



Water Resources Act 1991

1991 CHAPTER 57

PART IV

FLOOD DEFENCE

General

105 General functions with respect to flood defence

- (1) Subject to section 106 below, the Authority shall in relation to England and Wales exercise a general supervision over all matters relating to flood defence.
- (2) For the purpose of carrying out its flood defence functions the Authority shall from time to time carry out surveys of the areas in relation to which it carries out those functions.
- (3) In the exercise of the powers conferred by the following provisions of this Part and the other flood defence provisions of this Act due regard shall be had to the interests of fisheries, including sea fisheries.
- (4) Nothing in the following provisions of this Part or the other flood defence provisions of this Act shall prejudice or affect the provisions of Part V of this Act or the Salmon and Freshwater Fisheries Act 1975 or any right, power or duty conferred or imposed by that Part or that Act.

106 Obligation to carry out flood defence functions through committees

- (1) Without prejudice to any scheme for the appointment of local flood defence committees and subject to subsection (2) below, the Authority shall arrange for all its functions relating to flood defence under the following provisions of this Act and the Land Drainage Act 1991 to be carried out by regional flood defence committees, so that those functions of the Authority are carried out—
 - (a) in relation to the area of each regional flood defence committee, by the committee for that area; and

Status: This is the original version (as it was originally enacted).

- (b) in cases involving the areas of more than one regional flood defence committee, by such committee, or jointly by such committees, as may be determined in accordance with arrangements made by the Authority.
- (2) The Authority shall not make arrangements for the carrying out by any other body, or by any committee, of any of its functions with respect to—
 - (a) the issuing of levies (within the meaning of the Local Government Finance Act 1988); or
 - (b) the making of drainage charges under Chapter II of Part VI of this Act;and nothing in this section shall enable the Authority to authorise any such other body or any committee to borrow money for purposes connected with the Authority's functions relating to flood defence.
- (3) The Authority may give a regional flood defence committee a direction of a general or specific character as to the carrying out of any function relating to flood defence, other than one of its internal drainage functions, so far as the carrying out of that function appears to the Authority likely to affect materially the Authority's management of water for purposes other than flood defence.
- (4) It shall be the duty of a regional flood defence committee to comply with any direction under subsection (3) above.
- (5) In subsection (3) above "internal drainage functions" means the functions of the Authority under sections 108, 139 and 140 below and the following provisions of the Land Drainage Act 1991, that is to say—
 - (a) sections 2 to 9 (transfer to the Authority and supervision by the Authority of the functions of internal drainage boards);
 - (b) sections 38, 39 and 47 (differential drainage rates and exemptions from such rates);
 - (c) sections 57 and 58(1) (provisions with respect to contributions by the Authority to the expenses of internal drainage boards and the expenses of the Authority as such a board).