



Water Resources Act 1991

1991 CHAPTER 57

PART VII

LAND AND WORKS POWERS

CHAPTER I

POWERS OF THE [F¹ APPROPRIATE AGENCY]

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 section 37 of the 1995 Act (incidental general powers of the Agency), [F¹ or (as the case may be) article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I.2012/1903),] Part IV of this Act and this Part, the [F² appropriate agency] 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 [F³ appropriate agency], 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 [F³ appropriate agency] by virtue of its constitution.
- (3) The [F⁴ Agency] 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 [F⁵ the flood risk management regions adjacent to Scotland] were functions in relation to that area in Scotland; and

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 166. (See end of Document for details)

(b) that area in Scotland were included in [^{F6}those flood risk management regions];

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.

[^{F7}(4) In this section—

[^{F8}“flood risk management region” means the region of a Regional Flood and Coastal Committee, within the meaning of section 22 of the Flood and Water Management Act 2010;]

“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 [^{F9}appropriate 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.]

[^{F7}(4) In this section—

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- (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
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- (c) any channel, creek, bay, estuary or arm of the sea;

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

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 166. (See end of Document for details)

Textual Amendments

- F1** Words in s. 166(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 285(2)(a)** (with Sch. 7)
- F2** Words in s. 166(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 285(2)(b)** (with Sch. 7)
- F3** Words in s. 166(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 285(3)** (with Sch. 7)
- F4** 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**
- F5** Words in s. 166(3)(a) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 12(2)(a)**
- F6** Words in s. 166(3)(b) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 12(2)(b)**
- F7** S. 166(4) substituted (17.3.2004 for E., 1.4.2004 for W.) by [Water Act 2003 \(c. 37\)](#), **ss. 69(3)**, 105(3); S.I. 2004/641, art. 2(a) (with Sch. 3 para. 7); S.I. 2004/910, art. 2(1)(b)
- F8** Words in s. 166(4) inserted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 12(3)**
- F9** Words in s. 166(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 285(4)** (with Sch. 7)

Marginal Citations

- M1** 1961 c. 41.

Changes to legislation:

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