



# Water Resources Act 1963

## 1963 CHAPTER 38

### PART VI

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

#### **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 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

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*Status: This is the original version (as it was originally enacted).*

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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).