



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Reservoirs

74 Environment Agency to be enforcement authority under the Reservoirs Act 1975

- (1) The Reservoirs Act 1975 (c. 23) is amended as follows—
- (a) in subsection (1) of section 2 (registration of certain reservoirs and enforcement of Act, etc), for the words from “The local authorities” to “county boroughs” there is substituted “ The relevant authorities for purposes of this Act shall be, in England and Wales, the Environment Agency ”,
 - (b) in the following provisions of the Act, for “local authority”, in each place where it appears, there is substituted “ relevant authority ”
 - sections 2 and 3,
 - section 13,
 - sections 20 and 21,
 - sections 24 and 25,
 - section 27,
 - (c) in section 1 (ambit of Act, and interpretation), after subsection (4) there is inserted—
 - “(4A) The “area” of the Environment Agency, in its capacity as a relevant authority for purposes of this Act, is the whole of England and Wales.”,
 - (d) in section 22(6) (institution of proceedings for an offence under the Act), for the words from “by any local authority” to “except by” there is substituted “ only by the Environment Agency or ”,
 - (e) in Schedule 1 (index of definitions), at the appropriate places there are inserted the following entries—

Changes to legislation: Water Act 2003, Section 74 is up to date with all changes known to be in force on or before 05 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“Area (in relation to the Environment Agency)..... Section 1(4A)”

“Relevant authority..... Section 2(1)”.

- (2) Each body which immediately before the date of commencement of subsection (1) (referred to in this section as the “commencement date”) is a local authority in England or Wales for the purposes of the Reservoirs Act 1975 (c. 23) shall, as soon as practicable after that date, give to the Environment Agency—
- (a) the register maintained by the body under section 2(2) of that Act, and
 - (b) any other documents, records or other information in its possession which relate to the exercise of the body’s functions as an enforcement authority within the meaning of section 2(6) of that Act (referred to in this section as its “enforcement functions”).
- (3) It shall be the duty of a body falling within subsection (2) to give to the Environment Agency all such assistance as the Environment Agency may reasonably require for the purposes of facilitating the taking over by the Environment Agency of the body’s enforcement functions.
- (4) Nothing in this section affects the validity of anything done by or in relation to such a body in the exercise of its enforcement functions before the commencement date.
- (5) There may be continued by or in relation to the Environment Agency anything (including legal proceedings) which relates to any of such a body’s enforcement functions and is in the process of being done by or in relation to the body immediately before the commencement date.
- (6) Anything which was done by such a body for the purpose of or in connection with any of its enforcement functions and is in effect immediately before the commencement date shall have effect as if done by the Environment Agency.

Commencement Information

II S. 74 in force at 1.10.2004 by S.I. 2004/2528, art. 2(k) (with Sch. para. 8)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)