



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VI **E+W**

#### FINANCIAL PROVISIONS IN RELATION TO THE [F1AGENCY]

### CHAPTER I **E+W**

#### GENERAL FINANCIAL PROVISIONS

**F1** 117 ..... **E+W**

#### Textual Amendments

**F1** S. 117 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 149, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

### 118 **Special duties with respect to flood defence revenue.** **E+W**

- (1) Revenue raised by the [F2Agency] as mentioned in subsection (2) below—
  - (a) shall, except for any amount falling within subsection (3) below, be spent only in the carrying out of the [F2Agency's] flood defence functions in or for the benefit of the local flood defence district in which it is raised; and
  - (b) shall be disregarded in determining the amount of any surplus for the purposes of [F3section 44(4) of the 1995 Act].
- (2) The revenue referred to in subsection (1) above is revenue raised by the [F2Agency] in a local flood defence district—
  - (a) by virtue of any regulations under section 74 of the <sup>M1</sup>Local Government Finance Act 1988 (power to issue levies);
  - (b) by general drainage charges under sections 134 [F4and 135] below;

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- (c) by special drainage charges under sections 137 and 138 below; or
- (d) by contributions required under section 139(1) below.
- (3) An amount falls within this subsection if it is an amount which the [<sup>F2</sup>Agency] considers it appropriate—
- (a) to set aside towards research or related activities or towards meeting the [<sup>F2</sup>Agency's] administrative expenses; or
- (b) to be paid by way of contribution towards expenses incurred by the [Agency] or any regional flood defence committee under arrangements made for the purposes of section 106(1)(b) above.
- (4) Any amount specified in a resolution under section 58(1)(b) of the <sup>M2</sup>Land Drainage Act 1991 in relation to any local flood defence district (allocation of revenue in lieu of contributions) shall be treated for the purposes of this section as if it were revenue actually raised by contributions required under section 139(1) below.
- (5) For the purposes of this section, the following sums, that is to say—
- (a) any sums held by the [<sup>F2</sup>Agency] by virtue of any transfer of property, rights or liabilities from a water [<sup>F2</sup>agency] in accordance with a scheme under Schedule 2 to the <sup>M3</sup>Water Act 1989, in so far as those sums represent amounts which the water [<sup>F2</sup>Agency] was required by virtue of paragraph 31 of Schedule 3 to the <sup>M4</sup>Water Act 1973 to spend only in the discharge of their land drainage functions in or for the benefit of a particular local land drainage district; and
- (b) any sums raised by the [<sup>F2</sup> Agency] in a flood defence district by virtue of a precept issued under section 46 of the <sup>M5</sup>Land Drainage Act 1976, shall be treated as revenue raised by the [<sup>F2</sup>Agency] as mentioned in subsection (2) above in the corresponding local flood defence district or, as the case may be, in that local flood defence district.
- (6) For the purposes of this section so much of the area of a regional flood defence committee as is an area in relation to which no local flood defence scheme is in force shall be treated as a single local flood defence district.

#### Textual Amendments

- F2** Words in s. 118 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 118(1)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 150(2) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 118(2)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 150(3) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

#### Marginal Citations

- M1** 1988 c. 41.  
**M2** 1991 c. 59.  
**M3** 1989 c. 15.  
**M4** 1973 c. 37.  
**M5** 1976 c. 70.

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**F<sup>5</sup>119 Duties with respect to certain funds raised under local enactments. E+W**

(1) Where the Agency holds any funds, or any interest in any funds, which immediately before the transfer date the National Rivers Authority, by virtue of this subsection as originally enacted, was not permitted to use except for particular purposes, those funds or that interest shall not be used except for the purposes for which they could be used by virtue of this subsection as originally enacted.

(1A) For the purposes of subsection (1) above, “the transfer date” has the same meaning as in Part I of the 1995 Act.]

(2) Any funds to which subsection (1) above applies shall be disregarded in determining the amount of any surplus under [F<sup>6</sup>section 44(3) of the 1995 Act].

**Textual Amendments**

**F5** S. 119 (1)(1A) substituted (1.4.1996) for s. 119(1) by 1995 c. 25, s. 120(1), Sch. 22 para. 151(1) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

**F6** Words in s. 119(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 151(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

**120 Contributions between the [F<sup>7</sup>Agency] and certain other authorities. E+W**

(1) Where, on the application of a navigation authority, harbour authority or conservancy authority, it appears to the [F<sup>7</sup>Agency] that any works constructed or maintained by the applicants have made, or will make, a beneficial contribution towards the fulfilment of the purposes of the [F<sup>7</sup>Agency’s] water resources functions, the [F<sup>7</sup>Agency] shall contribute towards the expenditure incurred or to be incurred by the applicants in constructing or maintaining those works.

(2) Where, on the application of the [F<sup>7</sup>Agency], it appears to a navigation authority, harbour authority or conservancy authority that any works constructed or maintained by the [F<sup>7</sup>Agency] in the carrying out of its water resources functions have made, or will make, a beneficial contribution towards the carrying out of the functions of the authority to whom the application is made, that authority shall contribute to the [F<sup>7</sup>Agency] towards the expenditure incurred or to be incurred by the [F<sup>7</sup>Agency] in constructing or maintaining those works.

(3) Subject to the following provisions of this section, the sums to be paid by way of contribution and the terms and conditions on which they are to be paid shall be such as the [F<sup>7</sup>Agency] and the other authority concerned may agree to be appropriate.

(4) If on any application under this section—

(a) the [F<sup>7</sup>Agency] or, as the case may be, the other authority to whom the application is made refuses to make a contribution; or

(b) the [F<sup>7</sup>Agency] and the other authority concerned are unable to agree as to the sums to be contributed or the terms and conditions on which they are to be contributed,

the [F<sup>7</sup>Agency] or the other authority concerned may refer the matter in dispute to the Secretary of State.

(5) On a reference under subsection (4) above the Secretary of State may either—

(a) determine that matter himself; or

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- (b) refer it for determination to an arbitrator appointed by him for the purpose; and where any decision has been made by the Secretary of State or an arbitrator under this subsection, the decision shall be final and a contribution shall be made in accordance with the decision as if the sums, terms or conditions determined under this subsection had been agreed to be appropriate as mentioned in subsection (3) above.
- (6) Any expenditure incurred by a navigation authority, harbour authority or conservancy authority in paying any contribution under this section shall be defrayed in the like manner as any corresponding expenditure of that authority; and that authority shall have the same powers for the purpose of raising money required for paying any such contribution as they would have for the purpose of raising money required for defraying any corresponding expenditure of that authority.
- (7) In subsection (6) above the references to corresponding expenditure of a navigation authority, harbour authority or conservancy authority, in relation to the payment of a contribution in respect of any works, are references to expenditure incurred by the authority in performing the functions in respect of which it is claimed by the [F7Agency] that the works have made, or will make, such a beneficial contribution as is mentioned in subsection (2) above.
- (8) References in this section to the water resources functions of the [F7Agency] are references to the functions of the [F7Agency] under Part II of this Act or under any provisions not contained in that Part which are related water resources provisions in relation to Chapter II of that Part.

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**Textual Amendments**

**F7** Words in s. 120 and the sidenote substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F8** 121 ..... **E+W**

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**Textual Amendments**

**F8** Ss. 121-124 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22 para. 152, Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F9** 122 ..... **E+W**

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**Textual Amendments**

**F9** Ss. 121-124 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22 para. 152, Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, chapter I.