



# Water Act 1989

## 1989 CHAPTER 15

### PART III

#### THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

### CHAPTER III

#### FLOOD DEFENCE

#### **[<sup>F1</sup>136 Flood defence functions of the Authority.**

- (1) Subject to subsection (3) below, the Authority shall in relation to England and Wales exercise a general supervision over all matters relating to flood defence and, for the purpose of carrying out its functions in relation to flood defence, shall from time to time carry out surveys of the areas in relation to which it carries out those functions.
- (2) Schedule 15 to this Act shall have effect for transferring the functions of water authorities relating to flood defence to the Authority and for making amendments of the <sup>M1</sup>Land Drainage Act 1976 (in this Chapter referred to as “the 1976 Act”), including amendments consequential on the following provisions of this Chapter.
- (3) Without prejudice to any scheme for the appointment of local flood defence committees and subject to subsection (4) below, the Authority shall arrange for all its functions under the 1976 Act relating to flood defence to be carried out by regional flood defence committees established under section 137 below, so that those functions of the Authority are carried out—
  - (a) in relation to the area of each regional flood defence committee, by the committee for that area; and
  - (b) in cases involving the areas of more than one regional flood defence committee, by such committee, or jointly by such committees, as may be determined in accordance with arrangements made by the Authority.
- (4) The Authority shall not make arrangements for the carrying out by any other body, or by any committee, of any of its functions with respect to—

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*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Section 136. (See end of Document for details)*

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- (a) the issuing of levies (within the meaning of the <sup>M2</sup>Local Government Finance Act 1988); or
  - (b) the making of drainage charges under the 1976 Act;
- and nothing in this section shall enable the Authority to authorise any such other body or any committee to borrow money for purposes connected with the Authority's functions relating to flood defence.
- (5) The Authority may give a regional flood defence committee a direction of a general or specific character as to the carrying out of any function relating to flood defence, other than one of their internal drainage functions, so far as the carrying out of that function appears to the Authority likely to affect materially the Authority's management of water for purposes other than flood defence; and a regional flood defence committee shall comply with any direction under this subsection.
- (6) The Authority shall maintain a principal office for the area of each regional flood defence committee.
- (7) The functions of the Authority by virtue of this Chapter extend to the territorial sea adjacent to England and Wales in so far as—
- (a) the area of any regional flood defence committee includes any area of that territorial sea; or
  - (b) section 17(2) or (3) of the 1976 Act (works in the sea and in estuaries) provides for the exercise of any power in the territorial sea;
- and where under the said section 17(2) or (3) any function of the Authority falls to be carried out at a place beyond the seaward boundaries of the area of any regional flood defence committee, that place shall be assumed for the purposes of this Chapter and that Act to be within the area of the regional flood defence committee to whose area the area of sea where that place is situated is adjacent.
- (8) Where the functions of any water authority immediately before the transfer date include, by virtue of any local statutory provision, any functions relating to flood defence—
- (a) those functions shall become functions of the Authority on that date; and
  - (b) subject to the power conferred by section 191 below, the local statutory provisions relating to the functions transferred by this subsection and everything done by or in relation to a water authority under any such provision shall have effect, so far as may be necessary for the purposes of, or in connection with, the transfer of functions under this subsection, as if—
    - (i) any reference in any such provision to a water authority were a reference to the Authority; and
    - (ii) any such thing had been done by or in relation to the Authority.
- (9) In this section—
- “flood defence” means the drainage of land (within the meaning of the 1976 Act) and the provision of flood warning systems;
  - “internal drainage functions” means the functions of the Authority under sections 10 to 16, 68(1) to (4) and (7) to (9), 69(2), (3) and (6), 84 and 86(1) of the 1976 Act.]

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**Changes to legislation:** There are currently no known outstanding effects for the Water Act 1989, Section 136. (See end of Document for details)

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**Textual Amendments**

- F1** S. 136 repealed (E.W.) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c.60, SIF 130\)](#), s. 3, [Sch. 3 Pt. I](#) (subject to savings in s. 2, Sch. 2 paras. 5(1)(5), 10, 14(1), 15)
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**Modifications etc. (not altering text)**

- C1** S. 136(8): Functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by [1995 c. 25, s. 2\(1\)\(a\)\(iii\)](#) (with ss. 115, 117); S.I. 1996/186, [art. 3](#)
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**Marginal Citations**

- M1** 1976 c. 70.  
**M2** 1988 c. 41.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Act 1989, Section 136.