



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

### CHAPTER I

#### POWERS OF THE [F<sup>1</sup>APPROPRIATE AGENCY]

##### *[F<sup>1</sup>Restoration and improvement works for controlled waters]*

#### **F<sup>1</sup>161D Consequences of not complying with a works notice.**

- (1) If a person on whom the [F<sup>2</sup>appropriate agency] serves a works notice fails to comply with any of the requirements of the notice, he shall be guilty of an offence.
- (2) A person who commits an offence under subsection (1) above shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding three months or to [F<sup>3</sup>a fine] or to both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (3) If a person on whom a works notice has been served fails to comply with any of the requirements of the notice, the [F<sup>2</sup>appropriate agency] may do what that person was required to do and may recover from him any costs or expenses reasonably incurred by the [F<sup>2</sup>appropriate agency] in doing it.
- (4) If the [F<sup>2</sup>appropriate agency] is of the opinion that proceedings for an offence under subsection (1) above would afford an ineffectual remedy against a person who has failed to comply with the requirements of a works notice, the [F<sup>2</sup>appropriate agency] may take proceedings in the High Court for the purpose of securing compliance with the notice.
- (5) In this section “works notice” means a works notice under section 161A above.

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**Changes to legislation:** There are currently no known outstanding effects for the Water Resources Act 1991, Section 161D. (See end of Document for details)

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#### Textual Amendments

- F1** Ss. 161A-161D inserted (21.9.1995 for specified purposes, 16.3.1999 for other specified purposes and otherwise 29.4.1999) by 1995 c. 25, s. 120, **Sch. 22 para. 162** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 3**; S.I. 1999/803, **art. 2**; S.I. 1999/1301, **art. 2**
- F2** Words in ss. 161D-164 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 283** (with Sch. 7)
- F3** Words in s. 161D(2)(a) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), **reg. 1(1)**, **Sch. 4 para. 24(5)** (with **reg. 5(1)**)

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

- C1** Ss. 161-161D modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), **reg. 1(b)**, **Sch. 1**)
- C2** Ss. 161-161D modified (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), **reg. 1(1)**, Sch. 23 Pt. 7 paras. 1(3), **2** (with **regs. 1(3)**, 77-79, Sch. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 161D.