



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

#### CHAPTER I

#### POWERS OF THE [F<sup>1</sup>APPROPRIATE AGENCY]

#### *[F<sup>1</sup>Restoration and improvement works for controlled waters*

#### [F<sup>1</sup>161. Anti-pollution works and operations

- (1) This section applies where it appears to the [F<sup>2</sup>appropriate agency] that any poisonous, noxious or polluting matter or any waste matter is or has been present in, or is likely to enter, any controlled waters.
- (2) In a case where the matter appears to be or to have been present in the controlled waters, the [F<sup>2</sup>appropriate agency] shall be entitled to carry out works and operations for any of the following purposes—
  - (a) removing or disposing of the matter;
  - (b) remedying or mitigating any pollution caused by its presence in the waters; or
  - (c) restoring (so far as it is reasonably practicable to do so) the waters, including any flora and fauna dependent on the aquatic environment of the waters, to their state immediately before the matter became present in the waters.
- (3) In a case where the matter appears to be likely to enter the controlled waters, the [F<sup>2</sup>appropriate agency] shall be entitled to carry out works and operations for the purpose of preventing it from doing so.
- (4) The [F<sup>2</sup>appropriate agency] shall be entitled to carry out investigations for the purpose of establishing any of the following—
  - (a) the nature of the matter,

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*Status: Point in time view as at 14/07/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 161. (See end of Document for details)*

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- (b) the source of the matter;
  - (c) the nature and effects of any pollution caused or likely to be caused by the presence of the matter; and
  - (d) the identity of any responsible persons.
- (5) Without prejudice to the power of the [F<sup>2</sup>appropriate agency] to carry out those investigations, the powers conferred by subsection (2) or (3) shall only be exercisable in a case where—
- (a) the [F<sup>2</sup>appropriate agency] considers it necessary to carry out forthwith any works or operations falling within that subsection; or
  - (b) it appears to the [F<sup>2</sup>appropriate agency] , after reasonable enquiry, that no responsible person can be found on whom to serve a works notice.
- (6) In this section “responsible person” means a person who has caused or knowingly permitted the matter—
- (a) to be present in the controlled waters; or
  - (b) to be at a place from which it was likely, in the opinion of the [F<sup>2</sup>appropriate agency], to enter the controlled waters.]

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**Textual Amendments**

- F1** Ss. 161-161AB substituted for s. 161 (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009 \(S.I. 2009/3104\)](#), regs. 1(c), **5** (with reg. 7)
- F2** Words in ss. 159-161B substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 283** (with Sch. 7)
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**Modifications etc. (not altering text)**

- C1** Ss. 161-161D modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 1**)

**Status:**

Point in time view as at 14/07/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 161.