



# Water Act 1989

## 1989 CHAPTER 15

### PART III

#### THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

### CHAPTER I

#### CONTROL OF POLLUTION

#### *General provisions*

**F1** 103 .....  
—124.

#### **Textual Amendments**

**F1** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1) (2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

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

**C1** [Pt. III, Ch. I](#) (ss. 103–124) saved (27.6.1991) by [Killingholme Generating Stations \(Ancillary Powers\) Act 1991 \(c. viii, SIF 200\)](#), s. 10(3)

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*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)*

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## CHAPTER II

**F<sup>2</sup>125** .....  
**—135.**

### Textual Amendments

**F2** [S. 5\(1\)-\(4\), 6\(1\)-\(7\), 7-10, 11\(1\)-\(8\), 12, 14-22, 24-28, 31-68, 70\(3\)-\(5\), 71, 73-82, 97-135](#) 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12), 3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)-(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), **15**)

## CHAPTER III

### FLOOD DEFENCE

**[F<sup>3</sup>136 Flood defence functions of the Authority.**

- (1) Subject to subsection (3) below, the Authority shall in relation to England and Wales exercise a general supervision over all matters relating to flood defence and, for the purpose of carrying out its functions in relation to flood defence, shall from time to time carry out surveys of the areas in relation to which it carries out those functions.
- (2) Schedule 15 to this Act shall have effect for transferring the functions of water authorities relating to flood defence to the Authority and for making amendments of the <sup>M1</sup>Land Drainage Act 1976 (in this Chapter referred to as “the 1976 Act”), including amendments consequential on the following provisions of this Chapter.
- (3) Without prejudice to any scheme for the appointment of local flood defence committees and subject to subsection (4) below, the Authority shall arrange for all its functions under the 1976 Act relating to flood defence to be carried out by regional flood defence committees established under section 137 below, so that those functions of the Authority are carried out—
  - (a) in relation to the area of each regional flood defence committee, by the committee for that area; and
  - (b) in cases involving the areas of more than one regional flood defence committee, by such committee, or jointly by such committees, as may be determined in accordance with arrangements made by the Authority.
- (4) The Authority shall not make arrangements for the carrying out by any other body, or by any committee, of any of its functions with respect to—
  - (a) the issuing of levies (within the meaning of the <sup>M2</sup>Local Government Finance Act 1988); or
  - (b) the making of drainage charges under the 1976 Act;

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*Changes to legislation:* There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)

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and nothing in this section shall enable the Authority to authorise any such other body or any committee to borrow money for purposes connected with the Authority's functions relating to flood defence.

- (5) The Authority may give a regional flood defence committee a direction of a general or specific character as to the carrying out of any function relating to flood defence, other than one of their internal drainage functions, so far as the carrying out of that function appears to the Authority likely to affect materially the Authority's management of water for purposes other than flood defence; and a regional flood defence committee shall comply with any direction under this subsection.
- (6) The Authority shall maintain a principal office for the area of each regional flood defence committee.
- (7) The functions of the Authority by virtue of this Chapter extend to the territorial sea adjacent to England and Wales in so far as—
- (a) the area of any regional flood defence committee includes any area of that territorial sea; or
  - (b) section 17(2) or (3) of the 1976 Act (works in the sea and in estuaries) provides for the exercise of any power in the territorial sea;
- and where under the said section 17(2) or (3) any function of the Authority falls to be carried out at a place beyond the seaward boundaries of the area of any regional flood defence committee, that place shall be assumed for the purposes of this Chapter and that Act to be within the area of the regional flood defence committee to whose area the area of sea where that place is situated is adjacent.
- (8) Where the functions of any water authority immediately before the transfer date include, by virtue of any local statutory provision, any functions relating to flood defence—
- (a) those functions shall become functions of the Authority on that date; and
  - (b) subject to the power conferred by section 191 below, the local statutory provisions relating to the functions transferred by this subsection and everything done by or in relation to a water authority under any such provision shall have effect, so far as may be necessary for the purposes of, or in connection with, the transfer of functions under this subsection, as if—
    - (i) any reference in any such provision to a water authority were a reference to the Authority; and
    - (ii) any such thing had been done by or in relation to the Authority.
- (9) In this section—

“flood defence” means the drainage of land (within the meaning of the 1976 Act) and the provision of flood warning systems;

“internal drainage functions” means the functions of the Authority under sections 10 to 16, 68(1) to (4) and (7) to (9), 69(2), (3) and (6), 84 and 86(1) of the 1976 Act.]

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#### Textual Amendments

- F3** S. 136 repealed (E.W.) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c.60, SIF 130\)](#), s. 3, [Sch. 3 Pt. I](#) (subject to savings in s. 2, [Sch. 2 paras. 5\(1\)\(5\), 10, 14\(1\), 15](#))

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)*

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

**C2** S. 136(8): Functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by 1995 c. 25, s. 2(1)(a)(iii) (with ss. 115, 117); S.I. 1996/186, art. 3

**Marginal Citations**

**M1** 1976 c. 70.  
**M2** 1988 c. 41.

**137 Establishment of regional flood defence committees.**

<sup>F4</sup>(1) .....

(9) In the <sup>M3</sup>House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

“Chairman of a regional flood defence committee for any area of England and Wales.”

<sup>F5</sup>(10) .....

**Textual Amendments**

**F4** S. 5(1)-(4), 6(1)-(7), 7-10, 11(1)-(8), 12, 14-22, 24-28, 31-68, 70(3)-(5), 71, 73-82, 97-135 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12), 3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1-2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**F5** S. 5(1)-(4), 6(1)-(7), 7-10, 11(1)-(8), 12, 14-22, 24-28, 31-68, 70(3)-(5), 71, 73-82, 97-135 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12), 3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1-2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**Marginal Citations**

**M3** 1975 c. 24.

<sup>F6</sup>138 .....

**Textual Amendments**

**F6** S. 5(1)-(4), 6(1)-(7), 7-10, 11(1)-(8), 12, 14-22, 24-28, 31-68, 70(3)-(5), 71, 73-82, 97-135 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12),

*Changes to legislation:* There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)

3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)-(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

### 139 Local flood defence schemes and local flood defence committees.

<sup>F7</sup>(1) .....

(6) In the <sup>M4</sup>House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

“Chairman of a local flood defence committee for any district in England and Wales.”

#### Textual Amendments

**F7** [S. 5\(1\)-\(4\), 6\(1\)-\(7\), 7-10, 11\(1\)-\(8\), 12, 14-22, 24-28, 31-68, 70\(3\)-\(5\), 71, 73-82, 97-135](#) 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12), 3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)-(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

#### Marginal Citations

**M4** 1975 c. 24.

<sup>F8</sup>140 .....

#### Textual Amendments

**F8** [S. 5\(1\)-\(4\), 6\(1\)-\(7\), 7-10, 11\(1\)-\(8\), 12, 14-22, 24-28, 31-68, 70\(3\)-\(5\), 71, 73-82, 97-135](#) 137(1)-(8)(10)(11), 138, 139(1)-(5), 140, 142(1), 143-167, 170, 171, 176, 178-182, 186, 188, 189(2)-(5)(8), Sch. 1 paras. 1-10, 14-23, Sch. 3 paras. 1-5, Sch. 4 paras. 1-5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)-(10)(12), 3, 4, 5, Schs. 9-14, Sch. 16, Schs. 18-21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)-(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)-(4), 7, 9-12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)-(7)(10), 18, 19, 21-25, 27-29, 32-39, 40(2), 41(2)(3), 42-45, 48, 50, 56, 57(1)-(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

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*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)*

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## CHAPTER IV

### SALMON AND FRESHWATER FISHERIES

#### 141 Functions of the Authority in relation to fisheries.

- [<sup>F9</sup>(1) It shall be the duty of the Authority—
- (a) to maintain, improve and develop salmon fisheries, trout fisheries, fresh water fisheries and eel fisheries;
  - (b) to establish and maintain advisory committees of persons who are not members of the authority but appear to it to be interested in any such fisheries in the different parts of the area mentioned in subsection (4) below; and
  - (c) to consult those committees as to the manner in which the Authority is to perform its duty under paragraph (a) above.
- (2) The duty to establish and maintain advisory committees imposed by paragraph (b) of subsection (1) above is a duty to establish and maintain—
- (a) a regional advisory committee for each such region of the area mentioned in subsection (4) below as the Authority considers it appropriate for the time being to regard as a region of that area for the purposes of this section; and
  - (b) such local advisory committees as it considers necessary to represent the interests referred to in that paragraph in the different parts of each such region;
- and it shall be the duty of the Authority in determining the regions for which regional advisory committees are established and maintained to ensure that one of those regions consists (apart from territorial waters) wholly or mainly of, or of most of, Wales.
- (3) There shall be paid by the Authority—
- (a) to the chairman of an advisory committee established and maintained under this section such remuneration and such travelling and other allowances; and
  - (b) to any other members of that committee such sums reimbursing them for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,
- as may, with the consent of the Treasury, be determined by the Minister or the Secretary of State.
- (4) The area in respect of which the Authority shall carry out its functions relating to fisheries shall be the whole of England and Wales, together with—
- (a) such part of the territorial sea adjacent to England and Wales as extends for six miles from the baselines from which the breadth of that sea is measured; and
  - (b) in the case of subsection (1) above [<sup>F10</sup>and the Salmon and Freshwater Fisheries Act 1975] , so much of the River Esk with its banks and tributary streams up to their source as is situated in Scotland,
- but, in the case of that subsection and those Acts, excluding the River Tweed, that is to say, “the river” within the meaning of the <sup>M5</sup>Tweed Fisheries Amendment Act 1859, as amended by byelaws.]
- (5) Schedule 17 to this Act shall have effect for transferring the functions of water authorities relating to fisheries to the Authority and for making amendments of the enactments relating to the transferred functions and of corresponding enactments applying to fisheries in Scotland.

*Changes to legislation:* There are currently no known outstanding effects for the Water Act 1989, Part III. (See end of Document for details)

(6) Nothing in the preceding provisions of this section or in the following provisions of this Act shall authorise the Authority to acquire any land in Scotland compulsorily.

[<sup>F9</sup>(7) In this section, “miles” means international nautical miles of 1,852 metres.]

#### Textual Amendments

**F9** Ss. 13, 23, 141(1)–(4)(7), 172 repealed (E.W.) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**F10** Words in s. 141(4)(b) substituted (27.3.2009) by [The Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), reg. 1(2)(c), **sch. 2 para. 8(a)** (with reg. 2.)

#### Marginal Citations

**M5** 1859 c. lxx.

## CHAPTER V

### NAVIGATION, CONSERVANCY AND HARBOUR AUTHORITY FUNCTIONS

#### 142 Navigation, conservancy and harbour authority functions.

<sup>F11</sup>(1) . . . . .

(2) Subject to the power conferred by section 191 below, on and after the transfer date every local statutory provision relating to a function transferred by this section and everything done by or in relation to a water authority under any such provision shall have effect, so far as may be necessary for the purposes of, or in connection with, the transfer of functions made by subsection (1) above, as if—

- (a) any reference in any such provision to a water authority were a reference to the Authority; and
- (b) any such thing had been done by or in relation to the Authority.

#### Textual Amendments

**F11** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

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

**C3** Pt. III Ch. V (s. 142): Certain functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by [1995 c. 25, s. 2\(1\)\(a\)\(vi\)](#) (with ss. 115, 117); S.I. 1996/186, **art. 3**

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*Changes to legislation: There are currently no known outstanding effects  
 for the Water Act 1989, Part III. (See end of Document for details)*

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## CHAPTER VI

<sup>F12</sup>143 .....  
 —150.

### Textual Amendments

**F12** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt.I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)



**Changes to legislation:**

There are currently no known outstanding effects for the Water Act 1989, Part III.