



# Water Resources Act 1963

## 1963 CHAPTER 38

### PART X

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 135 Interpretation

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" abstraction ", in relation to water contained in any source of supply in a river authority area, means the doing of anything whereby any of that water is removed from that source of supply and either—

- (a) ceases (either permanently or temporarily) to be comprised in the water resources of that area, or
- (b) is transferred to another source of supply in that area, and " abstract " shall be construed accordingly ;

" additional members ", in relation to a river authority, has the meaning assigned to it by section 8 of this Act;

" agriculture " includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and " agricultural " shall be construed accordingly ;

" charging scheme " has the meaning assigned to it by section 58 of this Act;

" conservancy authority " means a person or body of persons (whether corporate or unincorporate) having a duty or power imposed or conferred by or under an enactment to conserve, maintain or improve the navigation of a tidal water, and not being a navigation authority or a harbour authority;

" constituent council " has the meaning assigned to it by section 6(7) of this Act;

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*Status: This is the original version (as it was originally enacted).*

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" engineering or building operations " (without prejudice to the generality of that expression) includes the construction, alteration, improvement or maintenance of any reservoir, watercourse, dam, weir, well, borehole or other works, the closure or removal of any reservoir, watercourse, dam, weir, well, borehole or other works, the construction, alteration, improvement, maintenance or demolition of any building or structure, and the installation, modification or removal of any machinery or apparatus;

" financial year " means a period of twelve months ending with the 31st March;

" first appointed day " has the meaning assigned to it by section 3 (4) of this Act;

" functions " includes powers and duties ;

" harbour authority " means a person or body of persons (whether corporate or unincorporate) who, not being a navigation authority, is or are a harbour authority as defined by section 3 (5) of the Oil in Navigable Waters Act 1955 ;

" hydrometric scheme " has the meaning assigned to it by section 15 of this Act;

" initial period " has the meaning assigned to it by section 23 (1) of this Act;

" inland water " means any of the following, that is to say—

- (a) so much of any river, stream or other watercourse, whether natural or artificial and whether tidal or not, as is within any of the river authority areas ;
- (b) any lake or pond, whether natural or artificial, and any reservoir or dock, in so far as any such lake, pond, reservoir or dock does not fall within the preceding paragraph and is within any of the river authority areas ; and
- (c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within the preceding paragraphs and is within any of the river authority areas,

and any reference in this Act to an inland water includes a reference to part of an inland water;

" joint planning board " has the same meaning as in the Town and Country Planning Act 1962 ;

" land " includes land covered by water ;

" land drainage " includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea, and also includes warping and irrigation other than spray irrigation;

" licence of right " has the meaning assigned to it by section 33(7) of this Act;

" local authority " means the council of a county, county borough or county district or a joint planning board ;

" local authority members ", in relation to a river authority, has the meaning assigned to it by section 7 of this Act;

" local enactment " means a local or private Act, a public general Act relating to London, an order or scheme made under an Act or confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, or an enactment in a public general Act amending a local or private Act or any such order or scheme ;

" the Minister " means the Minister of Housing and Local Government;

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" the Ministers " shall be construed in accordance with section 1 (2) of this Act;

" mortgage " includes any charge or lien on any property for securing money or money's worth, and " mortgagee " shall be construed accordingly ;

" navigation authority " means a person or body of persons (whether corporate or unincorporate) having a duty or power imposed or conferred by or under an enactment to manage or maintain a canal, whether navigable or not, or to manage or maintain an inland navigation other than a canal, whether natural or artificial and whether tidal or not;

" new functions " has the meaning assigned to it by section 3 (5) of this Act;

" owner " in relation to land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

" pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions, with or without interest thereon or any other addition thereto ;

" performance ", in relation to functions, includes the exercise of powers as well as the performance of duties, and " perform " shall be construed accordingly ;

" prescribed " (except where it is otherwise expressly provided) means prescribed by regulations made under this Act by the Minister ;

" rainfall " includes any fall of snow, hail or sleet;

" re-distribution ", in relation to water resources in an area, means the transfer of any such resources from a source of supply in that area to another source of supply within that area, and " re-distribute " shall be construed accordingly;

" repeal ", in relation to a local enactment not contained in an Act, means revoke ;

" second appointed day " has the meaning assigned to it by section 3(4) of this Act;

" source of supply " has the meaning assigned to it by section 2(1) of this Act;

" spray irrigation " means the irrigation of land or plants (including seeds) by means of water or other liquid emerging (in whatever form) from apparatus designed or adapted to eject liquid into the air in the form of jets or spray;

" statutory provision " means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature ;

" statutory water undertakers " has the same meaning as in the provisions of the Water Act 1945, other than Part II of that Act;

" transferred functions " has the meaning assigned to it by section 3 (5) of this Act;

" underground strata " means strata subjacent to the surface of any land, and (subject and without prejudice to section 2(2) of this Act) any reference to water contained in any underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata;

" water resources " has the meaning assigned to it by section 2 of this Act;

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- " watercourse " includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except—
- (a) mains and water fittings within the meaning of Schedule 3 to the Water Act 1945 ;
  - (b) local authority sewers ; and
  - (c) any such adit or passage as is mentioned in section 2(2)(a) of this Act.
- (2) In this Act " the appropriate Minister or Ministers " , in relation to anything required or authorised to be done by or for the purposes of any provision of this Act, means such one or more of the three Ministers mentioned in section 1 (2) of this Act as is or are concerned with the functions in relation to which, or for the purposes of which, that thing is required or authorised to be done, and, where it means either two or all three of those Ministers, means the Ministers in question acting jointly ; and for the purposes of this subsection—
- (a) the Minister shall be taken to be concerned with the new functions of river authorities and with functions relating to river pollution;
  - (b) the Minister of Agriculture, Fisheries and Food shall be taken to be concerned with functions relating to land drainage and functions relating to fisheries ; and
  - (c) the Minister of Transport shall be taken to be concerned with functions relating to navigation or functions of navigation authorities, harbour authorities or conservancy authorities.
- (3) In this Act " local authority sewer " means any sewer, or part of a sewer, vested in a sewerage authority, and " sewerage authority " means any of the following, that is to say:—
- (a) a local authority (as defined by subsection (1) of this section);
  - (b) a joint sewerage board (as defined by section 90(1) of the Public Health Act 1936);
  - (c) a harbour board (within the meaning of the Railway and Canal Traffic Act 1888);
  - (d) a development corporation (within the meaning of the New Towns Act 1946); or
  - (e) the Commission for the New Towns.
- (4) Any reference in this Act to action for the purpose of augmenting water resources in an area shall (without prejudice to the generality thereof) be construed as including action for the purpose of treating salt water (whether taken from the sea or elsewhere) by any process for removing salt or other impurities before discharging it into a source of supply in that area.
- (5) For the purposes of any provision of this Act relating to existing lawful uses of an inland water, or of water from underground strata, a river authority shall be entitled (but shall not be bound) to treat as lawful any existing use thereof unless, by a decision given in any legal proceedings, it has been held to be unlawful, and that decision has not been quashed or reversed.
- (6) Any reference in this Act to the doing of anything in pursuance of a licence under this Act is a reference to its being done—
- (a) by the holder of such a licence, or
  - (b) by a person acting as a servant or agent of, or otherwise under the authority of, the holder of such a licence,

at a time when that licence is in force and in circumstances such that, if no such licence were in force, the doing of that thing would contravene a restriction imposed by section 23 or section 36 of this Act.

- (7) For the purposes of this Act land shall be taken to be contiguous to an inland water notwithstanding that the land is separated from it by a towpath or by any other land used, or acquired for use, in connection with the navigation of the inland water, if that other land does not comprise any building or works other than a lock, pier, wharf, landing-stage or similar works.
- (8) Except in so far as this Act otherwise expressly provides, and subject to the provisions of section 33 of the Interpretation Act 1889 (which relates to offences under two or more laws) the restrictions imposed by sections 23, 36, 72 and 78 of this Act, or by byelaws made by virtue of section 79 of this Act, shall not be construed as—
  - (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of those restrictions, or
  - (b) affecting any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or
  - (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.
- (9) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.