

[Ch. 44.]

*Land Drainage  
Act, 1930.*

[20 &amp; 21 GEO. 5.]

A.D. 1930.

7TH SER.  
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 Geo. 5. c. 17.	The Local Government Act, 1929 -	In section eighty - one, the words "and "any authority, person or "body of persons having "power to "levy a drainage rate."
20 Geo. 5. c. 8.	The Land Drainage Act, 1929 -	The whole Act.

PRINTED BY COLORPRINT, LIMITED, FOR  
JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

PRICE 3s. 0d. NET

PRINTED IN GREAT BRITAIN

**Land Drainage Act, 1930.**

[20 &amp; 21 GEO. 5. CH. 44.]

F.R.S

**ARRANGEMENT OF SECTIONS.**

A.D. 1930.

**PART I.****DRAINAGE AUTHORITIES.**

Section.

1. Drainage districts and drainage boards.

**PART II.****CATCHMENT AREAS AND CONSTITUTION AND POWERS  
OF CATCHMENT BOARDS.**

2. Catchment areas.
3. Constitution of Catchment Boards and appointment of members.
4. Schemes for transfer of powers and duties to Catchment Boards and reorganisation of internal drainage boards.
5. Maps of catchment areas.
6. Powers in relation to main river.
7. Supervision of internal drainage boards and districts.
8. Power to vary awards.
9. Commutation of obligations to repair by reason of tenure, &c.
10. Exercise by Catchment Board of powers of drainage board in default.
11. Power to transfer functions of internal drainage board to Catchment Board.
12. Power of Minister to give directions with respect to the performance of duties by Catchment Boards.
13. Provisions with respect to the making and validity of orders.
14. Provision as to expenses in connection with orders under Part II.

A

i



A.D. 1930. Section.

15. Powers of Catchment Boards as to Bills in Parliament and Provisional Orders.  
16. Certain local Acts not to apply in catchment areas.

## PART III.

DRAINAGE DISTRICTS AND DRAINAGE BOARDS  
OUTSIDE CATCHMENT AREAS.

17. Constitution of drainage districts and drainage boards outside catchment areas.  
18. Provision as to petitions and procedure for making orders.  
19. Expenses in connection with orders.

## PART IV.

## FINANCIAL PROVISIONS.

20. Expenses of Catchment Board.  
21. Contributions by internal drainage board to Catchment Board, and by Catchment Board to internal drainage board.  
22. Precepts issued by Catchment Board.  
23. Expenses of county councils and county borough councils.  
24. Rating powers of drainage boards other than Catchment Boards.  
25. Drainage rates in urban areas.  
26. Operation and incidence of drainage rates.  
27. Publication of drainage rate.  
28. Amendment of rate.  
29. Meaning of "agricultural land" and of "annual value."  
30. Appeal against rates.  
31. Recovery of drainage rates.  
32. Power of local authorities to contribute to expenses of drainage works.

## PART V.

MEMBERS AND PROCEEDINGS AND POWERS OF  
DRAINAGE BOARDS.

33. Election of members and proceedings of drainage boards other than Catchment Boards.  
34. General powers of drainage boards.  
35. Maintenance of watercourses.

ii

Section.

A.D. 1930.

36. Enforcement of obligations to repair watercourses, bridges, &c.  
37. Power to commute obligations to do work.  
38. Disposal of spoil.  
39. Arrangements between drainage boards.  
40. Provision for transfer to drainage boards of powers and duties of navigation authorities.  
41. Power to vary navigation rights.  
42. Power of drainage board to levy navigation tolls in certain cases.  
43. Power of drainage board to enter and survey lands and inspect documents.  
44. Obstructions in watercourses.  
45. Power to buy, sell or exchange land.  
46. Borrowing by drainage boards.  
47. Byelaws.  
48. Appointment of officers of drainage boards.  
49. Reports by and accounts of drainage boards.

## PART VI.

POWERS OF COUNTY COUNCILS AND COUNTY  
BOROUGH COUNCILS.

50. General drainage powers of county councils and county borough councils.  
51. Powers of persons authorised by councils of county or county boroughs to enter on land.  
52. Schemes for drainage of small areas.  
53. Expenses, borrowing and power to delegate to committees.  
54. Saving of existing powers of councils.

## PART VII.

## MISCELLANEOUS AND GENERAL.

55. Contributions out of public moneys towards expenses incurred by Catchment Boards in improvement of existing works or construction of new works.  
56. Provisions as to pollution authorities for catchment areas.  
57. Power to require occupier of land to keep watercourses in order.  
58. Application to adjoining owner for leave to make drains through his lands.



A.D. 1930. Section.

59. Power of Minister to authorise landowners to execute drainage works.
60. Protection of ancient monuments.
61. Protection of public utility, water, railway and certain other undertakings.
62. Protection of fisheries.
63. Power of canal companies, &c., to divert sewers.
64. Restriction on construction of bridges over main river of catchment area.
65. Application of Act to Doncaster Drainage District.
66. Preservation of existing protection conferred by local Acts.
67. Compensation to existing officers.
68. Power to invest money on security of drainage rates.
69. Provision as to alteration of local boundaries.
70. Expenses of Minister.
71. Fees.
72. Power of Minister to hold inquiries.
73. Costs of the Minister of Health under Part VII.
74. Regulations.
75. Service of notices.
76. Provisions as to accretion of land resulting from drainage works.
77. Application of Act to Crown.
78. Provision as to London.
79. Provisions as to drainage board of Thames Catchment Area and Conservators of River Thames.
80. Provisions as to drainage board of Lee Catchment Area and Lee Conservancy Board.
81. Interpretation.
82. Effect of Act on local Acts.
83. Repeals.
84. Extent and short title.

## SCHEDULES:

First Schedule.—Catchment Areas and Boards.

Part I.—*Catchment Areas.*Part II.—*Provisions as to Members and Proceedings of Catchment Boards.*

Second Schedule.—Procedure for making and provisions as to the validity of orders.

Part I.—*General Provisions.*Part II.—*Provisions applicable to orders which are provisional if opposed.*Second Schedule—*cont.*Part III.—*Provisions with respect to the validity of orders not confirmed by Parliament.*

Third Schedule.—Drainage Boards other than Catchment Boards.

Part I.—*Provisions as to Persons to vote at the Election of Members of Drainage Boards.*Part II.—*Provisions as to Members and Proceedings of Drainage Boards.*

Fourth Schedule.—Provisions as to the Compulsory Acquisition of Land by Drainage Board.

Fifth Schedule.—Provisions with respect to Procedure in the Case of Applications for Leave to make Drains through Lands of Adjoining Owner.

Part I.—*Procedure where Adjoining Owner assents to Application.*Part II.—*Procedure where Adjoining Owner dissents.*Part III.—*Provisions as to Drains or Improvements made in pursuance of the foregoing Provisions.*

Sixth Schedule.—Appointment of Conservators of River Thames.

Seventh Schedule.—Enactments repealed.

A.D. 1930.





## CHAPTER 44.

An Act to amend and consolidate the enactments relating to the drainage of land, and for purposes in connection with such amendment.

A.D. 1930.

[1st August 1930.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

## PART I.

## DRAINAGE AUTHORITIES.

1.—(1) For the purpose of the drainage of land there shall be such drainage districts as are mentioned in this section and there shall be a drainage board for each such drainage district. Drainage districts and drainage boards.

(2) The drainage board of a drainage district shall be a body corporate with power to hold land without licence in mortmain.

(3) Subject to the provisions of this Act, a drainage board shall exercise a general supervision over all matters relating to the drainage of land within its district and shall have such other powers and perform such other duties as are conferred or imposed on drainage boards by this Act.

(4) The said drainage districts shall consist of the catchment areas constituted by or under this Act and such other drainage districts (whether within or outside



A.D. 1930.

PART I.  
—cont.  
24 and 25  
Vict. c. 133.

catchment areas) as may be so constituted, and subject to and without prejudice to the provisions of this Act, any drainage districts or drainage areas constituted under the Land Drainage Act, 1861, or under that Act as amended by any subsequent enactment, or under any other enactments relating to the drainage of land, shall be deemed for the purposes of this Act to have been constituted under this Act, and the drainage boards or drainage authorities of all such last mentioned districts or areas shall be treated for those purposes as if they had been constituted under this Act as the drainage boards of those districts or areas.

(5) The districts (other than catchment areas) to be constituted as drainage districts under this Act shall be such areas as will derive benefit or avoid danger as a result of drainage operations.

## PART II.

CATCHMENT AREAS AND CONSTITUTION AND  
POWERS OF CATCHMENT BOARDS.Catchment  
areas.

2.—(1) The areas specified in Part I of the First Schedule to this Act shall be catchment areas for the purposes of this Part of this Act.

(2) The Minister may at any time, either on the application of or after consultation with the councils of the counties and county boroughs concerned, by order under this Part of this Act direct that any areas which are not for the time being included in the said First Schedule shall be added to the said Schedule, or that any area for the time being included in the said Schedule shall be removed therefrom, or that such alterations, whether by the combination or re-grouping of catchment areas or otherwise, as the Minister may think fit, shall be made in the said Schedule, and in particular, where the natural direction of the drainage of any land has been artificially altered, an order under this subsection may be made specifying the catchment area, if any, to which the land in question is to belong.

(3) An order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) In this Act, unless the context otherwise requires, the expression "the river" in relation to a

catchment area means the river to which the drainage of the area is directed, and the expression "river" includes an arterial drain.

A.D. 1930.

PART II.  
—cont.

3.—(1) Subject to the provisions of this Act, the drainage board of a catchment area (in this Act referred to as "the Catchment Board") shall be constituted by order made by the Minister under this Part of this Act and shall consist of such number of members, not being more than thirty-one, as the Minister may determine.

Constitution  
of Catch-  
ment Boards  
and appoint-  
ment of  
members.

(2) The members of a Catchment Board shall be appointed as follows—

- (a) one member shall be appointed by the Minister:
- (b) such number, not being less than two-thirds of the remaining members, as the Minister may determine shall be appointed, whether from their own members or not, by the councils of the counties and of the county boroughs whose area, or any part of whose area, is situate within the catchment area:
- (c) the residue of the members to be appointed shall be persons appointed by the Minister, after consultation with, and after taking into consideration nominations by, the internal drainage boards whose districts are within the catchment area, to represent those boards and that portion, if any, of the catchment area for which drainage boards might be, but have not been, constituted under this Act.

The councils of counties and county boroughs and the Minister in making appointments under this subsection shall have regard to the desirability of including, as far as practicable, among the members appointed by them persons having a practical knowledge of land drainage, and the councils of counties in making such appointments shall secure that adequate representation is given to the urban districts within the catchment area, having regard to the relative rateable values of the urban and rural districts therein.

(3) As respects the members of a Catchment Board to be appointed by councils of counties and of county boroughs, the number to be appointed severally by each of the said councils shall be such as the Minister may determine, having regard to the estimated amounts



A.D. 1930. of the contributions to be made by those councils respectively towards the expenses of the Board:  
PART II.  
—cont.

Provided that—

- (a) the number of the members of a Catchment Board to be appointed by the councils of county boroughs shall not in any case exceed one half of the aggregate number of the members to be appointed by the councils of counties and county boroughs; and
- (b) pending the estimation of the said amounts, the Minister may make a provisional determination of the number of the members of the Catchment Board to be appointed severally as aforesaid.
- (4) The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the members and proceedings of Catchment Boards.
- (5) The Minister shall as soon as may be after the passing of this Act take such steps as are necessary for constituting in accordance with the provisions of this section Catchment Boards for the catchment areas specified in Part I of the First Schedule to this Act.

#### 4.—(1) Every Catchment Board—

- (a) shall as soon as may be after it has been constituted prepare and not later than such date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, submit to him for confirmation a scheme making provision—

(i) for the transfer to the Catchment Board of all such rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river as were immediately before the commencement of this Act vested in or to be discharged by any drainage authority, and of any property held by the authority for the purpose of, or in connection with, any functions so transferred; and

(ii) for any matters supplemental to or consequential on the transfer aforesaid; and

- (b) shall within a further period expiring on such later date as may be appointed by the Minister for the purposes of this provision, either generally or in relation to a particular Catchment Board, prepare and submit to him for confirmation a further scheme or further schemes making provision for the following matters:—

(i) the alteration of the boundaries of any internal drainage district:

(ii) the amalgamation of the whole or any part of any internal drainage district with any other such district:

(iii) the abolition as from such date as may be specified in the scheme of all Commissioners of Sewers exercising jurisdiction within the catchment area or, in the case of Commissioners of Sewers who exercise jurisdiction partly within and partly without the catchment area, the abrogation of the powers of those Commissioners within the catchment area:

(iv) the abolition or reconstitution of any internal drainage district and of the drainage board thereof:

(v) the constitution of new internal drainage districts within the catchment area:

(vi) the constitution of drainage boards for all or any of the separate drainage districts constituted by the scheme:

(vii) where it appears desirable so to provide in the case of any existing drainage board, the amendment of the method of constituting that board so far as is necessary to secure that the members of the board shall be persons elected as such members in accordance with the provisions in that behalf contained in Part V of this Act:

A.D. 1930.

PART II.  
—cont.

Schemes for transfer of powers and duties to Catchment Boards and reorganisation of internal drainage boards.



A.D. 1930.

PART II.  
—cont.

(viii) 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:

(ix) any matters supplemental to or consequential on the matters aforesaid for which it appears necessary or desirable to make provision, including the transfer to new drainage boards of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the Catchment Board or internal drainage boards affected by the scheme.

(2) As soon as any such scheme has been submitted to the Minister, the Catchment Board shall send copies thereof to the council of every county, county borough and county district and every drainage board, navigation authority, harbour authority and conservancy authority affected thereby and shall publish in one or more newspapers circulating in the area affected by the scheme a notice stating that the scheme has been submitted to the Minister and that a copy thereof is open to inspection at a specified place, and that representations with respect to the scheme may be made to the Minister at any time within one month after the publication of the notice.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order confirming a scheme under paragraph (b) of subsection (1) of this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

(4) A scheme under the said paragraph (b) 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.

5.—(1) It shall be the duty of the Minister as soon as may be to cause to be prepared, in relation to

A.D. 1930.

PART II.  
—cont.

each catchment area, a map determining the extent of the catchment area and showing by some distinctive colour that part of the channel of the river which is to be treated as the main river for the purposes of this Part of this Act and the watercourses which are for those purposes to be deemed to be part of the main river.

As soon as a map of a catchment area has been prepared the Minister shall cause to be published, in one or more newspapers circulating in the area, a notice stating that the map has been prepared and specifying the place at which a copy of the map may be inspected and the time, not being less than one month, within which and the manner in which objections thereto may be made.

(2) On the expiration of the time within which objections may be made as aforesaid, the Minister shall, if no objections have been made, forthwith approve the map as prepared and, if any objections have been made, shall take those objections into consideration and after so doing proceed to approve the map, either as prepared or with such variations as he thinks proper.

(3) The Minister may at any time, on the application of the Catchment Board and after giving notice of his intention so to do in such manner as he thinks best adapted for informing persons affected and after considering any objections made to him, vary the map of the catchment area so far as relates to the extent of the main river.

(4) The map of any catchment area as approved or as varied in accordance with the provisions of this section shall be conclusive evidence for all purposes as to the extent of the catchment area and as to what is the main river.

(5) A map in force under this section shall for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister.

(6) The Minister shall, so soon as may be after the constitution of a Catchment Board, supply to the Catchment Board a copy of the map of the catchment area as approved by him, and if at any time thereafter he varies the map he shall supply to that board a copy of the map as varied.



A.D. 1930.

PART II.  
—cont.Powers in  
relation to  
main river.

6.—(1) The powers conferred by this Act on drainage boards shall, so far as concerns the main river, including the banks thereof, and drainage works in connection with the main river, be exercisable solely by the Catchment Board.

(2) Where a catchment area abuts on the sea or on any estuary, the Catchment Board of that area may construct all such works and do all such things in the sea or in that estuary as may, in their opinion, be necessary to secure an adequate outfall for the main river.

(3) If the main river or any part thereof is at the commencement of this Act vested in any other drainage authority, it shall, by virtue of this Act, vest in the Catchment Board.

(4) A Catchment Board may enter into an agreement with the council of any <sup>county, county borough or urban district</sup> borough or urban district or with any navigation authority for the carrying out by the council or authority, on such terms as to payment and otherwise as may be specified in the agreement, of any work in connection with the main river which the Catchment Board are authorised to carry out, and may enter into

<sup>a like agreement with any internal drainage board, and any such agreement with an internal</sup> (5) If any question arises under this section whether any work is, or whether any proposed work will if constructed be, a drainage work in connection with the main river, the question shall be referred to the Minister for decision, or, if either of the parties so requires, to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

7.—(1) A Catchment Board shall exercise a general supervision with respect to the drainage of the catchment area, and may for the purpose of securing the efficient working and maintenance of existing drainage works within the catchment area and the construction of such new drainage works as may be necessary, give such general or special directions as they consider 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 the provisions of subsection (1) of this section, an internal drainage board shall not—

(a) except with the consent (not to be unreasonably withheld) of the Catchment Board, construct

Supervision  
of internal  
drainage  
boards and  
districts.

A.D. 1930.

PART II.  
—cont.

any drainage works within the catchment area or alter any existing drainage works within that area, if the construction or alteration will in any way affect the interests of, or the working of any drainage works belonging to, any other internal 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 the main river except on such terms as may be agreed between the Catchment Board and the internal drainage board or in default of agreement be determined by the Minister:

Provided that nothing in this subsection shall apply to any work whether of construction or alteration which has been begun before the commencement of this Act.

(3) If an internal drainage board acts in contravention of the last foregoing subsection, the Catchment Board shall have power themselves to execute any works and do any things which are in their 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 shall be entitled to recover from that board summarily as a civil debt the amount of any expenses reasonably incurred by them in the exercise of the said power.

(4) If any question arises under this section—

- (a) whether the consent of the Catchment Board is unreasonably withheld; or  
(b) whether any expenses have been reasonably incurred by the Catchment Board in pursuance of this section; or  
(c) whether any work was begun before the commencement of this Act;

that question shall be referred to the Minister for decision.

(5) Where the 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.

8.—(1) Where any award made under any public or local Act contains any provision which in any manner

Power  
to vary  
awards.

1961/20



A.D. 1930.  
PART II.  
—cont.

affects or relates to land drainage in a catchment area (including any provision affecting the powers or duties of any drainage authority or other person with respect to land drainage in the catchment area) the Catchment Board may submit to the Minister for confirmation a scheme for revoking, varying or amending that provision.

(2) A scheme under this section with respect to any award may—

(a) provide for commuting on the basis on which the obligations to which the next following section of this Act relates are to be commuted, the obligation of any person under the award to repair or maintain any drainage works;

(b) contain such incidental, consequential or supplemental provisions as are necessary or proper for the purpose of the scheme;

(c) be revoked or varied by a subsequent scheme submitted by the Catchment Board and confirmed in manner aforesaid.

(3) The Minister may by order under this Part of this Act confirm any scheme so submitted, either with or without modifications:

Provided that an order under this section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament.

Commuta-  
tion of  
obligations  
to repair by  
reason of  
tenure, &c.

9.—(1) It shall be the duty of every Catchment Board to take steps for the commutation of all obligations imposed on persons by reason of tenure, custom, prescription or otherwise, to do any work (whether by way of repairing of banks, maintaining of watercourses or otherwise) in connection with the main river.

(2) It shall be the duty of the Catchment Board to give, in such manner as the Minister may direct, notice of any proposal to commute any obligation to which this section applies, the terms on which it is to be commuted and of the time within which objection to the proposal may be made, and if within one month after such notice as aforesaid has been given the person on whom the obligation is imposed gives notice to the Board of his objection to the proposal, the question

whether the Board shall proceed to commute the obligation shall be referred to the Minister, whose decision thereon shall be final.

(3) Any capital sum or terminable annuity fixed under this section shall, notwithstanding any agreement to the contrary between the owner and any lessee of the land, be payable by the owner.

(4) Where any obligation is commuted under this section, any person who would, but for the commutation, be entitled to any exemption in respect of drainage rates, either absolutely as being the person subject to the obligation or conditionally on performance of the obligation, shall be entitled absolutely to a like exemption.

(5) The sum to be paid in respect of the commutation of any such obligation shall be such sum as the Catchment Board may in accordance with the provisions of the next following subsection by order determine, and the sum so determined shall be payable by way either of a capital sum or of a terminable annuity for a period not exceeding thirty years, at the option of the owner, and shall be charged on the land in respect of which the obligation existed, and shall have priority over any other incumbrances charged on that land by the owner thereof, whether before or after the passing of this Act, other than charges under the Lands Improvement Act, 1864, whether created before or after the charge under this subsection.

(6) For the purpose of determining the sum to be paid in respect of the commutation of any obligation, the Catchment Board shall ascertain the amount which, in their opinion, fairly represents the probable average annual cost, taking one year with another, of executing and maintaining in a due state of efficiency the works which are required to be executed and maintained by virtue of the obligation to be commuted, and the Catchment Board shall fix the capital sum or terminable annuity to be paid in respect of the commutation accordingly:

Provided that, in fixing the said capital sum or terminable annuity no account shall be taken of so much of the probable annual average cost as is in the opinion of the Catchment Board attributable to the fact that, by reason of improvements effected since the first day of January, nineteen hundred, in the drainage of the land

A.D. 1930.

PART II.  
—cont.