



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VI

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

#### CHAPTER II

#### REVENUE PROVISIONS

#### *Special drainage charges*

#### **137 Special drainage charges in interests of agriculture.**

- (1) Where it appears to the [F1 appropriate agency] that the interests of agriculture require the carrying out, improvement or maintenance of drainage works in connection with any watercourses in [F2 any flood risk management region], the [F1 appropriate agency] may submit to either of the Ministers for confirmation a scheme under this section with respect to those watercourses.
- (2) A scheme under this section with respect to any watercourses is a scheme—
  - (a) designating those watercourses, and any watercourses connected with them, for the purposes of this section; and
  - (b) making provision for the raising, in accordance with section 138 below, of a charge (known as a “special drainage charge”) for the purpose of meeting the expenses of drainage works in connection with the designated watercourses and any expenses arising from such works.
- (3) A scheme under this section shall designate for the purposes of the special drainage charge so much of [F3 the flood risk management region] as consists of land which, in the opinion of the [F1 appropriate agency], is agricultural land that would benefit from drainage works in connection with the designated watercourses.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 137. (See end of Document for details)*

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- (4) The watercourses designated in any scheme under this section shall, if the scheme is confirmed, be treated for the purposes of this Act and the <sup>M1</sup>Land Drainage Act 1991 as part of a main river.
- (5) A scheme under this section-
- (a) may make provision for any of the matters referred to in subsections (1) and (2) of section 108 above; and
  - (b) may provide for the revocation or amendment of, and for the retransfer of property, rights, powers, duties, obligations and liabilities transferred by, any previous scheme under this section.
- (6) Schedule 16 to this Act shall have effect with respect to the making and confirmation of schemes under this section.
- (7) For the purposes of this section—
- (a) the reference to expenses of drainage works is a reference to expenses incurred in the construction, improvement or maintenance of drainage works;
  - (b) the expenses of any drainage works which may be necessary in consequence of other drainage works, and so much of any contribution made under section 57 of the <sup>M2</sup>Land Drainage Act 1991 as is fairly attributable to such expenses, shall be deemed to be expenses arising from those other drainage works; and
  - (c) the expenses of any drainage works shall be taken (without prejudice to section 221(5) below) to include a proper proportion of the cost of the officers and buildings and establishment of the authority carrying them out.
- (8) In this section and Schedule 16 to this Act “watercourse” has the same meaning as in Part IV of this Act.

#### **Textual Amendments**

- F1** 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)
- F2** Words in s. 137(1) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 8(2)**
- F3** Words in s. 137(3) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), s. 94(2)(r), **Sch. 10 para. 8(3)**

#### **Marginal Citations**

- M1** 1991 c. 59.
- M2** 1991 c. 59.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 137.