



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 Environment Agency's power under subsection (2) of section 3, where it appears to the Agency to be necessary for—
- (a) the protection of the environment, or
 - (b) the performance of its functions in connection with the management of water resources,

the 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—
- (a) appear to the Environment Agency to be required for the purposes mentioned in subsection (1)(a) or (b), and
 - (b) 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—
- (a) subsections (5) to (9) of section 25A (as inserted by section 30 of this Act), and
 - (b) 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.

Status: This is the original version (as it was originally enacted).

- (4) If a person on whom the 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—
 - (a) on summary conviction, to a fine not exceeding £20,000,
 - (b) on conviction on indictment, to a fine.
- (6) If a person on whom a works notice has been served under this section fails to comply with any of its requirements, the Agency may do what that person was required to do and may recover from him any costs or expenses reasonably incurred by the Agency in doing it.
- (7) If the 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, the 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.