



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VI

#### FINANCIAL PROVISIONS IN RELATION TO THE [F1 APPROPRIATE AGENCY]

### CHAPTER I

#### GENERAL FINANCIAL PROVISIONS

F1 117 .....

#### Textual Amendments

F1 S. 117 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 149, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

#### 118 Special duties with respect to flood defence revenue.

- (1) Revenue raised by the [F2 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 [F3 appropriate agency's] [F4 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 [F5 flood risk management region] in which it is raised; F6...
  - (b) [F7 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 [F8; and]
  - [F9(c) where the appropriate agency is the NRBW, shall be disregarded in determining the amount of any surplus for the purposes of article 13

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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 [F10 appropriate agency] in a [F11 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 [F12 and 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 [F13 appropriate agency] considers it appropriate—
  - (a) to set aside towards research or related activities or towards meeting the [F13 appropriate agency's] administrative expenses; F14 ...
  - F14(b) .....
- (4) Any amount specified in a resolution under section 58(1)(b) of the M2 Land Drainage Act 1991 in relation to any [F15 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 [F16 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 [F16 appropriate agency] in a [F17 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 [F16 appropriate agency] as mentioned in subsection (2) above in the corresponding [F18 flood risk management region] or, as the case may be, in that local flood defence district.

F19(6) .....

[F20(7) In this section “flood risk management region”][F21—

- (a) in relation to the Agency,] means the region of a Regional Flood and Coastal Committee, within the meaning of section 22 of the Flood and Water Management Act 2010 [F22, and
- (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006].

**Textual Amendments**

- F2** 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)
- F3** 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)

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- 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)(a)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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**
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- 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)(a)** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** Words in s. 118(7) inserted (14.7.2017) by Environment (Wales) Act 2016 (anaw 3), s. 88(3)(c), **Sch. 2 para. 20(2)(a)**; S.I. 2017/714, art. 2
- F22** Words in s. 118(7) inserted (14.7.2017) by Environment (Wales) Act 2016 (anaw 3), s. 88(3)(c), **Sch. 2 para. 20(2)(b)**; S.I. 2017/714, art. 2

#### 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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**F23 119 Duties with respect to certain funds raised under local enactments.**

- (1) Where the Agency holds any funds, or any interest in any funds, which immediately before the transfer date the National Rivers Authority, by virtue of this subsection as originally enacted, was not permitted to use except for particular purposes, those funds or that interest shall not be used except for the purposes for which they could be used by virtue of this subsection as originally enacted.
- (1A) For the purposes of subsection (1) above, “the transfer date” has the same meaning as in Part I of the 1995 Act.]
- (2) Any funds to which subsection (1) above applies shall be disregarded in determining the amount of any surplus under [F24 section 44(3) of the 1995 Act].

**Textual Amendments**

- F23** S. 119 (1)(1A) substituted (1.4.1996) for s. 119(1) by 1995 c. 25, s. 120(1), **Sch. 22 para. 151(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F24** Words in s. 119(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 151(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**120 Contributions between the [F25 appropriate agency] and certain other authorities.**

- (1) Where, on the application of a navigation authority, harbour authority or conservancy authority, it appears to the [F25 appropriate agency] 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 [F25 appropriate agency's] water resources functions, the [F25 appropriate agency] 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 [F25 appropriate agency], it appears to a navigation authority, harbour authority or conservancy authority that any works constructed or maintained by the [F25 appropriate agency] 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 [F25 appropriate agency] towards the expenditure incurred or to be incurred by the [F25 appropriate agency] 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 [F25 appropriate agency] and the other authority concerned may agree to be appropriate.
- (4) If on any application under this section—
- (a) the [F25 appropriate agency] or, as the case may be, the other authority to whom the application is made refuses to make a contribution; or
  - (b) the [F25 appropriate agency] 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 [F25 appropriate agency] 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—

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- (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 [F25 appropriate agency] 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 [F25 appropriate agency] are references to the functions of the [F25 appropriate agency] 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.

**Textual Amendments**

**F25** Words in ss. 120-143 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 276** (with Sch. 7)

**Modifications etc. (not altering text)**

**C2** S. 120 applied (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 33(3)(a)**, 105(3); S.I. 2006/984, art. 2(p)

<sup>F26</sup> **121** .....

**Textual Amendments**

**F26** Ss. 121-124 repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 152, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

<sup>F27</sup> **122** .....

**Textual Amendments**

**F27** Ss. 121-124 repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), Sch. 22 para. 152, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**Changes to legislation:**

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