



# Land Drainage Act 1991

## 1991 CHAPTER 59

### [PART IVA

#### DUTIES WITH RESPECT TO THE ENVIRONMENT AND RECREATION]

#### [<sup>F1</sup>61E Codes of practice.

- (1) The Ministers may by order approve any code of practice issued (whether by them or by another person) for the purpose of—
  - (a) giving practical guidance—
    - (i) to internal drainage boards with respect to any of the matters for the purposes of which sections 61A and 61C above have effect; and
    - (ii) to local authorities with respect to any of the matters for the purposes of which sections 61B and 61C above have effect; and
  - (b) promoting what appear to the Ministers to be desirable practices by internal drainage boards or, as the case may be, local authorities with respect to those matters,

and may at any time by order approve a modification of such a code or withdraw their approval of such a code or modification.

- (2) A contravention of a code of practice as for the time being approved under this section shall not of itself—
  - (a) constitute a contravention of any requirement imposed by section 61A, 61B or 61C above; or
  - (b) give rise to any criminal or civil liability;

but each of the Ministers shall be under a duty to take into account whether there has been or is likely to be any such contravention in determining when and how he should exercise his powers in relation to an internal drainage board or local authority under this Act.

- (3) The power of the Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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*Changes to legislation: Land Drainage Act 1991, Section 61E is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) The Ministers shall not make an order under this section unless they have first consulted—
- (a) the NRA ;  
     [ the Natural Resources Body for Wales;]
  - <sup>F2</sup>(aa)
  - (b) [<sup>F3</sup>Natural England]<sup>F4</sup>...;
  - (c) the Historic Buildings and Monuments Commission for England; and
  - (d) such other persons or bodies as the Ministers consider it appropriate to consult.]

[<sup>F5</sup>(5) Subsection (4) does not apply to an order which applies only in relation to England.]

#### Textual Amendments

- F1** Ss. 61A-61E inserted (21.9.1994) by 1994 c. 25, **ss. 1, 3(2)**
- F2** S. 61E(4)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), **Sch. 2 para. 331(2)** (with Sch. 7)
- F3** Words in s. 61E(4)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 135**; S.I. 2006/2541, [art. 2](#) (with Sch.)
- F4** Words in s. 61E(4)(b) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), **Sch. 2 para. 331(3)** (with Sch. 7)
- F5** S. 61E(5) inserted (E.) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), **Sch. 22 para. 10**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(5A)-(5D) inserted by [2016 anaw 3 s. 83\(2\)\(b\)](#)
- s. 37(5A) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(i\)](#)
- s. 37(5B)(5C) words substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)
- s. 37(5D)(5E) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)