



Water Resources Act 1991

1991 CHAPTER 57

PART I

PRELIMINARY

CHAPTER I

THE NATIONAL RIVERS AUTHORITY

1 The National Rivers Authority

- (1) There shall continue to be a body corporate, known as the National Rivers Authority, for the purpose of carrying out the functions specified in section 2 below.
- (2) The Authority shall consist of not less than eight nor more than fifteen members of whom—
 - (a) two shall be appointed by the Minister; and
 - (b) the others shall be appointed by the Secretary of State.
- (3) The Secretary of State shall designate one of the members appointed by him as the chairman of the Authority and may, if he thinks fit, designate another member of the Authority (whether or not appointed by him) as the deputy chairman of the Authority.
- (4) In appointing a person to be a member of the Authority, the Secretary of State or, as the case may be, the Minister shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the Authority.
- (5) The Authority shall not be regarded—
 - (a) as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; or
 - (b) by virtue of any connection with the Crown, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local;

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and the Authority's property shall not be regarded as property of, or property held on behalf of, the Crown.

(6) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.

2 The Authority's functions

- (1) The functions of the Authority are—
- (a) its functions with respect to water resources by virtue of Part II of this Act;
 - (b) its functions with respect to water pollution by virtue of Part III of this Act;
 - (c) its functions with respect to flood defence and land drainage by virtue of Part IV of this Act and the Land Drainage Act 1991 and the functions transferred to the Authority by virtue of section 136(8) of the Water Act 1989 and paragraph 1(3) of Schedule 15 to that Act (transfer of land drainage functions under local statutory provisions and subordinate legislation);
 - (d) its functions with respect to fisheries by virtue of Part V of this Act, the Diseases of Fish Act 1937, the Sea Fisheries Regulation Act 1966, the Salmon and Freshwater Fisheries Act 1975 and other enactments relating to fisheries;
 - (e) the functions as a navigation authority, harbour authority or conservancy authority which were transferred to the Authority by virtue of Chapter V of Part III of the Water Act 1989 or paragraph 23(3) of Schedule 13 to that Act or which are transferred to the Authority by any order or agreement under Schedule 2 to this Act; and
 - (f) the functions assigned to the Authority by any other enactment.
- (2) Without prejudice to its duties under section 16 below, it shall be the duty of the Authority, to such extent as it considers desirable, generally to promote—
- (a) the conservation and enhancement of the natural beauty and amenity of inland and coastal waters and of land associated with such waters;
 - (b) the conservation of flora and fauna which are dependent on an aquatic environment; and
 - (c) the use of such waters and land for recreational purposes;
- and it shall be the duty of the Authority, in determining what steps to take in performance of the duty imposed by virtue of paragraph (c) above, to take into account the needs of persons who are chronically sick or disabled.
- (3) 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.
- (4) The provisions of this Act relating to the functions of the Authority under Chapter II of Part II of this Act, and the related water resources provisions so far as they relate to other functions of the Authority, shall not apply to so much of any inland waters as—
- (a) are part of the River Tweed;
 - (b) are part of the River Esk or River Sark at a point where either of the banks of the river is in Scotland; or
 - (c) are part of any tributary stream of the River Esk or the River Sark at a point where either of the banks of the tributary stream is in Scotland.
- (5) The functions of the Authority specified in subsection (1)(c) above extend to the territorial sea adjacent to England and Wales in so far as—

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- (a) the area of any regional flood defence committee includes any area of that territorial sea; or
 - (b) section 165(2) or (3) below provides for the exercise of any power in the territorial sea.
- (6) The area in respect of which the Authority shall carry out its functions relating to fisheries shall be the whole of England and Wales, together with—
- (a) such part of the territorial sea adjacent to England and Wales as extends for six miles from the baselines from which the breadth of that sea is measured; and
 - (b) in the case of Part V of this Act, the Diseases of Fish Act 1937 and the Salmon and Freshwater Fisheries Act 1975, so much of the River Esk, with its banks and tributary streams up to their source, as is situated in Scotland,
- but, in the case of Part V of this Act and those Acts, excluding the River Tweed.
- (7) In this section—
- “miles” means international nautical miles of 1,852 metres; and
 - “the River Tweed” means “the river” within the meaning of the Tweed Fisheries Amendment Act 1859, as amended by byelaws.

3 Incidental functions of the Authority

- (1) This section has effect, without prejudice to section 2 above, for the purposes of section 4(1) below and the construction of any other enactment which, by reference to the functions of the Authority, confers any power on or in relation to the Authority.
- (2) For the purposes to which this section applies the functions of the Authority shall be taken to include the protection against pollution—
- (a) of any waters, whether on the surface or underground, which belong to the Authority or any water undertaker or from which the Authority or any water undertaker is authorised to take water;
 - (b) without prejudice to paragraph (a) above, of any reservoir which belongs to or is operated by the Authority or any water undertaker or which the Authority or any water undertaker is proposing to acquire or construct for the purpose of being so operated; and
 - (c) of any underground strata from which the Authority or any water undertaker is for the time being authorised to abstract water in pursuance of a licence under Chapter II of Part II of this Act.
- (3) For the purposes to which this section applies the functions of the Authority shall be taken to include the furtherance of research into matters in respect of which functions are conferred by or under this Act, the other consolidation Acts or the Water Act 1989 on the Authority or on relevant undertakers.
- (4) For the purposes to which this section applies the functions of the Authority shall be taken to include joining with or acting on behalf of one or more relevant undertakers for the purpose of carrying out any works or acquiring any land which at least one of the undertakers with which it joins, or on whose behalf it acts, is authorised to carry out or acquire for the purposes of—
- (a) any function of that undertaker under any enactment; or
 - (b) any function which is taken to be a function of that undertaker for the purposes to which section 217 of the Water Industry Act 1991 applies.

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- (5) For the purposes to which this section applies the functions of the Authority shall be taken to include the provision of supplies of water in bulk, whether or not such supplies are provided for the purposes of, or in connection with, the carrying out of any other function of the Authority.
- (6) For the purposes to which this section applies the functions of the Authority shall be taken to include the provision of houses and other buildings for the use of persons employed by the Authority and the provision of recreation grounds for persons so employed.
- (7) In this section—
- “the other consolidation Acts” means the Water Industry Act 1991, the Statutory Water Companies Act 1991, the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991;
- “relevant undertaker” means a water undertaker or sewerage undertaker; and
- “supply of water in bulk” means a supply of water for distribution by a water undertaker taking the supply.

4 Incidental 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; and
 - (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.
- (2) Subject to subsection (3) 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.
- (3) Without prejudice to any power of the Authority apart from subsection (2) above to provide advice or assistance of the kind mentioned in that subsection, the power conferred by that subsection shall not be exercised except—
- (a) with the consent in writing of the Secretary of State; and
 - (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;
- and a consent under this subsection may be given subject to such conditions as the Secretary of State thinks fit.
- (4) 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.
- (5) 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 VII 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.

5 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 mentioned in paragraphs (a), (b) and (e) of subsection (1) of section 2 above (other than its functions in connection with the making of applications for orders under section 94 below), by the Secretary of State;
 - (b) with respect to the making of applications for orders under section 94 below or with respect to the carrying out of its functions mentioned in paragraphs (c) and (d) of that subsection, by either of the Ministers; 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 Ministers.
- (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.
- (5) It shall be the duty of the Authority to comply with any direction which is given to the Authority, under this section or any of the other provisions of this Act, by either or both of the Ministers.