STATUTORY INSTRUMENTS

1977 No. 357

LAND DRAINAGE

The Drainage Rates (Forms) Regulations 1977

Made - - - -	*2nd March* 1977
Laid before Parliament	*10th March* 1977
Coming into Operation	*31st March* 1977

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by sections 72(4) 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, commencement and revocation

1.—(1) These regulations may be cited as the Drainage Rates (Forms) Regulations 1977 and shall come into operation on the 31st March 1977.

(2) The Drainage Rates (Forms) Regulations 1962**(b)** are hereby revoked except in so far as they apply in relation to drainage rates made in respect of any period ending before the 1st April 1977.

Interpretation

2.—(1) In these regulations "the Act of 1976" means the Land Drainage Act 1976.

(2) The Interpretation Act 1889**(c)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Form of drainage rate

3. Every rate made by an internal drainage board for a period beginning after the end of March 1977 shall contain the particulars set out in Form 1 in the Schedule to these regulations.

Forms of demand for drainage rates

4.—(1) Where no resolution of an internal drainage board under section 65(2) of the Act of 1976 is in force at the beginning of a period for which that board makes a drainage rate, being a period beginning after the end of March 1977, every demand for payment of that drainage rate shall be in Form 2 in the Schedule to these regulations or in a form substantially to the like effect.

(2) Where such a resolution of an internal drainage board as aforesaid is in force at the beginning of a period for which that board makes a drainage rate, being a period beginning after the end of March 1977, every demand for payment of that drainage rate shall be in Form 3 in the Schedule to these regulations or in a form substantially to the like effect.

(a) 1976 c. 70. (b) S.I. 1962/2556 (1962 III, p. 3432). (c) 1889 c. 63.

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

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

SCHEDULE

FORM 1

(Particulars required to be set out in every drainage rate)

(1) Whether the rate is an owner's rate or an occupier's rate within the meaning of section 63(2) of the Act of 1976.

(2) The amount in the pound of the rate or, if a differential rating order is in force, the amount in the pound in each sub-district.

(3) If the internal drainage district includes any land for which a rateable value is shown in the valuation list, the relative fraction as defined in section 66 of the Act of 1976.

(4) The period for which the rate is made. (Note (i)).

(5) Whether a resolution of the internal drainage board under section 65(2) of the Act of 1976—

(*a*) was in force at the beginning of the period for which the rate is made, or

(*b*) has been passed by the board and will have effect upon the drainage rates levied for the period for which the drainage rate is made unless the resolution is rescinded before the beginning of that period,

and, if so, the date of the resolution. (Note (ii)).

(6) If the rate is declared to be payable by instalments, the amount of each instalment and the date when it becomes due.

(7) The date on which a resolution was passed by the internal drainage board authorising their seal to be affixed to the rate. (Note (iii)).

NOTES

(i) The normal period for which a rate may be levied is six or twelve months (section 72(2) of the Land Drainage Act 1976) but section 72(3) enables first rates or supplementary rates to be made for varying periods.

(ii) A resolution under section 65(2) allows the internal drainage board to calculate the amount of the drainage rate payable on a hereditament other than agricultural land and buildings by applying the relative fraction provided for in sections 65 and 66 of the Act of 1976 to one-third of the rateable value of the hereditament. Section 65(3) allows the relative fraction to be applied to the rate in the pound and the amount of the drainage rate will be calculated by applying the resultant figure to one-third of the rateable value of the hereditament.

(iii) The seal of the internal drainage board must be affixed in pursuance of a resolution authorising it to be affixed. (Section 72(1) of the Act of 1976).

FORM 2

(For use for drainage rates when no resolution under Section 65(2) of the Act of 1976 is in force)

.....Internal Drainage Board

Number or name of sub-district (Note (i)).

Land Drainage Act 1976

To.....

Address .....

.....

The.....Internal Drainage Board have made a drainage rate at the amount in the pound shown below in respect of the [half] year ending on the ..... 19.....

Payment of the [rate] [.....instalment] [and of the arrears (if any) of former rates] shown below is now due from you.

No. in rate book	Situation of hereditament (if other than that specified in the address above) and description	Assessable value for drainage rates			Amount of rates		
		(*a*) Agricultural land and buildings	(*b*) Other hereditaments*	Dwelling-houses attracting allowance under section 73 of the Land Drainage Act 1976 (Note (ii))	Owner's rate at p in the pound on (*a*) and at p in the pound on (*b*)	Occupier's rate at p in the pound on (*a*) and at p in the pound on (*b*)	Total
		£	£	£	£ : p	£ : p	£ : p

Arrears of former rates .. .. £ : p

Total .. .. £ : p

Amount of current rates recoverable by occupier from owner .. .. £ : p

or

Amount of current rates recoverable by owner from occupier .. .. £ : p (Note (ii)).

(For amount of arrears recoverable by occupier from owner, see previous notices of rates due).

If the amount of the occupier's rate on dwelling-houses for the current year is paid not later than.....the Board will make an allowance equal to ten per cent of that amount. (Note (ii)).

* Drainage rates on "other hereditaments" are assessed on one-third of their rateable value. A further reduction is effected by the application of the relative fraction (described overleaf) to the rate in the pound. The relative fraction is..... Where no rateable value is available and the annual value for drainage rates purposes of "other hereditaments" has been determined by the Board, one-third of that determined value is used for drainage rating and no reduction is made in the rate in the pound.

The amount due should be paid.....(Note (iii)).

Cheques, money orders and postal orders should be made payable to the..... .....Internal Drainage Board and crossed "Account payee only". They should not be made payable to any individual officer.

By order of the Board.

.....Clerk or other authorised officer.

NOTES

(i) For use only if a differential rating order is in force; otherwise omit.

(ii) For use only where a resolution under section 73 of the Land Drainage Act 1976 is in force; otherwise omit.

(iii) Insert instructions as to place, time and method of payment.

(Reverse side of Form.)

1. The following statement shows how the rate in the £ on agricultural land and buildings is made up:—

	Owner's Rate		Occupier's Rate	
	p.	p.	p.	p.
New works and improvement works ..			—	
Contributions to Water Authority ..			—	
Maintenance works	—			
Administration and other expenses ..	—			
Less:				
Government grants			—	
Contributions from Water Authority				
Other income				
Add/Deduct for adjustment of balances				

2. The definitions of "owner's rate" and "occupier's rate" can be found in section 63(2) of the Land Drainage Act 1976. This Act deals (inter alia) with the basis of assessment of agricultural land and buildings, and of other property, and with rights of appeal and petitions by ratepayers.

3. Any enquiries concerning this notice should be addressed to the Board at the address shown overleaf.

NOTES

Explanation of the Relative Fraction

(i) A hereditament having a rateable value for general rates is assessed for drainage rates on one-third of that value instead of on its Schedule A value for 1962–1963 (if any).

(ii) Where the rateable value is used for drainage rating assessments, the yield of the drainage rate is higher than when Schedule A values are used. To keep the yield in line with what it would have been had the drainage rates continued to be levied on Schedule A assessments, the drainage rate poundage has to be reduced by a relative fraction.

(iii) Each internal drainage board calculates its own relative fraction. It arrives at the figure by dividing the aggregate of the Schedule A values of the hereditaments in the internal drainage district having rateable values by the aggregate of the rateable values of those hereditaments.

FORM 3

(For use for drainage rates when a resolution under section 65(2) of the Act of 1976 is in force)

.....Internal Drainage Board

Number or name of sub-district (Note (i)).

Land Drainage Act 1976

To.....

Address .....

.....

The.....Internal Drainage Board have made a drainage rate at the amount in the pound shown below in respect of the [half] year ending on the ..... 19.....

Payment of the [rate] [..... instalment] [and of the arrears (if any) of former rates] shown below is now due from you.

No. in rate book	Situation of hereditament (if other than that specified in the address above) and description	Assessable value for drainage rates				Amount of rates		
		Agricultural land and buildings	Other hereditaments*		Total	Owner's rate at p in the pound	Occupier's rate at p in the pound	Total
				Dwelling-houses attracting allowance under Section 73 of the Land Drainage Act 1976 (Note (ii))				
		£	£	£	£	£ : p	£ : p	£ : p

Arrears of former rates .. .. £ : p

Total .. .. £ : p

Amount of current rates recoverable by occupier from owner .. .. £ : p

or

Amount of current rates recoverable by owner from occupier .. .. £ : p (Note (ii)).

(For amount of arrears recoverable by occupier from owner see previous notices of rates due).

If the amount of the occupier's rate on dwelling-houses for the current year is paid not later than..... the Board will make an allowance equal to ten per cent of that amount. (Note (ii)).

* Drainage rates on "other hereditaments" are assessed on one-third of their rateable value. A further reduction is effected by the application of the relative fraction (described overleaf) to that one-third. The relative fraction is..... Where no rateable value is available and the annual value for drainage rates purposes of "other hereditaments" has been determined by the Board, one-third of that determined value is used for drainage rating without any further reduction.

The amount due should be paid.....(Note (iii)).

Cheques, money orders and postal orders should be made payable to the..... .....Internal Drainage Board and crossed "Account payee only" They should not be made payable to any individual officer.

By order of the Board.

.....Clerk or other authorised officer

NOTES

(i) For use only if a differential rating order is in force; otherwise omit.

(ii) For use only where a resolution under section 73 of the Land Drainage Act 1976 in force; otherwise omit.

(iii) Insert instructions as to place, time and method of payment.

(Reverse side of Form.)

1. The following statement shows how the rate in the £ is made up:—

	Owner's rate		Occupier's rate	
	p	p	p	p
New works and improvement works ..			—	
Contributions to Water Authority ..			—	
Maintenance works	—			
Administration and other expenses ..	—			
Less:				
Government grants			—	
Contributions from Water Authority..				
Other income				
Add/Deduct for adjustment of balances				

2. The definitions of "owner's rate" and "occupier's rate" can be found in section 63(2) of the Land Drainage Act 1976. This Act deals (inter alia) with the basis of assessment of agricultural land and buildings, and of other property, and with rights of appeal and petitions by ratepayers.

3. Any enquiries concerning this notice should be addressed to the Board at the address shown overleaf.

NOTES

Explanation of the Relative Fraction

(i) A hereditament having a rateable value for general rates is assessed for drainage rates on one-third of that value instead of on its Schedule A value for 1962–1963 (if any).

(ii) Where the rateable value is used for drainage rating assessments, the yield of the drainage rate is higher than when Schedule A values are used. To keep the yield in line with what it would have been had the drainage rates continued to be levied on Schedule A assessments, the rateable value has to be reduced by a relative fraction.

(iii) Each internal drainage board calculates its own relative fraction. It arrives at the figure by dividing the aggregate of the Schedule A values of the hereditaments in the internal drainage district having rateable values by the aggregate of the rateable values of those hereditaments.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Drainage Rates (Forms) Regulations 1962 and re-enact their provisions with the modifications necessitated by the repeal of the Land Drainage Acts 1930 (c.44) and 1961 (c.48) and the Drainage Rates Act 1962 (c.39) (as amended by the Finance Act 1963 (c.25), the Water Act 1973 (c.37) and the Land Drainage (Amendment) Act 1976 (c.17)) by the Land Drainage Act 1976 which re-enacted their provisions by way of consolidation. The Regulations prescribe the particulars to be contained in a Drainage Rate and the forms of demands for drainage rates.

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