



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Other supplemental provisions*

#### **[<sup>F1</sup>222 Crown application.**

- (1) Subject to the provisions of this section, this Act binds the Crown.
- (2) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court may, on the application of the [<sup>F2</sup>appropriate body], declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in subsection (2) above, the provisions of this Act shall apply to persons in the public service of the Crown as they apply to other persons.
- (4) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate, that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises.
- (5) Subject to subsection (4) above, the powers conferred by sections 154, 156, 160, 162(3) and 168 above shall be exercisable in relation to land in which there is a Crown or Duchy interest only with the consent of the appropriate authority.
- (6) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the <sup>M1</sup>Crown Proceedings Act 1947 (interpretation of references to Her Majesty in her private capacity) were contained in this Act.

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- (7) Nothing in this Act, as read with the other provisions of this section, shall be construed as conferring any power of levying drainage charges in respect of lands below the high-water mark of ordinary spring tides.
- (8) Section 74 of the <sup>M2</sup>Land Drainage Act 1991 (Crown application), so far as it relates to land in which there is a Crown or Duchy interest, shall apply in relation to the flood defence provisions of this Act as it applies in relation to that Act; but nothing in this subsection shall affect any power conferred by this Act for the purposes both of the Agency's [<sup>F3</sup>or the NRBW's] functions under those provisions and of other functions of the Agency [<sup>F4</sup>or the NRBW].
- (9) In this section—
- “the appropriate authority” has the same meaning as it has in Part XIII of the <sup>M3</sup>Town and Country Planning Act 1990 by virtue of section 293(2) of that Act;
- [<sup>F5</sup>“the appropriate body” means—
- (a) in relation to any act or omission of the Crown in England, the Agency;
- (b) in relation to any act or omission of the Crown in Wales, the NRBW;]
- “Crown or Duchy interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- “Crown premises” means premises held by or on behalf of the Crown.
- (10) The provisions of subsection (3) of section 293 of the <sup>M4</sup>Town and Country Planning Act 1990 (questions relating to Crown application) as to the determination of questions shall apply for the purposes of this section.
- [<sup>F6</sup>(11) This section shall apply in relation to sections 3, 4 and 10 of the Water Act 2003 as it applies in relation to the provisions of this Act.]]

#### Textual Amendments

- F1** S. 222 substituted (1.7.1997 for certain purposes, 1.1.2018 in so far as not already in force) by 1995 c. 25, ss. 116, 125(2), **Sch. 21 Pt. 1 para. 2(4)** (with ss. 7(6), 115, 117); S.I. 1997/1626, **art. 2** (with transitional provisions in **art. 3**); S.I. 2017/1045, **art. 2(b)**
- F2** Words in s. 222(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. 305(2)** (with **Sch. 7**)
- F3** Words in s. 222(8) inserted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755)**, **art. 1(2)**, **Sch. 2 para. 305(3)(a)** (with **Sch. 7**)
- F4** Words in s. 222(8) inserted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755)**, **art. 1(2)**, **Sch. 2 para. 305(3)(b)** (with **Sch. 7**)
- F5** Words in s. 222(9) inserted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755)**, **art. 1(2)**, **Sch. 2 para. 305(4)** (with **Sch. 7**)
- F6** S. 222(11) added (1.4.2006) by **Water Act 2003 (c. 37)**, s. 105(3), **Sch. 7 para. 13**; S.I. 2006/984, **art. 2(s)(i)**

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

- C1** S. 222 (as in force immediately before the substitution made by 1995 c. 25, Sch. 21 para. 2(4) and for so long as the substituted s. 222 does not apply to Pt. 2 of this Act) applied (1.4.2006) by **Water Act 2003 (c. 37)**, **ss. 33(3)(e)**, 105(3); S.I. 2006/984, **art. 2(p)**

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#### Marginal Citations

- M1 1947 c. 44.
- M2 1991 c. 59.
- M3 1990 c. 8.
- M4 1990 c. 8.

### <sup>F7</sup>**223 Exemption for visiting forces.**

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#### Textual Amendments

- F7 S. 223 repealed (1.1.2018) by [Water Act 2003 \(c. 37\)](#), ss. 32, 105(3), [Sch. 9 Pt. 1](#); S.I. 2017/1043, art. 2(d)(h)

### <sup>F8</sup>**[224 Application to the Isles of Scilly.**

- (1) Subject to the provisions of any order under this section, this Act shall not apply in relation to the Isles of Scilly.
- (2) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide for the application of any provisions of this Act to the Isles of Scilly; and any such order may provide for the application of those provisions to those Isles with such modifications as may be specified in the order.
- (3) An order under this section may—
  - (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
  - (b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate, including provision saving provision repealed by or under any enactment.
- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F8 S. 224 substituted (1.2.1996 in so far as it confers power to make an order or make provision in relation to the exercise of that power and 1.4.2020 in so far as not already in force) by [1995 c. 25, ss. 118\(5\), 125\(2\)](#) (with [ss. 7\(6\), 115, 117](#)); S.I. 1996/186, [art. 2](#) (with [art. 4](#)); S.I. 2020/216, art. 2

### **225 Short title, commencement and extent.**

- (1) This Act may be cited as the Water Resources Act 1991.
- (2) This Act shall come into force on 1st December 1991.
- (3) Subject to subsections (4) to (6) of section 2 and to section 224 above, to the extension of section 166(3) above to Scotland and to the extension, by virtue of any other

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enactment, of any provision of this Act to the territorial sea, this Act extends to England and Wales only.

- (4) Nothing in this Act, so far as it extends to Scotland, shall authorise the [<sup>F9</sup>Agency] to acquire any land in Scotland compulsorily.

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**Textual Amendments**

- F9** Word in s. 225 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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