PART III

1947, shall include such services to the owner or occupier of any land as may enable him to carry out any work which he is authorised to carry out by an order under this Part of this Act.

Supplementary provisions as to powers of entry and compensation.

49.—(1) A person entitled under the provisions of this Part of this Act to enter any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it.

(2) Before entering any land under the powers conferred by this Part of this Act the person entering it shall give not less than seven days' notice in writing to the occupier of the land.

(3) Where any person sustains any injury by reason of the exercise of any power conferred by this Part of this Act then, unless the power was exercised in or for the purpose of the execution of any work which he was required to do by an order under this Part of this Act, the person exercising the power shall be liable to make full compensation to him, and in the case of dispute the amount of the compensation shall be determined by the Lands Tribunal.

PART IV

SUPPLEMENTARY PROVISIONS

Provisions as to catchment boards.

50.—(1) The provisions of this Act (including the provisions inserted by this Act in the Act of 1930) shall apply to the Conservators of the River Thames and to the Lee Conservancy Catchment Board as if they were river boards and their catchment areas were river board areas, subject to the modification that for the references to the provisions of the River Boards Act, 1948, specified in the first column of the following Table there shall be substituted respectively references to the provisions of the Act of 1930 specified in the second column of that Table:

Table

Provisions of River Boards Act, 1948:	Corresponding provisions of Land Drainage Act, 1930:
Section 6	Section 5
Section 10	Section 22
Section 13	Section 45

and for the references to subsection (2) of section two of, and paragraph 3 of the Second Schedule to, the said Act of 1948 there shall be substituted references to Part II of the Thames Conservancy Act, 1950, and Part II of the Thames Conservancy Act, 1959, or Part II of the Lee Conservancy Catchment Board Act, 1950, as the case may require.

(2) In paragraph (4) of section nine of the Lee Conservancy Catchment Board Act, 1950 (which disqualifies a person for

PART IV

continuing as a member of the Board if, without good reason, he is absent from meetings of the Board for more than six months), after the word "Board", where it first occurs, there shall be inserted the words " and of any committee of the Board of which he is a member ".

(3) The approval of the Minister shall not be required for the making of rules by the Board under section four of the Lee Conservancy Catchment Board Act, 1936 (which enables the Board to regulate its proceedings).

Application to Crown.

51. In section seventy-seven of the Act of 1930 (which provides for the application, subject to certain modifications, of that Act to land belonging to Her Majesty or a government department) references to that Act shall be construed as including references to this Act and references to drainage rates as including references to drainage charges raised under Part I of this Act.

Interpretation.

52.—(1) In this Act—

" the Act of 1930 " means the Land Drainage Act, 1930;

" ditch " includes a culverted and a piped ditch but does not include a watercourse vested in or under the control of a drainage authority;

" qualified authority ", in relation to an internal drainage district, means an authority in whose case an agreement made with the drainage board of the district under section twenty-five of this Act is in force.

(2) The persons who are qualified under any provision of this Act to make a petition or appeal in relation to an internal drainage district are the owners and occupiers of any land in the district in respect of which a drainage rate is levied; and the number of qualified persons making such a petition or appeal shall be sufficient if, and not unless,—

(*a*) they are not less than forty; or

(*b*) they are not less than one-fifth of the number of persons who are qualified to make the petition or appeal; or

(*c*) the annual value for the purposes of the last drainage rate levied in the district of all the land in respect of which they are qualified persons is not less than one-fifth of the annual value of all the land in respect of which that rate was levied;

but in relation to a district divided into sub-districts the persons qualified to make a petition under section twenty-six of this Act as being the owners or occupiers of land in one of the sub-districts shall also be sufficient in any case where the condition of paragraph (*b*) or paragraph (*c*) of this subsection would be satisfied if the sub-district were an internal drainage district.

PART IV

In relation to land assessed in accordance with subsection (4) of section twenty-two of this Act the references in paragraph (*c*) of this subsection to annual value shall be construed as referring to rateable value or net annual value, as the case may require.

(3) References in this Act to the execution or carrying out of drainage works include, except where the context otherwise requires, references to the improvement and maintenance of drainage works; and references in this Act to expenses of drainage works are references to expenses incurred in the construction, improvement or maintenance of drainage works.

(4) Subject to the foregoing provisions of this section, any expressions used in this Act and in the Act of 1930 have the same meanings in this Act as in that Act.

(5) References in this Act to any enactment are references thereto as amended or modified by or under any other enactment, including, except where the context otherwise requires, this Act.

Expenses.

53. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.

Short title, repeals and extent.

54.—(1) This Act may be cited as the Land Drainage Act, 1961.

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

(3) This Act does not extend to Scotland or to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 32 & 33.

MINOR AMENDMENTS

PART I

The Land Drainage Act, 1930

1. In sub-paragraph (ix) of paragraph (*b*) of subsection (1) of section four (which enables a scheme under that section to provide, among other matters, for the transfer of rights and liabilities to new drainage boards) the word "new" shall be omitted.

2. In subsection (4) of section six (which enables a river board to enter into agreements with certain authorities for the carrying out by those authorities of work in connection with the main river which the river board are authorised to do) for the words "borough or urban district" there shall be substituted the words "county, county borough or county district", and at the end of the subsection there shall be added the words "and may enter into a like agreement with any internal drainage board, and any such agreement with an internal drainage board may extend to work outside the internal drainage district but not within any other internal drainage district.".

3. Any consent required under paragraph (*a*) of subsection (2) of section seven (which relates to the carrying out by an internal drainage board of works affecting the interests of another internal drainage board) may be given subject to reasonable conditions; and subsection (4) of the section (which provides for certain questions arising under that section to be referred to the Minister for decision) shall have effect as if the questions mentioned therein included the question whether any condition subject to which any such consent was given was reasonable.

4.—(1) In paragraph (*b*) of subsection (1) of section twenty (which provides for the apportionment of expenses of a catchment board among the councils of the several counties and county boroughs wholly or partly included in the catchment area on the basis of the total of the rateable values of hereditaments in that area) for the words from "on the basis" to the end of the paragraph there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the catchment area".

(2) In subsection (4) of that section (which requires councils of counties and county boroughs to supply statements of the totals of rateable values of hereditaments in a catchment area) for the words "the totals of the rateable values of all such hereditaments in the respective areas of those councils as are" there shall be substituted the words "the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is".

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5. At the end of paragraph (*c*) of subsection (4) of section twenty-six (under which an occupier who has paid an owner's drainage rate may recover the amount paid by him from the owner) there shall be added the words " and may deduct that amount from any rent payable by him to the owner ".

6. After subsection (4) of section twenty-six there shall be inserted the following subsection:—

" (4A) A drainage board may require the owner of any hereditament in the district in respect of which a drainage rate is levied to state in writing the name and address of any person known to him as being an occupier of that hereditament; and if the owner fails to comply with the requirement or knowingly makes a false statement in respect of the information required, he shall be liable on summary conviction to a fine not exceeding five pounds ".

7. At the end of section twenty-eight (which provides for the amendment of drainage rates) there shall be added the following subsection:—

" (3) Where in pursuance of this section a drainage rate has been amended, any amount overpaid shall be repaid or allowed and any amount underpaid may be recovered as if it were arrears of the rate."

8. At the end of subsection (2) of section twenty-nine (which requires drainage boards to determine the annual value of land not assessed to income tax under Schedule A) there shall be added the words " having regard to the annual values, for the purposes of income tax under Schedule A, of comparable land in their district, other than those which have been ascertained by reference to rents fixed by agreements commencing after the end of March, nineteen hundred and forty-six ".

9. In subsection (3) of section twenty-nine the words " whose decision shall be final " shall be omitted.

10. In subsection (4) of section twenty-nine (which enables drainage boards to obtain from surveyors of taxes particulars required for the purposes of drainage rates) for the words " on payment at a rate not exceeding five shillings for every hundred entries numbered separately " there shall be substituted the words " on payment at such rate as the Treasury may determine ".

11. For subsection (2) of section thirty-one (which enables a drainage board to authorise their clerk to institute, carry on or defend proceedings in relation to drainage rates) there shall be substituted the following subsection :—

" (2) A drainage board may by resolution authorise any member or officer of the board, either generally or in respect of particular proceedings, to institute or defend on their behalf proceedings in relation to a drainage rate or to appear on their behalf, notwithstanding that he is not qualified to act as a solicitor, in any proceedings before a court of summary jurisdiction for the issue of a warrant of distress for failure to pay a drainage rate."

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12. For subsection (1) of section thirty-two (which enables a local authority to contribute, in certain circumstances, to the expenses of drainage works) there shall be substituted the following subsection:—

" (1) A local authority may contribute, or undertake to contribute, to the expenses of the execution or maintenance of any drainage works by a drainage authority such an amount as, having regard to the public benefit to be derived therefrom, appears to the local authority to be proper."

13. In subsection (1) of section thirty-four, in paragraph (*b*) (which empowers a drainage board to remove mill dams, weirs, or other obstructions to watercourses) after the word " remove " there shall be inserted the words " or alter ".

14. In subsection (3) of section thirty-four (which provides for compensation to persons injured in the exercise of powers under that section) for the words from " shall be determined " to the end of the subsection there shall be substituted the words " shall be determined by the Lands Tribunal ".

15. In section thirty-nine (which enables arrangements to be made between the drainage boards of adjoining drainage districts for the execution and maintenance of drainage works, but does not extend to river boards) the words " not being a catchment area " shall be omitted in both places where they occur.

16. In subsection (1) of section forty-three (which confers on persons authorised by drainage boards power to enter and survey land and to inspect documents) the words " within the drainage district " in paragraph (*a*) and the words " in the drainage district " in paragraph (*b*) shall be omitted.

17.—(1) Section forty-four (which prohibits the erection, without the consent of the drainage board, of any mill dam, weir or other like obstruction to the flow of any watercourse) shall be amended as follows.

(2) In the proviso to subsection (7) (which provides for compensation to persons injured in the exercise of powers under that subsection) for the words from " shall be determined " to the end of the subsection there shall be substituted the words " shall be determined by the Lands Tribunal ".

(3) At the end of the section there shall be added the following subsection:—

" (9) Nothing in this section shall apply in relation to any watercourse which is part of the main river."

(4) Where the erection or alteration of a culvert would be likely to affect the flow of any watercourse, the said section forty-four shall apply in relation to the erection or alteration as it applies in relation to the erection or alteration of such an obstruction as is mentioned in subsection (1) of that section.

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18.—(1) The power of a drainage board under subsection (1) or subsection (2) of section forty-five to acquire land shall include power to secure the creation of an easement or other right over land in their favour.

(2) In subsection (4) of that section (which enables a drainage board to sell or exchange land not required for the purposes of their functions) the word "let" shall be inserted after the word "sell".

(3) For the purposes of section twenty-six of the Town and Country Planning Act, 1959 (which, subject to certain exceptions, dispenses with the need to obtain the Minister's consent to the exercise of certain powers) the power conferred by sub-paragraph (2) of this paragraph shall be deemed to have been conferred by an enactment passed before the commencement of that Act.

19. The power of a drainage board under subsection (1) of section forty-six to borrow money for the purpose of discharging loans previously contracted shall be exercisable without the sanction of the Minister, and references in that subsection to the execution of the Act of 1930 shall be construed as including references to the execution of this Act.

20.—(1) In paragraph (*d*) of subsection (1) of section forty-seven (which enables byelaws to compel persons to cut vegetable growths in a watercourse) for the words "in the watercourse" there shall be substituted the words "in or on the bank of the watercourse".

(2) In subsection (8) of that section (which imposes a fine not exceeding twenty pounds for a contravention and a further fine not exceeding five pounds for every day on which an offence is committed or continued) there shall be substituted, for the word "twenty" the word "fifty", and for the words "the offence is committed or continued" the words "the contravention or failure is continued after conviction".

(3) After the said subsection (8) there shall be inserted the following subsection—

"(8A) If any person acts in contravention of, or fails to comply with, any byelaw made under this section, the drainage board may, without prejudice to any proceedings under subsection (8) of this section, take such action as may be necessary to remedy the effect of the contravention or failure, and may recover the expenses reasonably incurred by them in doing so from the person in default."

(4) Subsection (2) of that section, except in so far as it requires byelaws to be confirmed by the Minister, and subsections (3) to (7) thereof shall not apply to byelaws made by virtue of section thirty-four of this Act; and subsection (8) of the said section forty-seven shall apply in relation to such byelaws in substitution for section two hundred and fifty-one of the Local Government Act, 1933.

21. In subsection (2) of section fifty (which enables the councils of counties and county boroughs to exercise the powers conferred on drainage boards by section twenty-eight of this Act) after the words

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"county borough", in each place where they occur, there shall be inserted the words "or county district"; and after that subsection there shall be inserted the following subsection:—

"(2A) Before exercising in relation to any watercourse or part of a watercourse in a river board area any power conferred on it by subsection (2) of this section a council shall notify the drainage board concerned, that is to say, if the watercourse or part is in an internal drainage district, the drainage board of that district, and, in any other case, the river board."

22.—(1) Section sixty-one (which relates to the protection of certain public undertakings) shall be amended as follows.

(2) In subsection (1) after the words "with the consent of the undertakers", and in subsection (2) after the words "with the consent of the railway company", there shall be inserted the words "(which may be given subject to reasonable conditions but shall not be unreasonably withheld)."

(3) At the end of subsection (1) there shall be added the following paragraph:—

"(*e*) the undertakings of Area Boards (within the meaning of the Gas Act, 1948) and the undertaking of the National Coal Board".

(4) In subsection (3) after the word "aforesaid" there shall be inserted the words "or whether any consent is being unreasonably withheld or whether any condition subject to which any consent was given was reasonable".

(5) The references in the said section sixty-one to the Act of 1930 shall be construed as including references to section forty-six of this Act.

23. In section sixty-two (which safeguards fishery interests) the references to the fishery interests shall be construed as including references to the interests of sea fisheries and the references to the Act of 1930 as including references to this Act.

24. Section seventy-one (under which drainage authorities other than river boards are liable to pay fees in respect of business transacted by the Minister) shall cease to have effect.

25. In section eighty-one, in the definition of "main river" (which extends that expression to certain appliances for controlling or regulating the flow of water in or out of the channel) after the word "water" there shall be inserted the word "into".

26. At the end of paragraph 2 of Part I of the Second Schedule (which requires the Minister, before making an order, to consider any objections duly made to the draft order) there shall be added the words "and in making the order the Minister may make such modifications in the terms of the draft as appear to him desirable".

27. In paragraph (ii) of the proviso to paragraph 1 of Part II of the Third Schedule (which excludes the qualification of a person

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to be elected to a drainage board as being the owner, or a person nominated by the owner, of any land if at the date of the election an owner's drainage rate has remained unpaid for more than one month) for the words "has remained unpaid for more than one month" there shall be substituted the words "remains unpaid, unless either the date of the election falls less than six months after the beginning of the period for which the rate was made or 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.".

28. In paragraph 2 of Part II of the Third Schedule (which relates to the term of office of the first members of a drainage board) for the words from "until" to the end of the paragraph there shall be substituted the words "until the expiration of one year from the first day of November next following the day on which they are appointed".

29. For paragraph 12 of Part II of the Third Schedule (which relates to the remuneration and expenses of the chairman and members of a drainage board) there shall be substituted the following paragraphs:—

"12. The Minister may, if he thinks fit, by order authorise the board to pay to the chairman of the board for the purpose of enabling him to meet the expenses of his office such allowance as may be specified in the order.

12A. A drainage board may pay any reasonable expenses incurred by its members and officers in attending meetings of the board or a committee or sub-committee thereof, in carrying out inspections necessary for the discharge of the functions of the board, or attending conferences or meetings convened by one or more drainage boards, or by any association of drainage boards, for the purpose of discussing matters connected with the discharge of the functions of drainage boards; and any reasonable expenses so incurred in purchasing reports of the proceedings of any such conference or meeting."

PART II

The River Boards Act, 1948

30.—(1) In subsection (1) of section ten (which provides for the apportionment of expenses of a river board among the councils of the several counties and county boroughs wholly or partly included in the river board area on the basis of the totals of the rateable values of hereditaments in that area) for the words from "on the basis" to "river board area" there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the river board area".

(2) For subsection (4) of that section there shall be substituted the following subsection:—

"(4) The councils of the several counties and county boroughs wholly or partly included in a river board area shall from time

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to time, if and when so required by the river board, furnish to the board a statement of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of a penny in the pound for so much of the respective areas of those councils as is situated within the river board area".

31. The power of a river board under paragraph (*c*) of subsection (2) of section eleven to borrow money for the purpose of the repayment of money previously borrowed shall be exercisable without the consent of the Ministers referred to in that subsection.

32. In subsection (6) of section sixteen (which enables a person entitled under that section to enter any land to take with him such other persons as may be necessary) after the words "such other persons" there shall be inserted the words "and such equipment"; and in subsection (4) of that section (which requires twenty-four hours' notice before admission is demanded to any land used for residential purposes) after the word "purposes" there shall be inserted the words "and admission with heavy equipment to any other land", after the words "shall not" there shall be inserted the words "except in an emergency", and for the words "twenty-four hours" there shall be substituted the words "seven days".

33. At the end of paragraph 2 of the First Schedule (which requires the Ministers, before making an order, to consider any objections duly made to the draft order) there shall be added the words "and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable".

34. At the end of paragraph 3 of the Second Schedule (which provides for the appointment of members of a river board for a term of three years beginning on the first day of November) there shall be added the words "but if for any reason a member is appointed on or after the day on which he ought to have come into office he shall come into office on the day on which he is appointed and shall hold office for the remainder of the said term".

35. In sub-paragraph (*c*) of paragraph 7 of the Second Schedule (which requires a member of a river board to vacate his office if without good reason he is absent from meetings of the board for more than six months) after the word "board", where it first occurs, there shall be inserted the words "and of any committee of the board of which he is a member".

36. In paragraph 14 of the Second Schedule (which enables a river board to regulate its proceedings) the words "with the approval of the Ministers" shall be omitted.

Section 54.

SECOND SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section seventy-eight.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	In section four, in subsection (1), in sub-paragraph (ix) of paragraph (*b*), the word "new".
		In section twenty, subsection (2).
		Section twenty-five.
		In section twenty-nine, in subsection (3), the words "whose decision shall be final".
		In section thirty-five, subsections (1) to (9).
		In section thirty-nine, the words "not being a catchment area" in both places where they occur.
		In section forty-three, in subsection (1), the words "within the drainage district" and the words "in the drainage district".
		Section fifty-two.
		In section fifty-five, subsection (2).
		Section fifty-seven.
		Section fifty-eight.
		Section sixty-four.
		Section seventy-one.
		The Fifth Schedule.
3 & 4 Geo. 6. c. 14.	The Agriculture (Miscellaneous War Provisions) Act, 1940.	In section fifteen, in subsection (1), the words "by the owner or occupier of the land".
6 & 7 Geo. 6. c. 16.	The Agriculture (Miscellaneous Provisions) Act, 1943.	Section seven.
		Section eight.
11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In the Second Schedule, in paragraph 14, the words "with the approval of the Ministers".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Life Assurance Act, 1774	14 Geo. 3. c. 48.
Quarter Sessions Act, 1849	12 & 13 Vict. c. 45.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Rating and Valuation (Apportionment) Act, 1928	18 & 19 Geo. 5. c. 44.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Public Health Act, 1936...	26 Geo. 5 & 1 Edw. 8. c. 49.
Lee Conservancy Catchment Board Act, 1936	26 Geo. 5 & 1 Edw. 8. c. lxviii.
Agriculture Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 70.
Agriculture (Miscellaneous War Provisions) Act, 1940	3 & 4 Geo. 6. c. 14.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Lee Conservancy Catchment Board Act, 1950	14 & 15 Geo. 6. c. xlix.
Thames Conservancy Act, 1950	14 & 15 Geo. 6. c. 1.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Drainage Rates Act, 1958	6 & 7 Eliz. 2. c. 37.
Thames Conservancy Act, 1959	7 & 8 Eliz. 2. c. xxvi.
Town and Country Planning Act, 1959 ...	7 & 8 Eliz. 2. c. 53.
Distress for Rates Act, 1960	8 & 9 Eliz. 2. c. 12.

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