



# Water Resources Act 1963

## 1963 CHAPTER 38

### PART VI

#### POWERS OF RIVER AUTHORITIES IN RELATION TO LAND AND WORKS

##### **65 Powers to acquire land**

- (1) A river authority shall have power to acquire by agreement any land which they require for any purpose in connection with the performance of any of their functions:

Provided that a river authority shall not, except with the consent of the appropriate Minister or Ministers, acquire any land under this subsection for any purpose if the land is outside their area and is not immediately required by the river authority for that purpose.

- (2) A river authority shall have power to acquire compulsorily any land which they require for any purpose in connection with the performance of any of their functions, on being authorised by the appropriate Minister or Ministers to do so.
- (3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory acquisition 74 of land under this section, and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.
- (4) In subsections (1) to (3) of this section references to land shall be construed as including references to any interest in or right over land (except in so far as the proviso to subsection (1) refers to land as being outside the area of a river authority); and, in relation to the acquisition of interests in or rights over land, references to land in the said Act of 1946 as applied by the last preceding subsection shall be construed as references to any such interest or right, or as references to the land in or over which an interest or right is to be acquired, as the context may require.

##### **66 Acquisition of new interests or rights over land**

- (1) A river authority may exercise the powers conferred by the last preceding section so as to acquire interests in or rights over land by way of the creation of new interests or

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rights, as well as interests or rights already in existence before the acquisition thereof by a river authority, and an interest or right may be so acquired either in perpetuity or for a term of years certain or so as to be terminable by notice.

- (2) Where those powers are exercised so as to acquire compulsorily an interest in or right over any land (in this section referred to as " the servient land ") by way of the creation of a new interest or right (in this section referred to as " the new right"), the provisions of subsections (3) to (5) of this section shall have effect with respect to compensation in respect of the acquisition of the new right.
- (3) If the value of any interest in land to which this subsection applies is depreciated by the acquisition of the new right, the person entitled to that interest shall be entitled to compensation from the river authority of an amount equal to the amount of the depreciation.

This subsection applies to any interest in any of the servient land, and to any interest in any land which, on the relevant date, is held with any of the servient land.

- (4) Where the person entitled to an interest in land to which the last preceding subsection applies sustains loss or damage which—
- (a) is attributable to the acquisition of the new right, and
  - (b) does not consist of depreciation of the value of that interest, and
  - (c) is loss or damage for which, if his interest in the servient land had been compulsorily acquired under the last preceding section in pursuance of a notice to treat served on the relevant date, he would have been entitled to compensation by way of compensation for disturbance,
- he shall be entitled to compensation from the river authority in respect of that loss or damage, in addition to compensation under the last preceding subsection.
- (5) Subsections (3) and (4) of this section shall have effect without prejudice to any right to compensation under section 68 of the Lands Clauses Consolidation Act 1845 (which relates to compensation for injurious affection): but, subject to the preceding provisions of this subsection and to any regulations made under this section, no person shall be entitled to compensation, in respect of the compulsory acquisition of the new right, otherwise than in accordance with subsections (3) and (4) of this section.
- (6) In relation to the acquisition under this Act of interests or rights by way of the creation of new interests or rights, provision may be made by regulations made by the Ministers under this section—
- (a) as to the exceptions and modifications subject to which any enactments are to apply for the purposes of any such acquisition;
  - (b) as to the way in which any such acquisition, if compulsory, may be completed, whether by deed poll or otherwise, and (whether compulsory or not) may be made binding upon persons (other than the river authority) who are entitled to interests in the servient land and on the successors in title of such persons;
  - (c) as to the application, subject to any exceptions and modifications specified in the regulations, of any provisions of the Land Charges Act 1925 or the Land Registration Act 1925 in relation to any such acquisition ;
  - (d) as to the assessment of compensation, in such cases as may be prescribed by the regulations, by way of an annual sum payable during such period as may be so prescribed, instead of being payable as a capital sum ;
  - (e) as to any exceptions and modifications subject to which the provisions of subsections (3) to (5) of this section are to have effect where an interest in

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any of the servient land is subject to a mortgage, or is subject to a rentcharge, chief rent or other rent, payment or incumbrance;

- (f) as to any other matters for which, in the opinion of the Ministers, it is necessary or expedient to provide in connection with, or in consequence of, such acquisitions.

- (7) In this section " the relevant date " means the date of service of the notice to treat in pursuance of which the new right is acquired.

## **67 Compulsory powers for carrying out engineering or building operations**

- (1) Where in the performance of their new functions a river authority propose to carry out any engineering or building operations, and it appears to them that for the purpose of carrying out those operations they need compulsory powers, whether consisting of or including powers of compulsory acquisition or not, the authority may apply to the Minister for an order under this section.

- (2) The provisions of Schedule 8 to this Act shall have effect with respect to applications and orders under this section:

Provided that, where the powers applied for by an application under this section do not consist of or include any powers of compulsory acquisition, Part II of that Schedule shall not have effect with respect to that application or to any order made thereon, and an order made on that application shall not confer any powers of compulsory acquisition.

- (3) Subject to the provisions of that Schedule and of the last preceding subsection, where application is made to the Minister for an order under this section, the Minister may make an order conferring on the river authority such compulsory powers, for the purpose of carrying out the engineering or building operations in question, as the Minister may consider necessary or expedient for that purpose; and (subject to that Schedule and the last preceding subsection) an order under this section may contain such incidental and supplementary provisions, including provisions for amending, adapting or repealing local enactments, as the Minister considers necessary or expedient.

- (4) In relation to any order under this section, except in so far as it confers any powers of compulsory acquisition, section 61 of the Land Drainage Act 1930 (which contains provisions for the protection of certain public utility and other undertakings) shall have effect as it has effect in relation to any order under that Act.

- (5) Nothing in this section or in any order made thereunder shall exempt a river authority from any restriction imposed by Part IV of this Act.

- (6) The preceding provisions of this section shall have effect without prejudice to any compulsory powers (including powers of compulsory acquisition) which a river authority can exercise, or can be authorised to exercise, apart from this section.

- (7) In this section and in Schedule 8 to this Act " powers of compulsory acquisition " means any power to acquire compulsorily any land, or an interest in or right over land, including any power to acquire compulsorily such an interest or right by way of the creation of a new interest or right.

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## **68 Special provisions for protection of water against pollution**

- (1) In section 65 of this Act references to land which a river authority require for any such purpose as is therein mentioned shall (without prejudice to the generality of that section) be taken to include land which the river authority require for the purpose of protecting against pollution water in—
  - (a) any reservoir owned or operated by the river authority, or proposed to be acquired or constructed by the river authority for the purpose of its being operated by them, or
  - (b) any underground strata in their area from which the river authority are for the time being authorised to abstract water in pursuance of a licence granted or deemed to be granted under this Act,and section 65 (3) of this Act shall have effect accordingly.
- (2) Subsection (2) (except the proviso to that subsection) and subsections (3) and (4) of section 22 of the Water Act 1945 (which subsections relate to works for protecting water against pollution) shall have effect in relation to river authorities as if—
  - (a) references in those subsections to statutory water undertakers were references to river authorities;
  - (b) in subsection (2) the reference to water which belongs to the undertakers or which they are for the time being authorised to take were a reference to such water as is mentioned in subsection (1) of this section; and
  - (c) in subsection (3) the reference to the limits of supply of the undertakers were a reference to the area of the river authority.
- (3) In this section " land " includes any interest in or right over land; and section 65 (4) of this Act shall apply for the purposes of the Acquisition of Land (Authorisation Procedure) Act 1946 as that Act has effect in accordance with subsection (1) of this section.

## **69 General powers in relation to land and works**

- (1) Without prejudice to any other powers conferred on them by or under this or any other Act, a river authority shall (subject to the provisions of section 71 of this Act) have power to carry out such engineering or building operations as they consider necessary or expedient for the purposes of any of their functions.
- (2) The powers conferred on a river authority by the preceding subsection shall (without prejudice to the generality of that subsection) include power to provide housing accommodation for persons employed by the authority; and the provision of such accommodation is accordingly included among the purposes for which a river authority may exercise their powers under sections 65 and 66 of this Act.
- (3) For the purposes of anything done or to be done by river authorities in the performance of their new functions, sections 9, 12 to 17, 19, 20, 22, 28, 67 and 68 of Schedule 3 to the Water Act 1945 (which relate to the execution of works by statutory water undertakers) shall have effect in relation to river authorities subject to the modifications specified in Schedule 9 to this Act.
- (4) Section 61 of the Land Drainage Act 1930 shall have effect, in relation to any provisions of the Water Act 1945 as applied by the last preceding subsection, as it has effect in relation to any enactment contained in the said Act of 1930.

## **70 Powers to dispose of land**

- (1) Subject to the provisions of this section, a river authority may sell, exchange or let any land vested in them which is not required for the purposes of any of their functions.
- (2) A river authority shall not, except with the consent of the appropriate Minister or Ministers, sell, exchange or let any land which was compulsorily acquired by the river authority or was acquired by the river authority by agreement at a time when they were authorised by or under this Act to acquire it compulsorily.
- (3) A river authority shall not, except with the consent of the appropriate Minister or Ministers, sell, exchange or let any land for a price, consideration or rent less than the best price, best consideration or best rent (as the case may be) that can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which the land is sold, exchanged or let.
- (4) On any application by a river authority of capital money received by them in respect of land sold, exchanged or let by the authority, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances.
- (5) Where a river authority are entitled to an interest in or right over land, other than the fee simple or a tenancy thereof, the river authority shall have power, with the consent of the appropriate Minister or Ministers, to dispose of that interest or right for any purpose by way of sale, exchange or lease (in so far as any such mode of disposition is applicable to the interest or right in question) or by way of releasing it, or suspending the operation or exercise thereof, wholly or in part, as the river authority may think fit.

## **71 Supplementary provisions as to powers in relation to land and works**

- (1) The provisions of this Act imposing duties or conferring powers on river authorities, other than—
  - (a) sections 65 to 68 and 69 (3) of this Act, and
  - (b) the provisions of Part X of this Act as to rights of entry and inspection,shall not be construed as authorising, on the part of a river authority, any act or omission which, apart from the provisions imposing those duties or conferring those powers, would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the river authority by virtue of its constitution.
- (2) Where a river authority propose to construct or alter any inland water in an internal drainage district, or to construct or alter any works situated on or in such an inland water, otherwise than in the exercise of any compulsory powers exercisable by the authority, the authority shall consult the internal drainage board for that district:

Provided that this subsection does not apply to an inland water which forms part of the main river for the purposes of the Land Drainage Act 1930.
- (3) Where, on an application under section 47 of this Act, the Minister—
  - (a) determines that the licence to which the application relates shall not be revoked or varied, and
  - (b) grants a certificate under subsection (8) of that section,and notice to treat for the acquisition of the fishing rights to which the application related, or of an interest in land in which those rights are included, has been served

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by the river authority within the period of six months from the date on which that certificate is granted, then, for the purpose of assessing compensation in respect of any compulsory acquisition in pursuance of that notice to treat, no account shall be taken of any depreciation of the value of the fishing rights, or of the interest in question, which is applicable to the operation, in relation to that licence, of section 31 (1) of this Act.

Subsection (11) of section 47 of this Act shall apply for the purposes of this subsection as it applies for the purposes of that section.

- (4) Without prejudice to the operation, in relation to any statutory provision contained in or made or issued under this Act, of section 41 of the Town and Country Planning Act 1962 (whereby planning permission may be deemed to be granted in certain cases), nothing in this Act shall be construed as authorising any development (within the meaning of that Act) to be carried out without the grant of planning permission where such permission is required by that Act.
- (5) For the avoidance of doubt it is hereby declared that, in the Acquisition of Land (Authorisation Procedure) Act 1946, and in the Town and Country Planning Act 1962, "local authority " includes a river authority.
- (6) The preceding provisions of this Part of this Act shall have effect without prejudice to the exercise by river authorities of any power conferred by the Salmon and Freshwater Fisheries Act 1923 or by section 76 of the Land Drainage Act 1930 (which relates to the acquisition of accretions of land resulting from drainage works and land required in connection therewith).