

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 21

#### CCOMPENSATION ETC. IN RESPECT OF CERTAIN WORKS POWER

##### *Compensation in respect of flood defence and drainage works*

- 5 (1) Where injury is sustained by any person by reason of the exercise by the [F1appropriate agency] of any powers under section 165(1) to (3) of this Act, the [F1appropriate agency] shall be liable to make full compensation to the injured party.
- (2) In case of dispute, the amount of any compensation under sub-paragraph (1) above shall be determined by the [F2Upper Tribunal] .
- (3) Where injury is sustained by any person by reason of the exercise by the [F1appropriate agency] of its powers under subsection (1)(b) of section 167 of this Act—
- (a) the [F1appropriate agency] may, if it thinks fit, pay to him such compensation as it may determine; and
  - (b) if the injury could have been avoided if those powers had been exercised with reasonable care, the provisions of sub-paragraphs (1) and (2) above shall apply as if the injury had been sustained by reason of the exercise by the [F1appropriate agency] of its powers under section 165(1) to (3) of this Act.

#### Textual Amendments

- F1** Words in Sch. 21 para. 5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 313** (with Sch. 7)
- F2** Words in Sch. 21 para. 5(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 235(b)** (with Sch. 5)

#### Modifications etc. (not altering text)

- C1** Sch. 21 para. 5(1)(2) applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), s. 7(5) (with s. 61)
- C2** Sch. 21 para. 5(1)(2) applied (with modifications) (W.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(Wales\) Order 2011 \(S.I. 2011/2829\)](#), arts. 1, 8
- C3** Sch. 21 para. 5(1)(2) applied (with modifications) (W.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(Wales\) Order 2011 \(S.I. 2011/2829\)](#), arts. 1, 7
- C4** Sch. 21 para. 5(1)(2) applied (with modifications) (E.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(England\) Order 2011 \(S.I. 2011/2855\)](#), arts. 1(c), 7
- C5** Sch. 21 para. 5(1)(2) applied (with modifications) (E.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(England\) Order 2011 \(S.I. 2011/2855\)](#), arts. 1(c), 8

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 5.