



Water Resources Act 1991

1991 CHAPTER 57

PART VI

FINANCIAL PROVISIONS IN RELATION TO THE AUTHORITY

CHAPTER I

GENERAL FINANCIAL PROVISIONS

120 Contributions between the Authority and certain other authorities

- (1) Where, on the application of a navigation authority, harbour authority or conservancy authority, it appears to the Authority that any works constructed or maintained by the applicants have made, or will make, a beneficial contribution towards the fulfilment of the purposes of the Authority's water resources functions, the Authority shall contribute towards the expenditure incurred or to be incurred by the applicants in constructing or maintaining those works.
- (2) Where, on the application of the Authority, it appears to a navigation authority, harbour authority or conservancy authority that any works constructed or maintained by the Authority in the carrying out of its water resources functions have made, or will make, a beneficial contribution towards the carrying out of the functions of the authority to whom the application is made, that authority shall contribute to the Authority towards the expenditure incurred or to be incurred by the Authority in constructing or maintaining those works.
- (3) Subject to the following provisions of this section, the sums to be paid by way of contribution and the terms and conditions on which they are to be paid shall be such as the Authority and the other authority concerned may agree to be appropriate.
- (4) If on any application under this section—
 - (a) the Authority or, as the case may be, the other authority to whom the application is made refuses to make a contribution; or

Status: This is the original version (as it was originally enacted).

- (b) the Authority and the other authority concerned are unable to agree as to the sums to be contributed or the terms and conditions on which they are to be contributed,
- the Authority or the other authority concerned may refer the matter in dispute to the Secretary of State.
- (5) On a reference under subsection (4) above the Secretary of State may either—
- (a) determine that matter himself; or
 - (b) refer it for determination to an arbitrator appointed by him for the purpose;
- and where any decision has been made by the Secretary of State or an arbitrator under this subsection, the decision shall be final and a contribution shall be made in accordance with the decision as if the sums, terms or conditions determined under this subsection had been agreed to be appropriate as mentioned in subsection (3) above.
- (6) Any expenditure incurred by a navigation authority, harbour authority or conservancy authority in paying any contribution under this section shall be defrayed in the like manner as any corresponding expenditure of that authority; and that authority shall have the same powers for the purpose of raising money required for paying any such contribution as they would have for the purpose of raising money required for defraying any corresponding expenditure of that authority.
- (7) In subsection (6) above the references to corresponding expenditure of a navigation authority, harbour authority or conservancy authority, in relation to the payment of a contribution in respect of any works, are references to expenditure incurred by the authority in performing the functions in respect of which it is claimed by the Authority that the works have made, or will make, such a beneficial contribution as is mentioned in subsection (2) above.
- (8) References in this section to the water resources functions of the Authority are references to the functions of the Authority under Part II of this Act or under any provisions not contained in that Part which are related water resources provisions in relation to Chapter II of that Part.