



# 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 [<sup>F1</sup>appropriate agency's] power under subsection (2) of section 3, where it appears to [<sup>F2</sup>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,
- [<sup>F2</sup>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 [<sup>F3</sup>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.

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*Changes to legislation: Water Act 2003, Section 4 is up to date with all changes known to be in force on or before 19 January 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)*

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- (4) If a person on whom [<sup>F2</sup>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, [<sup>F2</sup>the appropriate agency] may do what that person was required to do and may recover from him any costs or expenses reasonably incurred by [<sup>F2</sup>the appropriate agency] in doing it.
- (7) If [<sup>F2</sup>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, [<sup>F2</sup>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:**

Water Act 2003, Section 4 is up to date with all changes known to be in force on or before 19 January 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.

**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\(3\)](#)