



Agriculture Act 1970

1970 CHAPTER 40

PART V

FLOOD WARNING SYSTEMS IN ENGLAND AND WALES

88 Provision of flood warning systems

- (1) The functions transferred to river authorities by section 5 of the Water Resources Act 1963 (in this Part of this Act referred to as " the Act of 1963 ") shall be deemed always to have included powers for any such authority—
 - (a) to provide and operate a flood warning system for their area;
 - (b) both within and outside their area, to provide, install and maintain apparatus required for the purposes of such a system;
 - (c) to carry out within their area any other engineering or building operations so required; and
 - (d) to adapt for the purposes of such a system any apparatus or works to which a hydrometric scheme made by the authority under section 15 of that Act relates;and any reference in that Act to the transferred functions of river authorities shall be construed accordingly.
- (2) Subsection (1) of this section shall have effect in relation to the Isle of Wight River and Water Authority (in this Part of this Act referred to as " the Isle of Wight Authority ") as if in that subsection any reference to a river authority were a reference to the Isle of Wight Authority and any reference to section 5 or section 15 of the Act of 1963 were a reference to that section as applied by section 7 of the Isle of Wight River and Water Authority Act 1964.
- (3) Subsection (1) of this section shall have effect in relation to the Conservators of the River Thames (in this Part of this Act referred to as " the Conservators ") and to the Lee Conservancy Catchment Board (in this Part of this Act referred to as " the Catchment Board ") as if in that subsection—
 - (a) any reference to the functions transferred to river authorities by section 5 of the Act of 1963 were a reference to the functions exercisable by the Conservators

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or the Catchment Board, as the case may be, immediately before the second appointed day, and

- (b) any reference to section 15 of the Act of 1963 were a reference to that section as applied to the Thames catchment area or the Lee catchment area, as the case may be, by an order made under section 125 of that Act.

(4) The Greater London Council shall have power—

- (a) to provide and operate a flood warning system for the London excluded area as defined by paragraph 15(3) of Schedule 14 to the London Government Act 1963 ;
- (b) both within and outside that area, to provide, install and maintain apparatus required for the purposes of such a system; and
- (c) to carry out within that area any other engineering or building operations so required;

and section 51 of the Land Drainage Act 1930 and section 40 of the Land Drainage Act 1961 (which relate to powers of entry) and paragraphs 11 to 14 of the said Schedule 14 (which relate to the expenses incurred by the Greater London Council in the discharge of the functions as to land drainage and flood prevention conferred on them by virtue of that Schedule) shall apply—

- (i) in the case of the said section 51 or 40, in relation to, and to the functions under this subsection of, the Greater London Council as they apply in relation to, and to such functions of, such a council or board as is mentioned in that section, or
- (ii) in the case of the said paragraphs 11 to 14, in relation to the functions of the Greater London Council under this subsection as they apply in relation to the functions mentioned in those paragraphs.

(5) In this Part of this Act "flood warning system" means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—

- (a) rainfall, as measured at a particular place within a particular period, or
- (b) the level or flow of any inland water at a particular time, or
- (c) other matters appearing to the authority providing the system to be relevant for that purpose,

is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on any such information and for transmitting the results of those calculations.

89 Grants towards cost of flood warning system

(1) The Minister of Agriculture, Fisheries and Food (in this Part of this Act referred to as " the Minister") may make grants, of such amounts as the Treasury may from time to time sanction, towards expenditure incurred by relevant authorities at any time on or after 1st January 1969 in—

- (a) providing or installing apparatus, or carrying out other engineering or building operations, for the purposes of a flood warning system, or
- (b) adapting for those purposes any apparatus or works to which a hydrometric scheme relates, being a scheme made by the authority in question under section 15 of the Act of 1963, or under that section as applied to any relevant authority as mentioned in subsection (2) or subsection (3) of section 88 of this Act.

- (2) No grant shall be payable under this section towards expenditure incurred in connection with any work unless the work has been approved by the Minister and the Minister is satisfied that the work is being or has been properly carried out; and grants under this section shall be made subject to such conditions as may be imposed by the Minister with the approval of the Treasury.
- (3) Where any such expenditure as is mentioned in subsection (1) of this section is about to be incurred by a relevant authority, the Minister may, with the approval of the Treasury, make advances to the authority on account of the expenditure.
- (4) In this section " relevant authority " means any of the following, that is to say, any river authority, the Isle of Wight Authority, the Conservators, the Catchment Board and the Greater London Council.

90 Contributions by internal drainage boards

- (1) In subsections (1) and (2) of section 21 of the Land Drainage Act 1930 (which relates to contributions by internal drainage boards), references to the expenses of a river authority shall be deemed always to have included references to expenses in connection with the provision and operation of a flood warning system.
- (2) Subsection (1) of this section shall have effect for the purposes of the application of those subsections in relation to the expenses of the Isle of Wight Authority, the Conservators and the Catchment Board as it has effect for the purposes of their application in relation to the expenses of a river authority.

91 Supplementary provision and interpretation and extent of Part V

- (1) Section 71(1) of the Act of 1963 (which limits the operation of powers conferred on river authorities by that Act) shall apply as if section 88 of this Act were a provision of that Act and as if all the bodies on whom powers are conferred by virtue of the said section 88 were river authorities; and nothing in the said section 88 shall authorise any infringement of the exclusive privilege conferred on the Post Office by section 24(1) of the Post Office Act 1969 (telecommunication systems).
- (2) Before a relevant authority within the meaning of section 89(4) of this Act exercise within the area of another such authority any power conferred on them by section 88(1) (b) or (4)(b) thereof other than the power to maintain apparatus, they shall consult with that other authority; and for the purposes of this subsection the area of the Greater London Council shall be taken to be the London excluded area referred to in section 88(4)(a) of this Act.
- (3) Section 135(1) of the Act of 1963 (interpretation), except in so far as it defines the expression " the Minister ", shall have effect for the purposes of this Part of this Act as it has effect for the purposes of that Act, but as if in the definition of " inland water " for the words " within any of the river authority areas " wherever they occur there were substituted the words " within Great Britain " .
- (4) Section 135(2)(b) of the Act of 1963 (whereby, for the purpose of construing references in that Act to the appropriate Minister or Ministers, the Minister of Agriculture, Fisheries and Food is to be taken to be concerned with functions relating to land drainage) shall have effect as if the reference to land drainage included a reference to flood warning systems.

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- (5) Any river authority whose area adjoins Scotland may exercise the powers conferred by section 88(1)(b) or (c) of this Act in an area in Scotland as if that area in Scotland formed part of the authority's area subject (except in the case of the power to maintain apparatus) to prior consultation with the local authority for that area in Scotland within the meaning of section 92 (2)(b) of this Act; but save as aforesaid this Part of this Act extends to England and Wales only.