



Water Resources Act 1991

1991 CHAPTER 57

PART VII

LAND AND WORKS POWERS

CHAPTER I

POWERS OF THE [F¹AGENCY]

Flood defence and drainage works

166 Power to carry out works for purpose of providing flood warning system.

- (1) Without prejudice to its other powers by virtue of [F¹section 37 of the 1995 Act (incidental general powers of the Agency)], Part IV of this Act and this Part, the [F²Agency] shall have power—
 - (a) to provide and operate flood warning systems;
 - (b) to provide, install and maintain apparatus required for the purposes of such systems;
 - (c) to carry out any other engineering or building operations so required.
- (2) Subsection (1) above shall not be construed as authorising, on the part of the [F²Agency], any act or omission which, apart from that subsection, would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the [F²Agency] by virtue of its constitution.
- (3) The [F²Agency] may exercise the powers conferred by subsection (1)(b) or (c) above in an area in Scotland as if—
 - (a) its functions in relation to the areas of the regional flood defence committees whose areas are adjacent to Scotland were functions in relation to that area in Scotland; and
 - (b) that area in Scotland were included in the areas of each of those committees;

Status: Point in time view as at 17/03/2004. This version of this provision has been superseded.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 166. (See end of Document for details)

but the powers conferred by this subsection are subject (except in the case of a power to maintain apparatus) to prior consultation with the local authority (within the meaning of section 1 of the ^{M1}Flood Prevention (Scotland) Act 1961) for the area in Scotland in question.

[^{F3}(4) In this section—

“flood warning system” means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—

- (a) rainfall, as measured at a particular place within a particular period; or
- (b) the level or flow of any inland water, or part of an inland water, at a particular time; or
- (c) other matters appearing to the Agency to be relevant for that purpose,

is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on such information and for transmitting the results of those calculations;

“inland water” means any of the following in any part of Great Britain, that is to say—

- (a) any river, stream or other watercourse, whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, and any reservoir or dock; and
- (c) any channel, creek, bay, estuary or arm of the sea;

“rainfall” includes any fall of snow, hail or sleet.]

Textual Amendments

- F1** Words in s. 166(1) substituted (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 164** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 166 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**
- F3** S. 166(4) substituted (17.3.2004 for E.) by Water Act 2003 (c. 37), **ss. 69(3)**, 105(3); S.I. 2004/641, **art. 2(a)** (with **Sch. 3 para. 7**)
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Marginal Citations

- M1** 1961 c. 41.

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Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 166.