



Water Act 1989

1989 CHAPTER 15

PART III

THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

CHAPTER VI

SUPPLEMENTAL PROVISIONS OF PART III

143 Research etc. duties of the Authority

- (1) It shall be the duty of the Authority to make arrangements for the carrying out of research and related activities (whether by the Authority or others) in respect of matters to which the functions of the Authority relate.
- (2) It shall be the duty of the Authority—
 - (a) to collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England and Wales; and
 - (b) so far as it considers it appropriate to do so, to collaborate with others in collating and publishing any such information or any similar information in relation to places outside England and Wales.

144 Overseas activities of the Authority

- (1) Subject to subsection (2) below, the Authority may provide for any person outside the United Kingdom advice or assistance, including training facilities, as respects any matter in which the Authority has skill or experience.
- (2) The power conferred by subsection (1) above shall not be exercised except—
 - (a) with the consent in writing of the Secretary of State; and

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- (b) if the exercise of that power involves capital expenditure by the Authority, or the guaranteeing by the Authority of any liability, with that consent given with the approval of the Treasury.
- (3) Subsections (1) and (2) above are without prejudice to any power of the Authority apart from subsection (1) above to provide advice or assistance of the kind mentioned in that subsection.
- (4) Any consent under this section may be given subject to such conditions as the Secretary of State thinks fit.

145 General powers of the Authority

- (1) The Authority—
 - (a) shall have power to do anything which, in the opinion of the Authority is calculated to facilitate, or is conducive or incidental to, the carrying out of the Authority's functions;
 - (b) without prejudice to the generality of that power, shall have power, for the purposes of, or in connection with, the carrying out of those functions, to institute criminal proceedings, to acquire and dispose of land and other property and to carry out such engineering or building operations at such places as the Authority considers appropriate; and
 - (c) without prejudice as aforesaid and subject to any express provision with respect to charging by the Authority which is contained in any enactment, shall have power to fix and recover charges for services provided in the course of carrying out its functions.
- (2) Without prejudice to subsection (1) above, the powers conferred by section 1 of the Local Authorities (Goods and Services) Act 1970 shall be exercisable by the Authority as if the Authority were a public body within the meaning of that section.
- (3) Nothing in this section with respect to the carrying out of works shall be construed as conferring any power to do anything otherwise than for the purpose of giving the Authority capacity as a corporation to do that thing; and, accordingly, without prejudice to the provisions of Part IV of this Act, this section shall be disregarded for the purpose of determining whether the Authority is liable, on grounds other than an incapacity by virtue of its constitution, for any act or omission in exercise of a power to carry out works conferred by this section.

146 Ministerial directions to the Authority

- (1) Directions of a general or specific character may be given to the Authority—
 - (a) with respect to the carrying out of the Authority's functions by virtue of Chapter I, II or V of this Part (other than its functions in connection with the making of applications for orders under section 112 above), by the Secretary of State;
 - (b) with respect to the making of applications for orders under section 112 above or with respect to the carrying out of its functions by virtue of Chapter III or IV of this Part, by the Minister or the Secretary of State; and
 - (c) with respect to anything not falling within paragraph (a) or (b) above which is connected with the carrying on of the Authority's activities generally, by the Secretary of State and the Minister acting jointly;

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and it shall be the duty of the Authority to comply with any such direction.

- (2) Without prejudice to the generality of the power conferred by subsection (1) above, directions under that subsection may include such directions as the Secretary of State, the Minister or, as the case may be, both of them consider appropriate in order to enable Her Majesty's Government in the United Kingdom to give effect—
 - (a) to any Community obligations; or
 - (b) to any international agreement to which the United Kingdom is for the time being a party.
- (3) The power to give a direction under this section shall be exercisable, except in an emergency, only after consultation with the Authority.
- (4) Any power of the Secretary of State or the Minister otherwise than by virtue of this section to give directions to the Authority shall be without prejudice to the power conferred by this section.

147 Powers of entry etc

- (1) Any person designated in writing for the purpose by the Secretary of State, the Minister or the Authority may—
 - (a) enter any premises or vessel for the purpose of—
 - (i) ascertaining whether any provision of an enactment to which this section applies, of any subordinate legislation or other instrument made by virtue of any such enactment or of any byelaws made by the Authority is being or has been contravened;
 - (ii) determining whether, and if so in what manner, any power or duty conferred or imposed on the Secretary of State, the Minister or the Authority by virtue of any enactment to which this section applies (including a power of the Secretary of State or the Minister to make subordinate legislation) should be exercised or, as the case may be, performed; or
 - (iii) exercising or performing any power or duty which is so conferred or imposed;
 - and
 - (b) carry out such inspections, measurements and tests on any premises or vessel entered by that person or of any articles found on any such premises or vessel, and take away such samples of water or effluent or of any land or articles, as the Secretary of State, the Minister or the Authority—
 - (i) considers appropriate for any purpose mentioned in paragraph (a) above; and
 - (ii) has authorised that person to carry out or take away.
- (2) The powers which by virtue of subsection (1) above are conferred in relation to any premises for the purpose of enabling the Secretary of State, the Minister or the Authority to determine—
 - (a) whether any provision made by or under Chapter I of this Part is being or has been contravened; or
 - (b) whether or in what manner to exercise or perform any power or duty conferred or imposed on him or it by or under that Chapter,

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shall include power, in order to obtain the information on which that determination may be made, to carry out experimental borings or other works on those premises and to install and keep monitoring and other apparatus there.

- (3) Without prejudice to any power exercisable by virtue of a warrant under section 178 below, no person shall make an entry into any premises or vessel by virtue of this section except—
- (a) in an emergency; or
 - (b) at a reasonable time and, if the premises are residential premises, the vessel is used for residential purposes or the entry is to be with heavy equipment, after seven days' notice of the intended entry has been given to the occupier of the premises or vessel.
- (4) This section applies to any enactment contained in this Part, in the Water Resources Act 1963, in the Land Drainage Act 1976 or in any other enactment not contained in this Act under or for the purposes of which the Authority carries out functions.

148 Admissibility of analyses of samples

- (1) Subject to subsection (2) below, the result of the analysis of any sample taken on behalf of the Authority in exercise of any power conferred by this Act shall not be admissible in any legal proceedings in respect of any effluent passing from any land or vessel unless the person who took the sample—
- (a) on taking the sample notified the occupier of the land or the owner or master of the vessel of his intention to have it analysed;
 - (b) there and then divided the sample into three parts and caused each part to be placed in a container which was sealed and marked; and
 - (c) delivered one part to the occupier of the land or the owner or master of the vessel and retained one part, apart from the one he submitted to be analysed, for future comparison.
- (2) If it is not reasonably practicable for a person taking a sample to comply with the requirements of subsection (1) above on taking the sample, those requirements shall be treated as having been complied with if they were complied with as soon as reasonably practicable after the sample was taken.
- (3) In relation to any proceedings in respect of effluent passing from a public sewer or other outfall belonging to a sewerage undertaker into any water, this section shall have effect as if the references to the occupier of the land were references to the sewerage undertaker in which the sewer or outfall is vested.

149 Provision of information to the Ministers

- (1) It shall be the duty of the Authority to furnish the Secretary of State or the Minister with all such information relating to—
- (a) the Authority's property;
 - (b) the carrying out and proposed carrying out of its functions; and
 - (c) its responsibilities generally,
- as he may reasonably require.

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- (2) Information required under this section shall be furnished in such form and manner, and be accompanied or supplemented by such explanations, as the Secretary of State or the Minister may reasonably require.
- (3) The information which the Authority may be required to furnish to the Secretary of State or the Minister under this section shall include information which, although it is not in the possession of the Authority or would not otherwise come into the possession of the Authority, is information which it is reasonable to require the Authority to obtain.
- (4) A requirement for the purposes of this section shall be contained in a direction which—
 - (a) may describe the information to be furnished in such manner as the Secretary of State or the Minister considers appropriate; and
 - (b) may require the information to be furnished on a particular occasion, in particular circumstances or from time to time.
- (5) For the purposes of this section the Authority shall—
 - (a) permit any person authorised by the Secretary of State or the Minister for the purpose to inspect and make copies of the contents of any accounts or other records of the Authority; and
 - (b) give such explanation of them as that person or the Secretary of State or the Minister may reasonably require.

150 Annual report of the Authority

- (1) As soon as reasonably practicable after the end of each financial year the Authority shall prepare a report on its activities during that year and shall send a copy of that report to the Secretary of State and to the Minister.
- (2) Every such report shall set out any directions under section 146 above which have been given to the Authority during the year to which the report relates.
- (3) The Secretary of State shall lay a copy of every such report before each House of Parliament and shall arrange for copies of every such report to be published in such manner as he considers appropriate.
- (4) The Authority's annual report shall be in such form and contain such information as may be specified in any direction given to the Authority jointly by the Secretary of State and the Minister.