



Water Resources Act 1991

1991 CHAPTER 57

PART VI

FINANCIAL PROVISIONS IN RELATION TO THE [F1 APPROPRIATE AGENCY]

CHAPTER I

GENERAL FINANCIAL PROVISIONS

118 Special duties with respect to flood defence revenue.

- (1) Revenue raised by the [F1 appropriate agency] 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 [F2 appropriate agency's] [F3 flood and coastal erosion risk management functions, within the meaning of Part 1 of the Flood and Water Management Act 2010,] in or for the benefit of the [F4 flood risk management region] in which it is raised; ^{F5}...
 - (b) [F6 where the appropriate agency is the Agency,] shall be disregarded in determining the amount of any surplus for the purposes of section 44(4) of the 1995 Act [F7; and]
 - [F8(c) where the appropriate agency is the NRBW, shall be disregarded in determining the amount of any surplus for the purposes of article 13 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903).]
- (2) The revenue referred to in subsection (1) above is revenue raised by the [F9 appropriate agency] in a [F10 flood risk management region]—
- (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 [F11 and 135] below;
 - (c) by special drainage charges under sections 137 and 138 below; or
 - (d) by contributions required under section 139(1) below.

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Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 118. (See end of Document for details)

- (3) An amount falls within this subsection if it is an amount which the [^{F12}appropriate agency] considers it appropriate—
 - (a) to set aside towards research or related activities or towards meeting the [^{F12}appropriate agency's] administrative expenses; ^{F13} ...
 - ^{F13}(b)
- (4) Any amount specified in a resolution under section 58(1)(b) of the ^{M2}Land Drainage Act 1991 in relation to any [^{F14}flood risk management region] (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 [^{F15}appropriate agency] by virtue of any transfer of property, rights or liabilities from a water 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 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 [^{F15}appropriate agency] in a [^{F16}flood risk management region] by virtue of a precept issued under section 46 of the ^{M5}Land Drainage Act 1976,
 shall be treated as revenue raised by the [^{F15}appropriate agency] as mentioned in subsection (2) above in the corresponding [^{F17}flood risk management region] or, as the case may be, in that local flood defence district.

^{F18}(6)

^{F19}(7) In this section “flood risk management region” means the region of a Regional Flood and Coastal Committee, within the meaning of section 22 of the Flood and Water Management Act 2010.]

Textual Amendments

- F1** Words in s. 118(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(a\)](#) (with Sch. 7)
- F2** Words in s. 118(1)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(b\)](#) (with Sch. 7)
- F3** Words in s. 118(1) substituted (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 43\(2\)\(a\)](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F4** Words in s. 118(1) substituted (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 43\(2\)\(b\)](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F5** Word in s. 118(1)(a) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(c\)](#) (with Sch. 7)
- F6** Words in s. 118(1)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(d\)\(i\)](#) (with Sch. 7)
- F7** Word in s. 118(1)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(d\)\(ii\)](#) (with Sch. 7)
- F8** S. 118(1)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(2\)\(e\)](#) (with Sch. 7)
- F9** Words in s. 118(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 275\(3\)](#) (with Sch. 7)

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- F10** Words in s. 118(2) substituted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(3)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F11** 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**
- F12** Words in s. 118(3) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 275(3)** (with Sch. 7)
- F13** S. 118(3)(b) and word omitted (1.4.2011) by virtue of Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(4)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F14** Words in s. 118(4) substituted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(5)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F15** Words in s. 118(5) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 275(3)** (with Sch. 7)
- F16** Words in s. 118(5) substituted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(6)(a)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F17** Words in s. 118(5) substituted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(6)(b)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F18** S. 118(6) omitted (1.4.2011) by virtue of Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(7)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F19** S. 118(7) added (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 43(8)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)

Modifications etc. (not altering text)

- C1** S. 118 restricted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), **ss. 23(4)**, 49(3) (with s. 49(1)(6)); S.I. 2011/694, art. 3(c)

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:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 118.