



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

#### CHAPTER I

#### POWERS OF THE [F<sup>1</sup>AGENCY]

##### *Provisions in relation to land*

#### **154 Compulsory purchase etc.**

- (1) The [F<sup>1</sup>Agency] may be authorised by either of the Ministers to purchase compulsorily any land anywhere in England and Wales which is required by the [F<sup>1</sup>Agency] for the purposes of, or in connection with, the carrying out of its functions.
- (2) The power of each of the Ministers under subsection (1) above shall include power—
  - (a) to authorise the acquisition of interests in, and rights over, land by the creation of new interests and rights; and
  - (b) by authorising the acquisition by the [F<sup>1</sup>Agency] of any rights over land which is to be or has been acquired by the [F<sup>1</sup>Agency], to provide for the extinguishment of those rights.
- (3) Without prejudice to the generality of subsection (1) above, the land which the [F<sup>1</sup>Agency] may be authorised under that subsection to purchase compulsorily shall include land which is or will be required for the purpose of being given in exchange for, or for any right over, any other land which for the purposes of the <sup>M1</sup>Acquisition of Land Act 1981 is or forms part of a common, open space or a fuel or field garden allotment.
- (4) Subject to section 182 below, the Acquisition of Land Act 1981 shall apply to any compulsory purchase under subsection (1) above of any land by the [F<sup>1</sup>Agency]; and

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Schedule 3 to the said Act of 1981 shall apply to the compulsory acquisition under that subsection of rights by the creation of new rights.

- (5) Schedule 18 to this Act shall have effect for the purpose of modifying enactments relating to compensation and the provisions of the <sup>M2</sup>Compulsory Purchase Act 1965 in their application in relation to the compulsory acquisition under subsection (1) above of a right over land by the creation of a new right.
- (6) The provisions of Part I of the <sup>M3</sup>Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 10, 21, 27(1) and 31 and Schedule 4, shall apply in relation to any power to acquire land by agreement which is conferred, by virtue of any provision of this Act [<sup>F2</sup>or otherwise (including section 37 of the 1995 Act (incidental general powers of the Agency))], on the [Agency] as if—
- (a) any reference in those provisions to the acquiring authority were a reference to the [<sup>F1</sup>Agency]; and
  - (b) any reference to land subject to compulsory purchase were a reference to land which may be purchased by agreement under that power.

#### Textual Amendments

- F1** Word in s. 154 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** Words in s. 154(6) substituted (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 157** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

#### Marginal Citations

- M1** 1981 c. 67.  
**M2** 1965 c. 56.  
**M3** 1965 c. 56.

### 155 Accretions of land resulting from drainage works.

- (1) If the relevant Minister certifies that, as the result of—
- (a) any drainage works carried out or improved, or proposed to be carried out or improved, by the [<sup>F3</sup>Agency] in connection with the tidal waters of a main river; or
  - (b) any drainage works transferred from a drainage body to the [<sup>F3</sup>Agency] in pursuance of this Act or the <sup>M4</sup>Land Drainage Act 1991,
- there has been or is likely to be any accretion of land, the powers of the [<sup>F3</sup>Agency] by virtue of this Act, for the purpose of carrying out its functions, to acquire land or any interest in or right over land by agreement or compulsorily shall include power so to acquire the land mentioned in subsection (2) below.
- (2) The land mentioned in subsection (1) above is—
- (a) the accretion of land or the land to which the accretion will, if it takes place, be added, together with any right to reclaim or embank the accretion; and
  - (b) such other land as is reasonably required for the purpose of reclamation of the accretion or for the enjoyment of it when reclaimed.
- (3) An agreement or order with respect to the acquisition of any land or rights by virtue of this section may provide for the transfer to the [<sup>F3</sup>Agency] of any liability for the

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upkeep, maintenance and repair of any bank or drainage work or of any other like liability.

- (4) Where the value of any land or right is increased by the carrying out or proposed carrying out of drainage works by the [<sup>F3</sup>Agency] the amount of the increase shall not be taken into account in assessing the compensation in respect of the compulsory acquisition of it.
- (5) Where, by reason of a certificate having been given by the relevant Minister under this section in relation to any drainage works, the [Agency] has acquired any land or right and a grant has been made out of public moneys for defraying the cost or part of the cost of the carrying out of the works, the [<sup>F3</sup>Agency] shall—
- (a) on being so required by the Crown Estate Commissioners; and
  - (b) on payment by the Commissioners to the [Agency] of the sum paid by the [<sup>F3</sup>Agency] in respect of the acquisition of the land or right, together with the amount of any costs incurred by the [<sup>F3</sup>Agency] in connection with the acquisition,
- transfer the land or right to the Commissioners or to any person nominated by them.
- (6) If the [<sup>F3</sup>Agency], on being so required by the Crown Estate Commissioners in pursuance of subsection (5) above, fail to transfer to the Commissioners any land or right, the relevant Minister may by a vesting order transfer the land or right to the Commissioners or to a person nominated by them; and, for the purposes of this subsection, the relevant Minister shall be deemed to be a competent authority within the meaning of section 9 of the <sup>M5</sup>Law of Property Act 1925.
- (7) In this section—
- “banks” has the same meaning as in Part IV of this Act;
  - “drainage body” has the same meaning as in section 108 above;
  - “the relevant Minister”—
- (a) in relation to England, means the Minister; and
  - (b) in relation to Wales, means the Secretary of State.

#### Textual Amendments

**F3** Word in s. 155 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**

#### Marginal Citations

**M4** 1991 c. 59.

**M5** 1925 c. 20.

## 156 Acquisition of land etc. for fisheries purposes.

- (1) [<sup>F4</sup>Without prejudice to section 37 of the 1995 Act (incidental general powers of the Agency)], the powers conferred on the [<sup>F5</sup>Agency] by that section and section 154 above include power to purchase or take on lease (either by agreement or, if so authorised, compulsorily)—
- (a) any dam, fishing weir, fishing mill dam, fixed engine or other artificial obstruction and any fishery attached to or worked in connection with any such obstruction;

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- (b) so much of the bank adjoining a dam as may be necessary for making or maintaining a fish pass for the purposes of section 10 of the <sup>M6</sup>Salmon and Freshwater Fisheries Act 1975; and
  - (c) for the purpose of erecting and working a fixed engine, any fishery land or foreshore together with any easement over any adjoining land necessary for securing access to the fishery land or foreshore so acquired.
- (2) [<sup>F4</sup>Without prejudice to section 37 of the 1995 Act (incidental general powers of the Agency)], the may—
- (a) either alter or remove an obstruction acquired in the exercise of the powers mentioned in subsection (1) above; or
  - (b) by itself or its lessees use or work in any lawful manner the obstruction for fishing purposes and exercise the right by any fishery so acquired,
- subject, in the case of an obstruction or fishery acquired by way of lease, to the terms of the lease.
- (3) Expressions used in this section and in the Salmon and Freshwater Fisheries Act 1975 have the same meanings in this section as in that Act.

#### Textual Amendments

- F4** Words in s. 156(1)(2) substituted (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 158** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Word in s. 156 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**

#### Marginal Citations

- M6** 1975 c. 51.

### 157 Restriction on disposals of compulsorily acquired land.

- (1) The [<sup>F6</sup>Agency] shall not dispose of any of its compulsorily acquired land, or of any interest or right in or over any of that land, except with the consent of, or in accordance with a general authorisation given by, one of the Ministers.
- (2) A consent or authorisation for the purposes of this section—
  - (a) shall be set out in a notice served on the [<sup>F6</sup>Agency] by the Minister who is giving the consent or authorisation; and
  - (b) in the case of an authorisation, may be combined with an authorisation for the purposes of section 156 of the <sup>M7</sup>Water Industry Act 1991 (restrictions on disposals of land by a water or sewerage undertaker).
- (3) A consent or authorisation for the purposes of this section may be given on such conditions as the Minister who is giving it considers appropriate.
- (4) Without prejudice to the generality of subsection (3) above, the conditions of a consent or authorisation for the purposes of this section may include a requirement that, before there is any disposal, an opportunity of acquiring the land in question, or an interest or right in or over that land, is to be made available to such person as may be specified in or determined under provision contained in the notice setting out the consent or authorisation in question.

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- (5) A requirement under subsection (4) above may require the opportunity to be made available in such manner and on such terms as may be specified in or determined under provision contained in the notice setting out the consent or authorisation in question.
- [<sup>F7</sup>(6) In this section “compulsorily acquired land”, in relation to the Agency, means any land of the Agency which—
- (a) was acquired by the Agency compulsorily under the provisions of section 154 above or of an order under section 168 below;
  - (b) was acquired by the Agency at a time when it was authorised under those provisions to acquire the land compulsorily;
  - (c) being land which has been transferred to the Agency from the Authority by section 3 of the 1995 Act, was acquired by the Authority—
    - (i) compulsorily, under the provisions of section 154 above or of an order under section 168 below or under the provisions of section 151 of the <sup>M8</sup>Water Act 1989 or of an order under section 155 of that Act; or
    - (ii) at a time when it was authorised under those provisions to acquire the land compulsorily;
  - (d) being land—
    - (i) which has been so transferred, and
    - (ii) which was transferred to the Authority in accordance with a scheme under Schedule 2 to the <sup>M9</sup>Water Act 1989, was acquired by a predecessor of the Authority compulsorily under so much of any enactment in force at any time before 1st September 1989 as conferred powers of compulsory acquisition; or
  - (e) being land transferred as mentioned in sub-paragraphs (i) and (ii) of paragraph (d) above, was acquired by such a predecessor at a time when it was authorised to acquire the land by virtue of any such powers as are mentioned in that paragraph.]

#### Textual Amendments

**F6** Words in s. 157 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**

**F7** S. 157(6) substituted (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 159** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

#### Marginal Citations

**M7** 1991 c. 56.

**M8** 1989 c. 15.

**M9** 1989 c. 29.

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