

Internal Drainage Board

**Land Drainage
Byelaws**

Made under Section 34 of the Land Drainage Act 1976
for securing the efficient working of the drainage system
in their area.

Internal Drainage Board

BYELAWS

The Internal Drainage Board under and by virtue of the powers and authority vested in them by Section 34 of the Land Drainage Act, 1976, do hereby make the following Byelaws which are considered necessary for securing the efficient working of the drainage system in their District:-

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1. Citation and Commencement of Byelaws

These Byelaws may be cited as the Benwick Internal Drainage Board Byelaws 1987 and shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Minister.

2. Application of Byelaws:

- (i) These Byelaws shall have effect within the District.
- (ii) The watercourses referred to in these Byelaws (other than Byelaws 3, 4 and 10) are watercourses which are for the time being vested in or under the control of the Board.

3. Control of Introduction of water and increase in flow or volume of water

No person shall, without the previous consent of the Board, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly increase the flow or volume of water in any watercourse in the District.

4. Control of sluices etc.

Any person having control of any drain control work shall:-

- (i) Maintain such drain control work in a proper state of repair and efficiency to the reasonable satisfaction of the Board.
- (ii) Use such drain control work in accordance with such reasonable directions as may from time to time be given by the Board with a view to the prevention of flooding or any shortage in the flow or supply of water and to the efficient working of the drainage system in the District.

Provided that Byelaw 33(a) shall not apply to a direction of the Board under this Byelaw.

5. Drain Control Works - Discontinuance etc

- (i) No person having control of a drain control work shall without the previous consent of the Board
 - (a) discontinue the use thereof or remove the same or
 - (b) carry out any alteration or reconstruction of or addition reduction or repair to the drain control work.

Provided that the foregoing shall not apply to any action taken in an emergency so long always as notice of such action is given to the Board as soon as is practicable.

- (ii) In any case where notice is given to the Board by virtue of the proviso to paragraph (i) above the Board may by notice direct the person having control of the drain control work to take such action with regard to the drain control work and within such reasonable time as is specified in the notice and the person having control of the drain control work shall thereafter comply with those directions.

6. Fishing nets and angling

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw "nets" includes:-

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net or other implement for taking fish fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

7. Diversion or stopping up of watercourses

No person shall, without the previous consent of the Board, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

8. Detrimental substances not to be put into watercourses

- (i) No person shall so as to directly or indirectly obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank:
 - (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
 - (b) allow any such object or matter as is referred to in sub-paragraph (a) of this paragraph of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or to be carried into any watercourse. Provided nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.
- (ii) Any person who contrary to the terms of this Byelaw discharges puts or causes or permits to be discharged or put or causes or permits to fall or to be carried into or in a watercourse any such object or matter as is referred to in sub-paragraph (a) of paragraph (i) of this Byelaw shall upon being required by the Board by notice so to do remove the same at his own expense within such reasonable time as may be specified in the notice.

9. Lighting of fires

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire:-

- 1) the peat land forming the banks of the watercourse or
- 2) any trees, willows, shrubs, weeds, grasses or any other vegetable growths growing on land forming the banks of the watercourse or
- 3) any sand, shingle, chalk, soil, slag, stones, pitching, revetment, concrete, gravel, earth, clay, timber, gabions, wattle, piles or any material whatsoever forming the banks of the watercourse or part thereof.

10. Notice to cut vegetable growths

- (i) The occupier of any bank of a watercourse or any part thereof shall, upon

the receipt of a notice served on him by the Board requiring him so to do, cut down and keep cut down all trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growths growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growth from the watercourse immediately after the cutting thereof. Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall extend to require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

- (ii) The occupier of any bank of a watercourse or any part thereof shall upon being required to do so by the Board by notice within such reasonable time as may be specified remove any fallen trees or willows or any fallen limbs or branches thereof from the watercourse.

11. Restriction on erections installations excavations and tree planting in across or within 9 (nine) metres of a watercourse

No person without the previous consent of the Board shall:-

- (i) erect or construct or cause or permit to be erected or constructed any building pylon post wall fence wharf jetty quay pier bridge loading stage landing stage piling groyne revetment steps staging gangway mooring or any other structure whatsoever whether temporary or permanent or place fix or install or cause or permit to be placed fixed or installed any machinery plant engine or mechanical device whatsoever or plant or cause or permit to be planted any tree shrub willow or other similar growth in under over or across any watercourse or drain control work or in on or over any bank of any watercourse or within 9 metres measured horizontally of the landward toe of the bank where there is an embankment or wall or within 9 metres measured horizontally of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 9 metres measured horizontally of the enclosing structure.
- (ii) place or affix or cause or permit to be placed or affixed any gas or water main or sewer or any pipe or appliance whatsoever or any electrical main wire or cable or any other cable or wire whatsoever in under through or over any watercourse or drain control work or in under over or through the bank of any watercourse or within 9 metres measured horizontally of the landward toe of the bank where there is an embankment or wall or within 9 metres measured horizontally of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 9 metres measured horizontally of the enclosing structure.
- (iii) make or cut or cause or permit to be made or cut any excavation or any tunnel drain culvert or any other passage for water or any liquid whatsoever in into under or out of any watercourse or in or through any bank of any watercourse or drain control work or within 9 metres of such watercourse or work.

Provided that:-

- (a) this Byelaw shall not apply to any temporary works executed in an emergency but a person executing any work so excepted shall as soon as practicable inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any directions

the Board may give with regard thereto.

- (b) Byelaw 33(a) shall not apply to a direction of the Board under this Byelaw.

12. Repairs to Buildings

- (i) The owner of any building or structure in under or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair:-
- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,
- carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.
- (ii) Provided that Byelaw 33(a) shall not apply to a notice to be given or served by the Board under this Byelaw.

13. Control of Vermin

The occupier of any bank of a watercourse or any part thereof shall upon being required by the Board of notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

14. Damage by animals to banks

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Board to prevent the bank or the channel of the watercourse from being damaged by such use; Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Board.

15. Vehicles not to be driven on banks

No person shall ride use or drive or permit or cause to be ridden used or driven any animal, cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

16. Banks not to be used for storage

No person shall use or cause or permit to be used any bank of any watercourse or any drain control work for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things to cause or be likely to cause damage to or endanger the stability of the bank or channel of the watercourse or the drain control work or interfere with the operations or access of the Board or the right of the Board to deposit spoil on the bank of the watercourse.

