



Water Resources Act 1991

1991 CHAPTER 57

PART VI

FINANCIAL PROVISIONS IN RELATION TO THE [F¹AGENCY]

CHAPTER I

GENERAL FINANCIAL PROVISIONS

118 Special duties with respect to flood defence revenue.

- (1) Revenue raised by the [F¹Agency] 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 [F¹Agency'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 [F²section 44(4) of the 1995 Act].
- (2) The revenue referred to in subsection (1) above is revenue raised by the [F¹Agency] in a local flood defence district—
 - (a) by virtue of any regulations under section 74 of the ^{M1}Local Government Finance Act 1988 (power to issue levies);
 - (b) by general drainage charges under sections 134 [F³and 135] below;
 - (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 [F¹Agency] considers it appropriate—
 - (a) to set aside towards research or related activities or towards meeting the [F¹Agency's] administrative expenses; or

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- (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 ^{M2}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 [^{F1}Agency] by virtue of any transfer of property, rights or liabilities from a water [^{F1}agency] in accordance with a scheme under Schedule 2 to the ^{M3}Water Act 1989, in so far as those sums represent amounts which the water [^{F1}Agency] was required by virtue of paragraph 31 of Schedule 3 to the ^{M4}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 [^{F1} Agency] in a flood defence district by virtue of a precept issued under section 46 of the ^{M5}Land Drainage Act 1976,
- shall be treated as revenue raised by the [^{F1}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

- F1** 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**
- F2** 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**
- F3** 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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Changes to legislation:

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