1968 No. 1672

LAND DRAINAGE
The Registers of Drainage Boards Regulations 1968

Printed in England by McCorquodale & Co. Ltd., London
and published by
Her Majesty's Stationery Office: 1968
1s. 9d. net

(27/P29899) (R. 59) K20 10/68 McC.

SBN 11 081672 2

STATUTORY INSTRUMENTS

1968 No. 1672

LAND DRAINAGE
The Registers of Drainage Boards Regulations 1968

Made - - - -	18*th October* 1968
Laid before Parliament	29*th October* 1968
Coming into Operation	30*th October* 1968

ARRANGEMENT OF REGULATIONS

PRELIMINARY

Regulation
1. Citation and commencement.
2. Interpretation.

PREPARATION OF REGISTER AND MAP

3. Time for preparation.
4. Divisions of register.
5. Initial form of register.
6. Initial form of map.
7. Inspection of register and map.

AMENDMENTS TO REGISTER AND MAP

8. Alteration of district.
9. Annual value decisions.
10. Annual value adjustments.
11. Rateable value apportionments.
12. Cancellations.
13. Appeals.
14. Dating of annual value entries.
15. Changes affecting Parts II and III of register.
16. Manner of making alterations to register.
17. Fresh editions.
18. Amendments to map.

SCHEDULE—Statement in Part II of register.

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 35 of the Agriculture (Miscellaneous Provisions) Act 1968(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

(**a**) 1968 c. 34.

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Registers of Drainage Boards Regulations 1968 and shall come into operation on 30th October 1968.

Interpretation

2.—(1) Except in so far as the context otherwise requires—

(*a*) any reference in these regulations to a regulation bearing a number is a reference to the regulation bearing that number in these regulations; and

(*b*) any reference in a regulation to a paragraph bearing a number is a reference to the paragraph bearing that number in that regulation.

(2) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Act" means the Agriculture (Miscellaneous Provisions) Act 1968;
"the Act of 1930" means the Land Drainage Act 1930**(a)**;
"the Act of 1961" means the Land Drainage Act 1961**(b)**;
"the Act of 1967" means the General Rate Act 1967**(c)**;
"agricultural buildings" has the meaning assigned to it by section 26(4) of the Act of 1967;
"agricultural land" has the meaning assigned to it by section 29 of the Act of 1930;
"amendment" includes addition;
"annual value" means annual value for the purposes of drainage rates;
"annual value adjustment", in relation to a hereditament, means a determination made by a drainage board pursuant to section 30 of the Act specifying a new amount as the annual value of the hereditament;
"annual value decision", in relation to a hereditament, means a decision by a drainage board pursuant to section 29(2) of the Act of 1930 which determines the annual value of that hereditament either by apportionment of another annual value or by determination when the hereditament is not assessed as mentioned in the said section 29(2);
"annual value property" means a hereditament which falls to be assessed on the basis of annual value or, where part only of a hereditament falls to be so assessed, that part;
"book register" and "card register" have the meanings assigned to them respectively by regulation 5;
"drainage board" and "drainage district" have the same meanings as in the Act of 1930; and, in relation to a drainage board:—
"the district" means the drainage district for which the board is the drainage board;
"the register" and "the map" mean respectively the register in respect of the drainage hereditaments in their district and the map which the board are required by section 35 of the Act to prepare and maintain;
"Part" followed by a number means the part bearing that number of that register;
"hereditament" means a hereditament for the purposes of drainage rates;
"the initial date" has the meaning assigned to it by regulation 3;
"loose-leaf register" has the meaning assigned to it by regulation 5;
"the Minister" means the Minister of Agriculture, Fisheries and Food;
"ordnance sheet" means a map made under the powers conferred by the Survey (Great Britain) Acts 1841 to 1870**(d)**;

(a) 1930 c. 44.
(b) 1961 c. 48.
(c) 1967 c. 9.
(d) 1841 c. 30; 1870 c. 13.

"rateable value apportionment", in relation to a hereditament, means a determination made by a drainage board pursuant to section 31 of the Act that such valuation lists as are mentioned in that section shall have effect for the purposes there mentioned as if the proportion specified in the determination of the rateable value so specified (being the rateable value shown in the current valuation list for the rating unit of which the hereditament forms part) were shown in the list in question as the rateable value for the hereditament; and in relation to a rateable value apportionment,
"the apportioned value" means the proportion so specified in that apportionment;
"rating area" and "rating authority" shall be construed in accordance with section 1(1) of the Act of 1967;
"rating unit" means a hereditament for the purposes of general rates;
"the relative fraction" has the meaning assigned to it by section 23 of the Act of 1961;
"split rating unit" means a hereditament in relation to which a rateable value apportionment is in force or, where such an apportionment is in force in relation to part only of a hereditament, that part; and
"valuation officer" has the meaning assigned to it by section 115(1) of the Act of 1967.

(3) A requirement that a part of the register shall contain certain particulars of a hereditament shall not preclude the insertion therein of other particulars of that hereditament or particulars of other hereditaments and a requirement that certain particulars shall be shown on the map shall not preclude the showing thereon of other particulars.

(4) A requirement that a drainage board shall do any thing shall, where no period is specified for the doing thereof, be treated as a requirement that they shall do it within the shortest period which is reasonably practicable.

(5) The Interpretation Act 1889**(a)** applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PREPARATION OF REGISTER AND MAP

Time for preparation

3.—(1) Each drainage board shall prepare the register in accordance with regulations 4 and 5 and the map in accordance wtih regulation 6, so as to show the position of hereditaments in their district at the initial date, within the following period, that is to say —

(*a*) in the case of a drainage board which is in existence on the date on which these regulations come into operation, the period ending on 31st August 1969;

(*b*) in the case of a drainage board which comes into existence at any time after the first-mentioned date, the shortest period which is reasonably practicable.

(2) The prescription of any period by paragraph (1) is without prejudice to the power of the Minister under section 35 of the Act to allow a longer period in any particular case.

(3) In these regulations "the initial date" in relation to a drainage board means:—

(*a*) in a case to which paragraph (1) (*a*) applies, the last day of the period

(a) 1889 c. 63.

within which the board is required to prepare the register and map, whether the period is prescribed by paragraph (1) (*a*) or is a longer period allowed by the Minister as aforesaid; and

(*b*) in any other case, the day on which the preparation of the register and map is completed.

Divisions of register

4.—(1) The register of a drainage board shall, in addition to any other parts prescribed by this regulation, contain one part, called Part I, in which, subject to paragraph (3), there shall be inserted particulars of all annual value properties and split rating units in the district.

(2) The register shall contain a further part, called Part II, relating to hereditaments in the district assessed on the rateable value thereof and, where an order is in force under section 24(6) of the Act of 1930 dividing the district into sub-districts, a copy of the order shall be set out at the end of Part II.

(3) The register shall contain a further part called Part III where—

(*a*) an order under section 24(7) of the Act of 1930 is in force exempting any portion of the district from drainage rates, in which case no particulars of any hereditaments in that portion of the district need be inserted in Part I; or

(*b*) an agreement has been made pursuant to section 25 of the Act of 1961 between the drainage board and the rating authority for any area, which is for the time being in force.

Initial form of register

5.—(1) The register of a drainage board:—

(*a*) shall be either a book register or a card register;

(*b*) shall, if a card register, be kept in a cabinet containing drawers, each drawer having on the front thereof a card indicating clearly the portions of the register which it contains.

(2) The register of a drainage board shall:—

(*a*) if a book register, have on the front page a suitable heading as the register of drainage hereditaments in the district (naming it) maintained by the drainage board (naming them) under section 35 of the Act and a statement that the register was first prepared on the initial date (naming it); and

(*b*) if a card register, have standing on, or affixed to, the cabinet containing it, a notice containing matter similar to that required for the front page of a book register.

(3) In Part I the following entries shall be made in respect of each annual value property in the district:—

(*a*) a short description of it,

(*b*) its total acreage, and

(*c*) its annual value (if any) on the initial date.

(4) The following further entries shall be made in Part I in respect of each such annual value property which comprises agricultural land or agricultural buildings or in respect of which a short description is insufficient to identify it:—

(*a*) the number of every enclosure numbered on the map which is wholly

comprised in the property and the number, preceded by the word "Part", of every part-enclosure together with the area of every part-enclosure;

(*b*) where the ordnance sheet comprised in the map on which that enclosure or part-enclosure is shown is an ordnance sheet of the county series, the name of the parish or district in which that enclosure or part-enclosure is situated; and

(*c*) where the ordnance sheet comprised in the map on which that enclosure or part-enclosure is shown is an ordnance sheet on which the national grid is superimposed, the number of that sheet.

For the purposes of this paragraph "part-enclosure" means, where part only of an enclosure numbered on the map is comprised in an annual value property, that part.

(5) In Part I the following entries shall be made in respect of each split rating unit in the district:—

(*a*) a short description of it,

(*b*) the rateable value in the valuation list in force on the initial date of the rating unit of which the split rating unit forms part,

(*c*) the apportioned value specified in the last rateable value apportionment for the split rating unit, and

(*d*) the date of that apportionment.

(6) Part II shall contain a statement in the form set out in the Schedule to these regulations adapted as required in accordance with the notes to the Schedule.

(7) Part III (if the register includes such a Part) shall contain—

(*a*) a statement indicating by reference to the map the portion (if any) of the district which is exempt from drainage rates by virtue of any order under section 24(7) of the Act of 1930, and

(*b*) particulars of every agreement made between the drainage board and the rating authority for any area pursuant to section 25 of the Act of 1961 which is for the time being in force.

(8) In these regulations:—

"book register" means a register, kept in a bound book or on separate sheets contained in a binder, in which all entries (whether original, additional or substituted) in respect of any one annual value property and all such entries in respect of any one split rating unit shall be in sequence;

"card register" means a register in which all entries (whether original, additional or substituted) relating to each hereditament in the district of the drainage board which prepares the register are on a separate sheet or card, and

"loose-leaf register" means either a book register kept on separate sheets or a card register.

Initial form of map

6.—(1) The map of a drainage board shall consist of such ordnance sheets as are necessary to show the whole of the district.

(2) Subject to paragraph (6) the ordnance sheets used by a drainage board in the compilation of the map shall be on a scale of not less than six inches to one mile.

(3) Where the map consists of more than one sheet, the sheets shall either—

(*a*) after any necessary trimming, be combined to form one sheet; or

(*b*) be kept together as separate sheets.

(4) Where the map is comprised in one sheet, the map and, where it comprises more than one sheet, each sheet shall have on the front thereof in a conspicuous position a statement that it is the map, or (as the case may be) one of the sheets comprised in the map, maintained by the drainage board (naming them) under section 35 of the Act.

(5) Where any hereditament in the district cannot be identified except by reference to enclosures or parts of enclosures on the map, and the ordnance sheets used in the compilation of the map do not indicate by a number any enclosure comprised, or of which part is comprised in the hereditament, the drainage board shall insert on the relevant ordnance sheet a number in respect of each such enclosure, but so that each number so inserted shall be different from the number assigned to any other enclosure on the map or, where the number is inserted on an ordnance sheet of the county series, the number assigned to any other enclosure in the same parish or district.

(6) The map shall show the external boundary of the district by a line of a distinctive colour, but the drainage board may, instead of showing it on the ordnance sheets referred to in paragraph (2), show it on additional ordnance sheets on a scale of less than six inches to one mile.

(7) Where an order under section 24(7) of the Act of 1930 is in force, the map shall show in a distinctive colour by edging, hatching or colouring within the boundaries thereof the portion of the district on the occupiers of hereditaments in which portion the order determines that no drainage rates shall be levied.

(8) The map shall contain an appropriate legend explaining the significance of the colours used thereon.

Inspection of register and map

7. The register and map of a drainage board shall be kept open to inspection by members of the public at all reasonable times at the office of the board, the address of which is shown on demands for drainage rates sent by the board.

AMENDMENTS TO REGISTER AND MAP

Alteration of district

8. Where the boundaries of a drainage district are altered (whether by the amalgamation of the whole or part of another drainage district with the district or otherwise), the drainage board shall—

(*a*) strike through the particulars in Part I of the register of every hereditament the whole or part of which is excluded from the district, and

(*b*) make such amendments to the register and map in respect of every new hereditament comprised in the district as a result of such alteration and in respect of every hereditament part of which has been excluded as a result of such alteration as would be necessary to comply with regulation 5 if the initial date had fallen after the date on which the alteration took place.

Annual value decisions

9.—(1) This regulation applies where—

(*a*) no particulars of a hereditament are entered in the register of a drainage board, or where particulars of a hereditament are so entered, but do not include particulars of its annual value, and

(*b*) the board subsequently make an annual value decision in respect of the hereditament.

(2) The drainage board shall forthwith enter in the register in respect of the hereditament—

(*a*) in the first case referred to in paragraph (1) (*a*) such particulars as would have been necessary to comply with regulation 5 if the initial date had fallen after the date on which the decision was made, and

(*b*) in the second case particulars of the annual value.

Annual value adjustments

10. As soon as a drainage board have made an annual value adjustment in respect of an annual value property particulars of which are entered in the register, they shall delete any subsisting entry relating to its annual value which is included in those particulars and shall add to those particulars the amount determined by the adjustment as the annual value of the property.

Rateable value apportionments

11.—(1) As soon as a drainage board have made a rateable value apportionment in relation to a hereditament in their district particulars of which are entered in the register as particulars of an annual value property, they shall make such amendments to the register as may be necessary to show therein the same particulars of the hereditament as would have been required if the initial date had fallen after the date on which the apportionment was made.

(2) Where since particulars of a hereditament have been entered in the register as particulars of a split rating unit the hereditament has been included in a rating unit (in this paragraph referred to as "the new rating unit") different from the rating unit particulars of the rateable value of which are entered in the register in relation to the hereditament, the drainage board shall, as soon as they receive notice that the hereditament has been so included, add to the particulars of the hereditament in the register the rateable value of the new rating unit, adding underneath the words "(R.V. of new rating unit)", and shall delete any subsisting entries in the register made pursuant to sub-paragraphs (*b*), (*c*) or (*d*) of regulation 5(5).

(3) As soon as a drainage board have made a new rateable value apportionment in relation to a hereditament particulars of which are entered in the register as particulars of a split rating unit, they shall delete the subsisting entries relating to the hereditament made pursuant to sub-paragraphs (*c*) and (*d*) of regulation 5(5) and add to the particulars of the hereditament entered in the register the apportioned value and the date on which the apportionment was made.

Cancellations

12. If a drainage board cancel an annual value decision, an annual value adjustment or a rateable value apportionment pursuant to section 32 of the Act, they shall delete the entries in the register relating to the decision or (as the case may be) the adjustment or the apportionment.

Appeals

13.—(1) Where an appeal to a local valuation court against an annual value decision, an annual value adjustment or a rateable value apportionment made by a drainage board in respect of a hereditament has been lodged (within the meaning of section 32(6) of the Act), the drainage board shall insert in red in the

register immediately beneath the particulars of the value the subject of the appeal the words "Appeal lodged on" followed by the date of lodgement.

(2) If, when such an appeal has been finally determined, the amount of the annual value or (as the case may be) the apportioned value of the hereditament then differs from the amount of that value shown in the register, the drainage board shall—

(*a*) in the case of an appeal against an annual value decision or an annual value adjustment, add to the particulars of the hereditament in the register particulars of the amount which has become the annual value of the hereditament, and delete any subsisting entry of its annual value; and

(*b*) in the case of an appeal against a rateable value apportionment, add to the particulars of the hereditament in the register the amount which has become the apportioned value of the hereditament and the date on which such new apportioned value became effective (so describing it), and delete any subsisting entry relating to the hereditament made pursuant to sub-paragraph (*c*) or (*d*) of regulation 5(5).

(3) Where, owing to the dismissal or abandonment of such an appeal or other circumstances, the amount of the annual or apportioned value remains that shown in the register, the drainage board shall enter under the words noting the appeal a brief note of such dismissal or abandonment or other circumstances.

(4) An appeal shall, for the purpose of these regulations, be taken to be finally determined on the occurrence of whichever of the following events last occurs after the appeal has been lodged, that is to say—

(*a*) the local valuation court with which the appeal has been lodged has given a decision on the appeal and the period within which an appeal may be made against that decision to the Lands Tribunal expires without any such appeal having been made;

(*b*) the Lands Tribunal has given a decision on that appeal and the time within which the Tribunal may be required to state and sign a case for the decision of the Court of Appeal with respect to the decision of the Tribunal expires without such a requirement having been made;

(*c*) in pursuance of such a requirement such a case is stated and signed and the Court of Appeal or, if there is an appeal to the House of Lords, that House, gives a decision on that case;

(*d*) the time for bringing an appeal against the decision of the Court of Appeal expires without its having been brought;

(*e*) the proceedings on any appeal or case stated referred to in this paragraph are abandoned or otherwise disposed of without a decision being given on it;

(*f*) in compliance with any directions given by any court or tribunal to which an appeal has been made or for the opinion of which a case has been stated the drainage board alter or quash the determination.

Dating of annual value entries

14. Whenever a drainage board after the initial date enter in the register particulars of the annual value of a hereditament, they shall insert underneath those particulars the words "A.V. on" followed by the date on which that value became effective.

Changes affecting Parts II and III of register

15. Where owing to any act or event since the initial date—

(*a*) the statement set out in Part II or III of the register of a drainage board

differs from the statement which would have been set out if the initial date had fallen after that act or event, the board shall amend Part II or (as the case may be) Part III so that it sets out the last-mentioned statement;

(*b*) the map of the drainage board shows particulars different from those it would have shown if the initial date had fallen after that act or event, the board shall amend the map so as to show thereon the particulars which it would have shown if the initial date had so fallen and shall delete any particulars which have become incorrect.

Manner of making alterations to register

16.—(1) All deletions of existing entries in the register shall be made by striking through those entries.

(2) Every new entry which supersedes an existing entry, and every deletion of an existing entry, shall be initialled and dated by the officer of the drainage board making the same.

Fresh editions

17. A drainage board shall, whenever it is expedient to do so, prepare a fresh edition of the register or, where the register is a loose-leaf register, of any sheet or card thereof, showing only particulars of subsisting entries in the register, and shall indicate on the register or (as the case may be) the sheet or card thereof the date on which the fresh edition is prepared.

Amendments to map

18.—(1) Where the map of a drainage board is required to be amended by the deletion of any particulars shown thereon, the drainage board shall, subject to paragraph (2), prepare a fresh edition of the map, or, where the map comprises more than one sheet, of any sheet thereof, showing the particulars which would be required to be shown if the fresh edition were being prepared as the map, or part of the map, in accordance with regulation 3 and the date of the preparation of the fresh edition were the initial date, omitting any particulars which have become incorrect, and shall indicate on the map or (as the case may be) the sheet thereof the date on which the fresh edition is prepared.

(2) Where the preparation of a fresh edition of the map or any sheet thereof results in the substitution of an ordnance sheet of a new edition (whether an edition of the county series or an edition on which the national grid is superimposed) for an ordnance sheet of a previous edition, the drainage board shall amend any particulars entered in the register pursuant to regulation 5(4) so as to show the particulars which would have been required if the sheet of the new edition had been used in the preparation of the map pursuant to regulation 6.

(3) Where the amendment required to be made to the map is trivial, and the expense of preparing for that purpose a fresh edition of the map, or of any sheet thereof, would not be justified, the board may prepare a transparent overlay for the map or, if the map comprises more than one sheet, for any sheet thereof, which shall indicate clearly the alteration intended to be made to the map or that sheet.

(4) Every such overlay shall be fastened to the map to which it is an overlay so that the details thereon coincide with those on the map or sheet, but so that it may be lifted away to enable either the map or sheet alone, or the map and sheet and any other overlay fastened thereto, to be inspected.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th October 1968.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

SCHEDULE

STATEMENT IN PART II OF REGISTER

PART II

Hereditaments having rateable values

All hereditaments other than those described in Parts I and *III* of this Register (a) are hereditaments of which a rateable value is shown in the valuation lists (b) at present in force and are liable to be assessed as stated below (c). Hereditaments described in Part I of this Register of which a rateable value is shown in the valuation lists (b) are liable to be assessed as stated below (d). The valuation lists for the following rating authorities may be inspected during office hours at their offices at the addresses set out below:

Name of Rating Authority	*Address of Office*
(e)	(f)

Under section 22(4) of the Land Drainage Act 1961 each such hereditament is assessed to drainage rates on one-third of its rateable value. The amount per £ at which any drainage rate is assessed in respect of every such hereditament is determined, as nearly as possible, by applying the relative fraction referred to in section 23 of that Act *subject to any adaptation which may be necessary under the order made under section* 24(6) *of the Land Drainage Act* 1930 *a copy of which is set out at the end of this Part of the Register* (g).

By virtue of that section and a resolution passed by the Drainage Board under section 1 of the Drainage Rates Act 1962 each such hereditament is assessed to rates on a value arrived at by taking one-third of its rateable value and applying thereto the relative fraction referred to in section 23 of that Act (h). *The amount per £ at which any drainage rate is assessed has to be calculated in accordance with the provisions of the order made under section* 24(6) *of the Land Drainage Act* 1930 *a copy of which is set out at the end of this part of the Register.*

The relative fraction as stated in the last notice of a drainage rate made by the (i) was (j).

An order has been made under section 24(6) *of the Land Drainage Act* 1930 *dividing the Drainage District into Sub-Districts. Drainage rates may vary according to the Sub-District in which the hereditament is situate. A copy of the order is set out at the end of this Part of the Register* (k).

NOTES

(a) Omit italicised matter where the register does not contain a Part III.

(b) Omit *s* if the district covers only one rating area.

(c) Omit this sentence if hereditaments assessed on their rateable value are described in Part I of register.

(d) Omit this sentence if previous sentence retained.

(e) Insert in this column the name of each rating authority any part of whose rating area is comprised in the district.

(f) Insert in this column opposite the name of each rating authority in the left hand column the name of its office where the valuation list may be inspected.

(g) Omit this sentence if a resolution passed by the drainage board under section 1 of the Drainage Rates Act 1962 is in force. Where the sentence is retained, omit the words in italics where the district is not divided into sub-districts or where the district is so divided but the order which provides for the division does not determine the relative amounts of rates in the respective sub-districts.

(h) Omit this and the following sentence if no resolution by the drainage board under section 1 of the Drainage Rates Act 1962 is in force. Where this sentence is retained, omit the following sentence in italics where the district is not divided into sub-districts or where the district is so divided but the order which provides for the division does not determine the relative amounts of rates in respect of sub-districts.

(i) Insert name of drainage board.

(j) Insert relative fraction as stated in the last notice of a drainage rate made by the drainage board before the initial date.

(k) Omit the three sentences in italics in this paragraph where the district is not divided into sub-districts or, where it is so divided, the order which provides for the division determines the relative amounts of rates in the respective sub-districts.

EXPLANATORY NOTE

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

These Regulations prescribe the form of the register and map which a drainage board are required to keep under section 35 of the Agriculture (Miscellaneous Provisions) Act 1968. The register required to be kept is a register of the drainage hereditaments in the drainage district of the board. The Regulations specify the information with regard to the values of those hereditaments for the purposes of drainage rates which the register is required to give and the details to be shown on the map. They also prescribe the time within which the register and map are to be prepared and the place where they may be inspected.

The Regulations apply to England and Wales.