

*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 32. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

##### *Land Drainage Act 1991*

PROSPECTIVE

- 32 (1) Section 23 (prohibitions on obstructions) is amended as follows.
- (2) For subsection (1)(b) substitute—
- “(b) erect a culvert in an ordinary watercourse, or
  - (c) alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse,”.
- (3) After subsection (1) insert—
- “(1A) Consent under this section may be given subject to reasonable conditions.
  - (1B) An internal drainage board or lead local flood authority must consult the Environment Agency before carrying out work within subsection (1)(a), (b) or (c) if the board or authority is “the drainage board concerned” for the purposes of this section.
  - (1C) The drainage board concerned must have regard to any guidance issued by the Environment Agency about the exercise of the board’s functions under this section.”
- (4) In subsection (2) for “and the amount of that fee shall be £50 or such other sum as may be prescribed” substitute “ and the amount of the fee shall be determined in accordance with a prescribed charging scheme. ”
- (5) In subsection (8) for “section 24” substitute “ sections 24 and 25 ”.
- (6) For subsection (8)(b) substitute—
- “(b) in relation to a watercourse in an area outside an internal drainage district, are references to the lead local flood authority for the area.”
- (7) After subsection (8) add—
- “(9) Lead local flood authority” has the meaning given by section 6 of the Flood and Water Management Act 2010.”

#### Commencement Information

**II** S. 32(1)(2)(3)(5)(6)(7) in force at 6.4.2012 by [S.I. 2012/879](#), [art. 3\(b\)](#)

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