



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART VI

#### FLOOD WARNING SYSTEMS IN SCOTLAND

**Modifications etc. (not altering text)**

- C1** Functions of town and country councils under Pt. VI now exercisable (S.) by regional and islands councils: [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 137\(2\)](#)
- C2** Certain functions of river purification authorities transferred (12.10.1995) by [1995 c. 25, s. 21\(1\)\(a\)\(iv\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2649, [art. 2](#)

#### 92 Provision of flood warning systems.

[<sup>F1</sup>(1) A river purification board or an islands council may provide and operate a flood warning system for their area and may, both within, and (in the case of a river purification board) outwith, that area, provide, install and maintain apparatus and carry out any engineering or building operations required for the purposes of any such system:

Provided that—

- (i) before the exercise by a river purification board of any of the powers conferred on them by the foregoing provisions of this subsection (other than the power to maintain apparatus) that board shall consult each local authority within whose area the power is to be exercised;
- (ia) before such exercise by a river purification board or by an islands council that board or council shall, as regards such police duties as arise under section 17(1)(a)(ii) and (iii) of the Police (Scotland) Act 1967 (general duties of guarding, patrolling and watching so as to preserve order and protect life and property) in relation to any danger of flooding, consult the chief constable of each region (or as the case may be of the islands area) within which the power is to be exercised;
- (ii) .....

<sup>F2</sup>]

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Part VI. (See end of Document for details)*

(2) In this Part of this Act—

- (a) “flood warning system” means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—
- (i) rainfall, as measured at a particular place within a particular period, or
  - (ii) the level or flow at a particular time of any inland water (whether natural or artificial) or any tidal waters as defined in the <sup>M1</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951, or
  - (iii) other matters appearing to the authority providing the system to be relevant for that purpose,

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

- [<sup>F3</sup>(b) “local authority” means a regional or district council; and
- (c) “river purification board” means any such board as is established under section 135 of the Local Government (Scotland) Act 1973 (which makes provision as regards the reassignment of functions relating to the prevention of river pollution).]

#### Textual Amendments

- F1** The first paragraph of s. 92(1) and proviso paras. (i)(ia) substituted for s. 92(1)(a)(b) and proviso para. (i) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [s. 21\(a\)\(i\)](#)
- F2** S. 92(1) proviso para. (ii) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)
- F3** S. 92(2)(b)(c) substituted for para. (b) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [s. 21\(a\)\(ii\)](#)

#### Marginal Citations

- M1** 1951 c. 66.

93 ..... <sup>F4</sup>

#### Textual Amendments

- F4** S. 93 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

#### 94 Arrangements with other bodies.

- (1) In exercising their powers under this Part of this Act to provide a flood warning system, a [<sup>F5</sup>river purification board or island council] may enter into an arrangement with any other person to the effect that apparatus belonging to any such person may be incorporated with apparatus belonging to the [<sup>F5</sup>river purification board or island council] for the purposes of a flood warning system.
- (2) A [<sup>F5</sup>river purification board or island council] may make a contribution towards any expenses reasonably incurred by any person under the foregoing subsection in the incorporation of their apparatus with the apparatus of the local authority.

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F5** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 21(b)**

**95, 96.** ..... **F6**

**Textual Amendments**

**F6** **Ss. 95, 96** repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 21(c)**, Sch. 4 Pt. 1

**97** ..... **F7**

**Textual Amendments**

**F7** **S. 97** repealed by [S.I. 1981/127](#), arts. 3, 5, **Sch. 1**

**98**     **Extent of Part VI.**

Any [<sup>F8</sup>river purification board] whose area adjoins England may exercise the powers conferred by section 92(1)(b) of this Act in an area in England subject (except in the case of the power to maintain apparatus) to prior consultation with the [<sup>F9</sup>National Rivers Authority]; but save as aforesaid this Part of this Act extends to Scotland only.

**Textual Amendments**

**F8** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 21(d)**

**F9** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 para. 3(1)(2), 17, 40(4), 57(6), **58**

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture Act 1970, Part VI.