



Water Resources Act 1991

1991 CHAPTER 57

PART VII

LAND AND WORKS POWERS

CHAPTER I

POWERS OF THE [F¹AGENCY]

General pipe-laying powers

159 Powers to lay pipes in streets.

- (1) Subject to the following provisions of this Part, the [F¹Agency] shall, for the purpose of carrying out its functions, have power—
- (a) to lay a relevant pipe in, under or over any street and to keep that pipe there;
 - (b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in, under or over any street; and
 - (c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
 - (i) breaking up or opening a street;
 - (ii) tunnelling or boring under a street;
 - (iii) breaking up or opening a sewer, drain or tunnel;
 - (iv) moving or removing earth and other materials.

[F²(1A) The Agency may carry out work within subsection (1)(a) to (c) if—

- (a) it thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010, and

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- (b) the purpose of the work is to manage a flood risk (within the meaning of that Act) from (i) the sea, or (ii) a main river.]
- (2) Without prejudice to the generality of subsection (1)(c) above, the [F1Agency] shall have power to erect and keep in any street notices indicating the position of such underground accessories for its relevant pipes as may be used for controlling the flow of water in those pipes.
- (3) The power conferred by subsection (2) above shall include power to attach any such notice as is mentioned in that subsection to any building, fence or other structure which is comprised in premises abutting on the street in question.
- (4) Until the coming into force of its repeal by the M1New Roads and Street Works Act 1991 section 20 of the M2Highways Act 1980 (works in special roads) shall have effect as if the reference in that section to a power under any enactment to lay down or erect apparatus included a reference to any power to lay any pipe which is conferred by this section.
- (5) In this section references to a relevant pipe are references to a resource main or discharge pipe and references to laying such a pipe shall include references-
- (a) to the laying of any drain or sewer for any of the purposes specified in subsection (6) below; and
- (b) to the construction of a watercourse for any of those purposes.
- (6) The purposes mentioned in subsection (5) above are—
- (a) intercepting, treating or disposing of any foul water arising or flowing upon any land; or
- (b) otherwise preventing the pollution—
- (i) of any waters, whether on the surface or underground, which belong to the [F1Agency] or any water undertaker or from which the [F1Agency] or any water undertaker is authorised to take water;
- (ii) without prejudice to sub-paragraph (i) above, of any reservoir which belongs to or is operated by the [F1Agency] or any water undertaker or which the [F1Agency] or any water undertaker is proposing to acquire or construct for the purpose of being so operated; or
- (iii) of any underground strata from which the [F1Agency] or any water undertaker is for the time being authorised to abstract water in pursuance of a licence under Chapter II of Part II of this Act.
- (7) References in this section to maintaining a pipe include references to cleansing it and references to altering a pipe include references to altering its size or course, to moving or removing it and to replacing it with a pipe which is of the same description of relevant pipe as the pipe replaced.

Textual Amendments

- F1** Word in s. 159 substituted (subject to the other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** S. 159(1A) inserted (19.7.2011 for E.) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 45** (with s. 49(1)(6)); S.I. 2011/1770, art. 3(f)

Marginal Citations

- M1** 1991 c. 22.

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M2 1980 c. 66.

160 Power to lay pipes in other land.

- (1) Subject to the following provisions of this Part, the [^{F3}Agency] shall, for the purpose of carrying out its functions, have power—
- (a) to lay a relevant pipe (whether above or below the surface) in any land which is not in, under or over a street and to keep that pipe there;
 - (b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in any such land;
 - (c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above.
- [^{F4}(1A) The Agency may carry out work within subsection (1)(a) to (c) if—
- (a) it thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010, and
 - (b) the purpose of the work is to manage a flood risk (within the meaning of that Act) from (i) the sea, or (ii) a main river.]
- (2) The powers conferred by this section shall be exercisable only after reasonable notice of the proposed exercise of the power has been given to the owner and to the occupier of the land where the power is to be exercised.
- (3) Subject to subsection (4) below, in relation to any exercise of the powers conferred by this section for the purpose of laying or altering a relevant pipe, the minimum period that is capable of constituting reasonable notice for the purposes of subsection (2) above shall be deemed—
- (a) where the power is exercised for the purpose of laying a relevant pipe otherwise than in substitution for an existing pipe of the same description, to be three months; and
 - (b) where the power is exercised for the purpose of altering an existing pipe, to be forty-two days.
- (4) In this section references to a relevant pipe are references to a resource main or discharge pipe; and subsection (7) of section 159 above shall apply for the purposes of this section as it applies for the purposes of that section.

Textual Amendments

- F3** Word in s. 160 substituted (subject to the other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** S. 160(1A) inserted (19.7.2011 for E.) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 46** (with s. 49(1)(6)); S.I. 2011/1770, art. 3(f)

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