

Status: Point in time view as at 25/02/2020. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Water Resources Act 1991. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

Water Resources Act 1991

40 The Water Resources Act 1991 is amended as follows.

Commencement Information

II Sch. 2 para. 40 in force at 1.4.2011 by S.I. 2011/694, art. 3(g)

41 Section 106 (obligation to carry out flood defence functions through committees) is repealed.

Commencement Information

I2 Sch. 2 para. 41 in force at 1.4.2011 by S.I. 2011/694, art. 3(g)

PROSPECTIVE

42 In section 110 (main river structures: applications for consent) in subsection (1) for “and the amount of that fee shall be £50 or such other sum as may be prescribed” substitute “ and the amount of the fee shall be determined in accordance with a prescribed charging scheme ”.

43 (1) Section 118 (special duties with respect to flood defence revenues) is amended as follows.

(2) In subsection (1)—

(a) for “flood defence functions” substitute “ flood and coastal erosion risk management functions, within the meaning of Part 1 of the Flood and Water Management Act 2010, ”, and

(b) for “local flood defence district” substitute “ flood risk management region ”.

(3) In subsection (2) for “local flood defence district” substitute “ flood risk management region ”.

(4) Omit subsection (3)(b) (and the “or” before it).

(5) In subsection (4) for “local flood defence district” substitute “ flood risk management region ”.

(6) In subsection (5)—

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(a) in paragraph (b) for “flood defence district” substitute “ flood risk management region ”, and

(b) for “local flood defence district” substitute “ flood risk management region ”.

(7) Omit subsection (6).

(8) At the end add—

“(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.”

Commencement Information

I3 Sch. 2 para. 43 in force at 1.4.2011 by S.I. 2011/694, art. 3(g)

44 Section 133 (power to authorise the Agency to issue levies) is repealed.

Commencement Information

I4 Sch. 2 para. 44 in force at 1.4.2011 by S.I. 2011/694, art. 3(g) (with art. 5(1))

45 In section 159 (powers to lay pipes in streets) after subsection (1) insert—

“(1A) The Agency may carry out work within subsection (1)(a) to (c) if—

- (a) it thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010, and
- (b) the purpose of the work is to manage a flood risk (within the meaning of that Act) from (i) the sea, or (ii) a main river.”

Commencement Information

I5 Sch. 2 para. 45 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(f)

I6 Sch. 2 para. 45 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(d)

46 In section 160 (power to lay pipes in other land) after subsection (1) insert—

“(1A) The Agency may carry out work within subsection (1)(a) to (c) if—

- (a) it thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010, and
- (b) the purpose of the work is to manage a flood risk (within the meaning of that Act) from (i) the sea, or (ii) a main river.”

Commencement Information

I7 Sch. 2 para. 46 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(f)

I8 Sch. 2 para. 46 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(d)

47 (1) Section 165 (powers to carry out works) is amended as follows.

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(2) For subsection (1) substitute—

“(1) The Agency may—

- (a) carry out flood risk management work within subsection (1D)(a) to (f) if Conditions 1 and 2 are satisfied;
- (b) carry out flood risk management work within subsection (1D)(g) or (h) if Condition 1 is satisfied.

(1A) Condition 1 is that the Agency considers the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010.

(1B) Condition 2 is that the purpose of the work is to manage a flood risk (within the meaning of that Act) from—

- (a) the sea, or
- (b) a main river.

(1C) In subsection (1B)(b) the reference to a main river includes a reference to a lake, pond or other area of water which flows into a main river.

(1D) In this section “flood risk management work” means anything done—

- (a) to maintain existing works (including buildings or structures) including cleansing, repairing or otherwise maintaining the efficiency of an existing watercourse or drainage work;
- (b) to operate existing works (such as sluiceways or pumps);
- (c) to improve existing works (including buildings or structures) including anything done to deepen, widen, straighten or otherwise improve an existing watercourse, to remove or alter mill dams, weirs or other obstructions to watercourses, or to raise, widen or otherwise improve a drainage work;
- (d) to construct or repair new works (including buildings, structures, watercourses, drainage works and machinery);
- (e) for the purpose of maintaining or restoring natural processes;
- (f) to monitor, investigate or survey a location or a natural process;
- (g) to reduce or increase the level of water in a place;
- (h) to alter or remove works.”

(3) In subsection (2) omit “, irrespective of whether the works are in connection with a main river,”.

(4) In subsection (5)—

- (a) omit “in connection with a main river”, and
- (b) at the end add “ under this section ”.

(5) In subsection (7) omit from “; and subsections (2)” to the end.

(6) The heading becomes “General powers to carry out works”.

Commencement Information

I9 Sch. 2 para. 47 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(f)

I10 Sch. 2 para. 47 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(d)

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48 After section 204(2)(c) (exceptions to prohibition on disclosure of information) insert—

“(ca) for the purpose of complying with a request under section 14 of the Flood and Water Management Act 2010;”.

Commencement Information

I11 Sch. 2 para. 48 in force at 1.4.2011 by S.I. 2011/694, art. 3(g)

49 In Schedule 25 (byelaws) for paragraph 5(1)(a) and (b) substitute—

“for any of Purposes 1 to 4.

(1A) Purpose 1 is to secure the efficient working of a drainage system.

(1B) Purpose 2 is to regulate the effects on the environment of a drainage system.

(1C) Purpose 3 is to secure the effectiveness of flood risk management work within the meaning of section 165.

(1D) Purpose 4 is to secure the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion).”

Commencement Information

I12 Sch. 2 para. 49 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(f)

I13 Sch. 2 para. 49 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(d)

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