



Agriculture Act 1970

1970 CHAPTER 40

PART VI

FLOOD WARNING SYSTEMS IN SCOTLAND

92 Provision of flood warning systems

- (1) A local authority shall be deemed to have had power on or after 1st January 1969—
- (a) to provide and operate a flood warning system for their area; and
 - (b) both within and outwith their area, to provide, install and maintain apparatus and to carry out any engineering or building operations required for the purposes of any such system:

Provided that—

- (i) before a local authority exercise any of the powers conferred on them by paragraph (b) of this subsection (other than the power to maintain apparatus) in the area of another local authority, they shall consult with that authority;
 - (ii) nothing in this subsection shall authorise any infringement of the exclusive privilege conferred on the Post Office by section 24(1) of the Post Office Act 1969 (telecommunication systems).
- (2) In this Part of this Act—
- (a) " flood warning system " means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—
 - (i) rainfall, as measured at a particular place within a particular period, or
 - (ii) the level or flow at a particular time of any inland water (whether natural or artificial) or any tidal waters as defined in the Rivers (Prevention of Pollution) (Scotland) Act 1951, or
 - (iii) other matters appearing to the authority providing the system to be relevant for that purpose,is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on any such information and for transmitting the results of those calculations;

Status: This is the original version (as it was originally enacted).

- (b) " local authority ", and " area " in relation to a local authority, have (subject to section 93(3) of this Act) the meanings assigned to them by section 1 of the Flood Prevention (Scotland) Act 1961.

93 Combinations of local authorities

- (1) In exercising their powers under this Part of this Act to provide and operate a flood warning system, a local authority may combine with any other local authority, or with two or more other local authorities, so as to benefit both their area and the other area or areas concerned, on such terms and conditions as may be agreed between the local authorities.
- (2) Subsections (2) to (4) of section 119 of the Local Government (Scotland) Act 1947 (which relates to voluntary combinations of local authorities) shall apply in relation to any such combination as is mentioned in the foregoing subsection as they apply in relation to the combinations mentioned in subsection (1) of the said section 119, and in the said subsections (2) to (4) as so applying any reference to a function of a local authority shall be construed as including a reference to any power or duty of the local authority so far as relating to the flood warning system with which the combination is concerned.
- (3) In relation to a case where local authorities have combined under this section, any reference in this Part of this Act to a local authority shall (unless the context otherwise requires) be construed as including a reference to the combination of local authorities, and " area " shall be construed accordingly.

94 Arrangements with other bodies

- (1) In exercising their powers under this Part of this Act to provide a flood warning system, a local authority may enter into an arrangement with any other person to the effect that apparatus belonging to any such person may be incorporated with apparatus belonging to the local authority for the purposes of a flood warning system.
- (2) A local authority may make a contribution towards any expenses reasonably incurred by any person under the foregoing subsection in the incorporation of their apparatus with the apparatus of the local authority.

95 Acquisition of land

A local authority may be authorised by the Secretary of State to acquire by compulsory purchase any land (whether in their area or not) which they require for the exercise of their powers under this Part of this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Part of this Act had been in force immediately before the commencement of that Act.

96 Powers of entry on land

- (1) Subject to the provisions of this section, any person authorised by a local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter on any land (whether in the area of the local authority or not) for the purpose of determining whether, and if so in what

manner, any power conferred on the local authority by this Part of this Act is to be exercised.

- (2) Admission to any land shall not be demanded as of right under this section unless fourteen days notice of the intended entry has been given to the occupier of the land.
- (3) If on application made to him the sheriff is satisfied—
 - (a) that admission to any land on which any person is entitled to enter under this section has been refused to that person or that refusal is apprehended, or that the land is unoccupied, or that the case is one of urgency,
 - (b) that there is reasonable ground for entry on the land for the purpose for which entry is required, and
 - (c) either that notice of the intention to make the application has been given to the occupier or that it is equitable in the circumstances to dispense with such notice,

the sheriff may by warrant under his hand authorise that person to enter on the land; and any warrant so issued shall be expressed to remain in force for such period only as the sheriff, having regard to all the circumstances of the case, shall fix.

- (4) If any person wilfully obstructs any other person exercising a right conferred by this section to enter, or do anything, on any land he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5 in the case of a first conviction or £20 in the case of a second or any subsequent conviction.

97 Grants towards cost of flood warning system

- (1) The Secretary of State may make grants, of such amounts as the Treasury may from time to time sanction, towards expenditure incurred by a local authority at any time on or after 1st January 1969—
 - (a) in providing or installing apparatus or carrying out engineering or building operations for the purposes of a flood warning system; or
 - (b) in making an approved contribution under section 94(2) of this Act.
- (2) No grant shall be payable under this section towards expenditure incurred in connection with any work unless the work has been approved by the Secretary of State and the Secretary of State is satisfied that the work is being or has been properly carried out; and grants under this section shall be made subject to such conditions as may be imposed by the Secretary of State with the approval of the Treasury.
- (3) In subsection (1) of this section " approved ", in relation to any contribution, means approved for the purposes of this section by the Secretary of State.

98 Extent of Part VI

Any local authority whose area adjoins England may exercise the powers conferred by section 92(1) (b) of this Act in an area in England subject (except in the case of the power to maintain apparatus) to prior consultation with the river authority for that area within the meaning of section 3 of the Water Resources Act 1963 ; but save as aforesaid this Part of this Act extends to Scotland only.