



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.
- (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.

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 159. (See end of Document for details)

- (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 ^{M1}New Roads and Street Works Act 1991 section 20 of the ^{M2}Highways 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 [^{F1}Agency] or any water undertaker or from which the [^{F1}Agency] 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 [^{F1}Agency] or any water undertaker or which the [^{F1}Agency] 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 [^{F1}Agency] 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**

Marginal Citations

M1 1991 c. 22.

M2 1980 c. 66.

Status:

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Changes to legislation:

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