



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

4 Existing impounding works: works notices

- (1) Without prejudice to the [^{F1}appropriate agency's] power under subsection (2) of section 3, where it appears to [^{F2}the appropriate agency] to be necessary for—
- the protection of the environment, or
 - the performance of its functions in connection with the management of water resources,
- [^{F2}the appropriate agency] may serve a works notice on any relevant person with respect to any existing unlicensed impounding works of the kind mentioned in subsection (2) of that section.
- (2) For the purposes of subsection (1), a works notice is a notice requiring the person on whom it is served to carry out such works or operations in relation to the impounding works as—
- appear to the [^{F3}appropriate agency] to be required for the purposes mentioned in subsection (1)(a) or (b), and
 - are specified in the notice.
- (3) The following provisions of the WRA apply in relation to works notices under this section as they apply in relation to notices referred to in those provisions—
- subsections (5) to (9) of section 25A (as inserted by section 30 of this Act), and
 - sections 161B and 161C,
- including any power to make regulations or give directions, but references in those provisions to the Secretary of State shall be treated as references to the appropriate authority.

Changes to legislation: Water Act 2003, Section 4 is up to date with all changes known to be in force on or before 22 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) If a person on whom [^{F2}the appropriate agency] serves a notice under this section fails to comply with any of its requirements, he shall be guilty of an offence.
- (5) A person who commits an offence under subsection (4) shall be liable
- (6) If a person on whom a works notice has been served under this section fails to comply with any of its requirements, [^{F2}the appropriate agency] may do what that person was required to do and may recover from him any costs or expenses reasonably incurred by [^{F2}the appropriate agency] in doing it.
- (7) If [^{F2}the appropriate agency] is of the opinion that proceedings for an offence under subsection (4) would afford an ineffectual remedy against a person who has failed to comply with the requirements of a works notice, [^{F2}the appropriate agency] may take proceedings in the High Court for the purpose of securing compliance with the notice.
- (8) In this section, “the appropriate authority”, “existing unlicensed impounding works” and “relevant person” have the meanings given in section 3.

Annotations:

Amendments (Textual)

- F1** Words in s. 4(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 416(2)** (with Sch. 7)
- F2** Words in s. 4 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 416(3)** (with Sch. 7)
- F3** Words in s. 4(2)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 416(4)** (with Sch. 7)
- F4** Words in s. 4(5) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 34** (with reg. 5(1))

Commencement Information

- I1** S. 4 in force at 1.4.2006 by [S.I. 2006/984](#), art. 2(d)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)