STATUTORY INSTRUMENTS

1967 No. 212

LAND DRAINAGE

The Land Drainage (Grants) Regulations 1967

Made - - - -	16*th February* 1967
Laid before Parliament	28*th February* 1967
Coming into Operation	1*st April* 1967

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 55(1) and 74 of the Land Drainage Act 1930(**a**) and of those sections as applied by section 5 of the Water Resources Act 1963(**b**) and section 7 of the Isle of Wight River and Water Authority Act 1964(**c**), and of all other powers enabling him in that behalf and with the approval of the Treasury, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Land Drainage (Grants) Regulations 1967 and shall come into operation on the 1st April 1967.

Revocation

2. The Land Drainage (Grants to Catchment Boards) Regulations 1950(**d**), the Land Drainage (Grants to Catchment Boards) (Amendment) Regulations 1959(**e**) and the Land Drainage (Grants to River Authorities) Regulations 1965(**f**), are hereby revoked.

Interpretation

3.—(1) In these regulations, unless the context otherwise requires—

"authority" means a river authority established under the Water Resources Act, 1963, the Isle of Wight River and Water Authority, the Conservators of the River Thames or the Lee Conservancy Catchment Board;

"grant" means a grant under section 55 of the Land Drainage Act 1930 towards expenditure incurred by an authority in respect of works of the kind described in that section;

"Minister" means the Minister of Agriculture, Fisheries and Food;

"works" means, in relation to a grant, the works towards the expenditure on which the grant is made or applied for.

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

(**a**) 1930 c. 44. (**b**) 1963 c. 38. (**c**) 1964 c. xxv.
(**d**) S.I. 1950/478 (1950 I, p. 1159). (**e**) S.I. 1959/677 (1959 I, p. 1525).
(**f**) S.I. 1965/904 (1965 I, p. 2390). (**g**) 1889 c. 63.

Conditions to which grants are subject

4. The subsequent provisions of these regulations shall have effect for securing that any grant is made subject to such conditions as are prescribed by those provisions.

5. No grant shall be made unless an application therefore, in such form as the Minister may require and signed on behalf of the authority in manner provided by law, is made to him and is supplemented by such information as to the finances of the authority and by such descriptions, plans and sections of the proposed works and by such estimates of their cost as the Minister may require and by such technical reports as the Minister considers adequate for the purpose of enabling him to examine the effectiveness of the proposed works.

6. Any grant shall be of such amount and made in such form as the Treasury may from time to time sanction and without prejudice to the generality of the foregoing provision may be made in the form of a fixed sum or of a sum to be calculated by such method as the Minister may with the approval of the Treasury determine or of a percentage either of the total net costs of the works as approved by the Minister or of the loan charges required to meet the whole or part of such cost.

7. No grant shall be made if the Minister is satisfied that the authority have without reasonable cause—

(*a*) begun to carry out the works before obtaining the consent of the Minister in that behalf or before obtaining his approval of the estimated cost of the works (including the cost of any preliminary survey);

(*b*) failed to notify the Minister of the date on which the works were begun or of the date on which they were completed immediately after those respective dates;

(*c*) failed to keep properly or in such form as the Minister requires a separate account in respect of the works or such other records in respect thereof as he requires or to send to him a copy of such account or records when required by him so to do or to have such accounts audited by the District Auditor;

(*d*) failed to permit an officer of the Minister or any other person nominated by the Minister in that behalf to enter on and inspect at all reasonable times the works and the land on which they are carried out or to examine any of the authority's books, accounts, records or vouchers relating to the works;

(*e*) failed to modify, in such manner as may be specified in a notice in writing served on the authority by the Minister, some part of the works the plans and sections of which had already been approved by him.

8.—(1) Where an authority have submitted proposals and estimates to the Minister and have obtained his approval thereto and subsequently wish to vary their proposals, so far as they relate to design, site, method of working or objectives, they shall submit details of the proposed variation to the Minister for his approval.

(2) No grant shall be made if a variation of the kind mentioned in the preceding paragraph of this regulation has not been approved by the Minister and, if it has been approved by him but has not been so approved before the variation was begun, the Minister may, if he thinks fit, withhold or reduce such grant and the authority shall repay to him, if so required, any advance he may have made in respect of the grant.

(3) If any variation of their proposals is made by the authority with the approval of the Minister, he may vary such grant either by way of increase or decrease according to the nature of the variation.

9. Where an authority have submitted proposals and estimates to the Minister and have obtained his approval thereto and subsequently decide not to complete in accordance with the proposals the works sanctioned by him, they shall repay to the Minister, if required by him, any advances that he may have made on account of any such grant.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th February 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Approved on 16th February 1967.

Harry Gourlay,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These regulations revoke and re-enact with minor and drafting amendments the Land Drainage (Grants to Catchment Boards) Regulations 1950 (as amended) and the Land Drainage (Grants to River Authorities) Regulations 1965.

These new regulations apply both to river authorities and to catchment boards. They prescribe the conditions subject to which grants are to be made by the Minister of Agriculture, Fisheries and Food under section 55 of the Land Drainage Act 1930 towards expenditure incurred by those authorities in the improvement of existing drainage works or the construction of new works.

These conditions are additional to that laid down by section 55 aforesaid which requires that no grant shall be made unless the plans and sections for the works concerned have been approved by the Minister.