1977 No. 366

LAND DRAINAGE

The Land Drainage (Election of Internal Drainage Boards) (Amendment) Regulations 1977

Printed in England by Harrison & Sons (London) Ltd., and published by Her Majesty's Stationery Office
27/21127 D.32 K16 3/77
25p net
ISBN 0 11 070366 9

STATUTORY INSTRUMENTS

1977 No. 366

LAND DRAINAGE

The Land Drainage (Election of Internal Drainage Boards) (Amendment) Regulations 1977

Made - - - -	*2nd March* 1977
Laid before Parliament	11*th March* 1977
Coming into Operation	1*st Aptil* 1977

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by sections 7(3) and 95 of the Land Drainage Act 1976**(a)** and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Land Drainage (Election of Internal Drainage Boards) (Amendment) Regulations 1977 and shall come into operation on 1st April 1977.

Interpretation

2.—(1) In these regulations "the Principal Regulations" means the Land Drainage (Election of Drainage Boards) Regulations 1938**(b)**, as amended**(c)**.

(2) The Interpretation Act 1889**(d)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Amendment of Principal Regulations

3. The Principal Regulations shall be amended as follows:—

(1) except in regulation 30, for the words "Catchment Board", "Drainage Board" and "Drainage District" wherever the same occur there shall be substituted the words "Water Authority", "Internal Drainage Board" and "Internal Drainage District" respectively;

(2) for regulation 1 there shall be substituted the following regulation:—

"1. A Water Authority or an Internal Drainage Board (subject to the approval of the Water Authority) may divide an internal drainage district into electoral districts and may determine the number of members to be elected by each such electoral district.";

(3) in regulation 2(1), for the words from "The Register" to "elector is entitled." there shall be substituted the following words:—

"The Register shall also contain the following particulars, namely,—

(*a*) a description of the property in respect of which each elector is entitled to vote, identifying property which is agricultural land or agricultural buildings;

(a) 1976 c. 70. (b) S.R. & O. 1938/558 (Rev. XI, p. 857: 1938 I, p. 1631).
(c) S.I. 1965/444 (1965 I, p. 1197). (d) 1889 c. 63.

(*b*) the value on which the property is assessable for drainage rates, specifying whether such value is rateable value or annual value; and

(*c*) the number of votes to which each elector is entitled.";

(4) in regulation 3—

(*a*) in paragraph (3), for the words from "estimated" to the end there shall be substituted the words "rateable value of the property or, if none, the annual value thereof.";

(*b*) at the end of paragraph (14) there shall be added the following:—

"and for this purpose paragraphs (1) to (13) of this Rule shall apply and have effect with the modifications necessary to make them apply to a revision of the register so that in paragraphs (1) and (2) any reference to the proposed register, and in paragraphs (2), (3), (5), (6) and (11) any reference to the register, is to be read as referring to the register as proposed to be revised, and in paragraphs (12) and (13) any reference to the register is to be read as referring to the revised register as approved.";

(*c*) after paragraph (14) there shall be added the following paragraphs:—

"(15) In relation to property in respect of which an elector is entitled to vote, the value thereof to be entered in the register pursuant to Rule 2(1) shall be its value on the first day of the month of April immediately preceding the preparation of the register, and the value thereof to be entered in the register as proposed to be revised pursuant to paragraph (14) of this Rule shall be its value on the first day of the month of April in which the register is to be revised pursuant to that paragraph.

(16) For the purpose of the election of members of the Internal Drainage Board, the number of votes to which each elector at any election is entitled shall be determined by reference to the entries in the register as approved by the Internal Drainage Board next before that election."

(5) in regulation 4, for paragraph (1) there shall be substituted the following paragraph:—

"(1) The Returning Officer shall be the Clerk of the Internal Drainage Board or, if there is no Clerk, some person nominated in writing by the Chairman of the Internal Drainage Board. If at any time, from any default of such Clerk or Chairman or from any other reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Water Authority within whose area the district of the Internal Drainage Board is situated may, on the application of any member of the Board, appoint a Returning Officer.";

(6) in regulation 7, after paragraph (9) there shall be inserted the following paragraph:—

"(9A) For the purpose of the Returning Officer's decision under paragraph (9) of this Rule whether a candidate is or is not duly qualified, the value of land referred to in sub-paragraph (1)(*c*) and (*d*) of paragraph 1 of Schedule 2 to the Land Drainage Act 1976 (as

defined in sub-paragraph (4) of that paragraph) shall be the value thereof as shown in the register of electors in respect of the Internal Drainage District or of any electoral district as last approved by the Internal Drainage Board before the election.";

(7) for regulation 26 there shall be substituted the following regulation:—

"26. The declaration of the result of the Poll shall be in Form No. 8 in the Schedule to these Rules or in a form to the like effect. The Returning Officer making the declaration shall forthwith publish the same in accordance with Rule 28 and send a copy to the Clerk of the Internal Drainage Board (if he is not the Returning Officer) and also to the Water Authority.";

(8) in the Schedule,—

(*a*) in the Forms therein, for "Land Drainage Act 1930" wherever the same occurs there shall be substituted "Land Drainage Act 1976"; and

(*b*) in Form No. 3,—

(i) for the first paragraph of the Instructions (namely, from the beginning of the paragraph to the end of the quotation from the Land Drainage Act 1930) there shall be substituted the following:—

"The Land Drainage Act 1976, Schedule 2, paragraph 1, provides that the qualification for membership of an Internal Drainage Board shall be as follows:—

"(1) A person shall not be qualified for election as a member of an internal drainage board unless he is either—

(*a*) the owner of not less than 10 acres of land in respect of which a drainage rate may be levied by the board and which is situated in the electoral district for which he is a candidate for election; or

(*b*) the occupier, whether under tenancies of year to year or otherwise, of not less than 20 acres of such land as aforesaid; or

(*c*) the owner or occupier of land which is of the value of £30 or upwards and is situated in the electoral district for which he is a candidate for election; or

(*d*) a person nominated as a candidate for election by the owner (whether the owner is an individual or a body of persons) of land which is situated in the electoral district in question, and is either of not less than 10 acres in extent or of the value of £30 or upwards.

(2) A person shall not be qualified for the purposes of sub-paragraph (1) above as being an occupier of any land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than 1 month.

(3) A person shall not be qualified for the purposes of sub-paragraph (1) above as being the owner, or a person nominated by the owner, of any land if at the date of

the election any amount demanded in respect of any owner's drainage rate levied in respect of that land remains unpaid, unless—

(*a*) the date of the election falls less than 6 months after the beginning of the period for which the rate was made, or

(*b*) the land was occupied, when the amount was demanded, by a person who, as between the owner and the occupier, was liable to pay the owner's drainage rate.

(4) In sub-paragraph (1) above, the reference to the value of land is a reference to—

(*a*) in the case of any land as respects which a drainage rate levied at the relevant date would (in accordance with section 64 [of the Act]) be assessable by reference to annual value (within the meaning of that section), that value;

(*b*) in the case of any land as respects which a drainage rate levied at the relevant date would (in accordance with section 65 [of the Act]) be assessable by reference to rateable value, the value arrived at by applying to the rateable value (within the meaning of that section) the relative fraction applied pursuant to that section (whether pursuant to subsection (2) or to subsection (3)) in respect of the last drainage rate made before the relevant date,

and in this sub-paragraph "the relevant date" means the date as at which, in accordance with rules made under section 7(3) [of the Act], the qualifications of candidates for the election in question are determined."

Under the Land Drainage (Election of Drainage Boards) Regulations 1938 as amended by the Land Drainage (Election of Internal Drainage Boards) (Amendment) Regulations 1977 the value of land for the purpose of determining whether a candidate at an election is or is not duly qualified is the value thereof on the first day of the month of April preceding the election as entered in the register of electors as approved by the internal drainage board.";

(ii) in the second paragraph of the Instructions, the word "annual" shall be omitted.

Revocation

4. The Land Drainage (Election of Drainage Boards) Amendment Regulations, 1965**(a)** are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd March 1977.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

(a) S.I. 1965/444 (1965 I, p. 1197).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, made under the Land Drainage Act 1976 (which consolidated and repealed previous enactments relating to land drainage), amend the Land Drainage (Election of Drainage Boards) Regulations 1938 which were made under the Land Drainage Act 1930 and which, by virtue of paragraph 6 of Schedule 6 to the Act of 1976, have effect as if made under sections 7(3) and 95 of that Act. The Regulations of 1938 set out rules governing the election of drainage boards.

The principal amendments effected by these Regulations reflect amendments made by the Land Drainage (Amendment) Act 1976 (which was repealed, and the provisions of which were re-enacted, by the Land Drainage Act 1976) to the provisions of the Land Drainage Act 1930 relating to the voting entitlement of electors, and the qualifications of candidates, at elections of members of internal drainage boards. Accordingly, these Regulations amend the Regulations of 1938 by—

(*a*) requiring the Register of Electors kept by each internal drainage board to record, in relation to each elector, a description of the property in respect of which he is eligible to be entered on the Register, identifying property which is agricultural land or agricultural buildings, and stating whether the property is assessable for drainage rates by reference to rateable value or annual value;

(*b*) providing that the value of such property to be entered in the Register shall be its value on the 1st day of the month of April preceding the preparation of the Register or in which the Register is to be revised and that the vote entitlement of electors at any election shall be determined by reference to the entries in the Register as approved by the Board next before that election; and

(*c*) providing that, for the purpose of the Returning Officer's decision whether a candidate is or is not duly qualified, the value (as defined in paragraph 1(4) of Schedule 2 to the Act of 1976) of the land referred to in paragraph 1(1)(*c*) and (*d*) of that Schedule) (which sets out the qualifications of candidates by reference to (inter alia) ownership or occupation of land of a value of £30 or upwards) shall be the value thereof as shown in the Register of Electors as last approved by the Board before the election.

The Regulations also amend the Regulations of 1938 so as to take account of the establishment of water authorities as successors to the former catchment boards, river boards and river authorities and of the change of designations of drainage boards and drainage districts to internal drainage boards and internal drainage districts, respectively, and clarify provisions in the Regulations of 1938 which relate to revision of the Register of Electors. The Regulations also substitute, in appropriate places, for references to the Land Drainage Act 1930 references to the Land Drainage Act 1976, make other minor consequential amendments and revoke the Land Drainage (Election of Drainage Boards) Amendment Regulations 1965.