange lines on the map (in three parts) sealed in relation to the London Excluded Area (Designation of Watercourses) Order 1977(a) shall be deemed to be main rivers within the meaning of section 8(3) of that Act (definition of "main river"); and the said map shall in relation to those watercourses be deemed to constitute part of the main river map of the Thames Water Authority area for the purposes of Section 9 of that Act (main river maps).

*Transfer of functions*

3. The functions which are exercisable by the Greater London Council by virtue of paragraphs 4(1)(a) and 5 of Schedule 5 to the 1976 Act (functions of the Greater London Council with respect to metropolitan watercourses) which were before 1st April 1986 exercisable by the Greater London Council shall on and after that date be exercisable—

- (a) in the case of a watercourse which was a main metropolitan watercourse for the purposes of the 1976 Act immediately before 1st April 1986, by the Thames Water Authority;
- (b) in the case of any other watercourse which was a metropolitan watercourse for the purposes of the 1976 Act immediately before 1st April 1986—
  - (i) in relation to any part of that watercourse which is situated within a London borough, by the council of that borough;
  - (ii) in relation to any part of that watercourse which is situated within the City, by the Common Council;
  - (iii) in relation to any part of that watercourse which is situated within the area of a district council, by that council.

*Termination of office of members of Land Drainage Committees*

4. Notwithstanding the provisions of paragraph 3(2) of Schedule 1 to the 1976 Act (terms of office of members) any member of a regional or local land drainage committee who was appointed by a metropolitan county council or by the Greater London Council shall vacate office on 1st April 1986.

*Amendments and repeals*

5.— (1) The 1973 Act and the 1976 Act shall have effect with the

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(a) S.I. 1977/708.

amendments specified in Parts I and II, respectively, of Schedule 1 to this Order.

(2) The Thames Water Authority Constitution Order 1973(a) shall be amended as follows—

- (a) in Article 2(1) (interpretation) the definition of “the London excluded area” shall be deleted;
- (b) in Article 8 (land drainage area of the Thames Water Authority) paragraph (a) shall be deleted.

(3) The enactments mentioned in Schedule 2 to this Order are hereby repealed to the extent specified in the third column of that Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th February 1986.



*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food.

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(a) S.I. 1973/1360.

## SCHEDULE 1

Article 5

## PART I

## AMENDMENT OF THE 1973 ACT

In section 38(1) (interpretation) for the definition of "London excluded area" there shall be substituted—

"'London excluded area' has the meaning given by section 116 of the Land Drainage Act 1976;"

## PART II

## AMENDMENT OF THE 1976 ACT

1. In section 2(7) (constituent councils for the Thames Water Authority's regional land drainage committees) after paragraph (b) there shall be inserted—

"(bb) the Common Council,";

2. In section 5(8) (constituent councils for local land drainage committees) there shall be inserted after the word "district", in the second place where it occurs (and instead of the words repealed by the 1985 Act) "and the Common Council shall be a constituent council for the local land drainage committee of any local land drainage district which comprises any part of the City".

3. In section 45(3) (interpretation of provisions for apportionment and precepts) in the definition of "relevant local authorities", after the words "that district" there shall be inserted the words "and, if any part of the City is comprised in that district, the Common Council".

4. After section 104 there shall be inserted—

104A. The powers conferred by the provisions of this Act on the Common Council shall be exercisable as respects the City".

"Provision  
with respect  
to the  
Common  
Council

5. In section 116 (interpretation) for the definition of "London excluded area" there shall be substituted—

"'London excluded area' means so much of Greater London and of any area adjoining Greater London as did not on 31st March 1986 lie, for the purpose of the exercise of land drainage functions, within the area of any water authority;"

6.— (1) In paragraph 5 of Schedule 5 (extension of Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 to Lee catchment area) for the words from "and to any provision" to "Greater London Council" there shall be substituted the words "the power of the Thames Water Authority".

(2) For paragraph 7 of that Schedule there shall be substituted—

"7. The Minister may give the Thames Water Authority directions either of a general or of a particular character as to the exercise by that Authority of their land drainage functions in relation to the London excluded area."

## SCHEDULE 2

## REPEALS

Chapter	Short title	Extent of repeal
1976 c.70	The Land Drainage Act 1976	<p>In section 2(7), the words from "but" to the end.</p> <p>In section 98, in subsection (8), the words after "authority", in subsection (11), the words in brackets and in subsection (13), the words "or, as the case may be, the Minister".</p> <p>In Schedule 5, in paragraph 1, in sub-paragraph (1), the definition of "main metropolitan watercourse", and in sub-paragraph (2) the words "the Greater London Council and" and the words after "main metropolitan watercourse", in paragraph 2 the definition of "the Authority" and sub-paragraphs (b) to (f) in the definition of "local enactment", in paragraph 3, sub-paragraphs (1) and (2), in paragraph 4, sub-paragraph (1)(a), in paragraph 6 the words "(a) and" each time they occur and paragraphs 8 to 11.</p>

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order, made pursuant to the Local Government Act 1985, contains provisions relating to land drainage affecting the Greater London Council and the metropolitan counties.

The order provides for the assimilation for land drainage purposes from 1st April 1986 of the land drainage area of the Greater London Council ("the London excluded area"), into the land drainage area of the Thames Water Authority, and further provides for a number of main metropolitan watercourses in the London excluded area (shown by red, yellow or orange lines on the map sealed in relation to the London Excluded Area (Designation of Watercourses) Order 1977) to be deemed to be main rivers of that Authority for land drainage purposes (Article 2).

The order also transfers the land drainage functions of the Greater London Council derived from local enactments to the Thames Water Authority in the case of such functions relating to main metropolitan watercourses, or to the appropriate London borough council, or district council or to the Common Council of the City of London (in accordance with the location of the watercourse concerned) in the case of metropolitan watercourses (Article 3).

Subsequent articles provide for any member of a regional or local land drainage committee appointed by a metropolitan county or by the Greater London Council to vacate office on 1st April 1986 (Article 4), and for consequential amendments and repeals relating to the Water Act 1973 and the Land Drainage Act 1976 (Article 5 and Schedules 1 and 2).

The map referred to in article 2(2) of this order is available for inspection during office hours at the office of the Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE and a certified copy may be inspected during office hours at the office of the Greater London Council, Department of Public Health Engineering, Room 27, Drury House, 32 Vauxhall Bridge Road, London, SW1V 2SA, or after 31st March 1986, at the office of the Thames Water Authority, Nugent House, Vastern Road, Reading RG1 8DB.

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