



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

#### CHAPTER I

#### POWERS OF THE [F<sup>1</sup> APPROPRIATE AGENCY]

##### *Works agreements for water resources purposes*

#### **158 Works agreements for water resources purposes.**

- (1) Without prejudice to the generality of the powers of the [F<sup>1</sup> Agency] by virtue of section 37 of the 1995 Act (incidental general powers of the Agency)<sup>[F<sup>2</sup>]</sup>, or (as the case may be) of the NRBW by virtue of article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I.2012/1903),] but subject to subsection (2) below, those powers shall include power to enter into an agreement with any water undertaker, with any sewerage undertaker, with any local authority or joint planning board, or with the owner or occupier of any land, with respect to any one or more of the following matters, that is to say—
- (a) the carrying out by any party to the agreement of works which the [F<sup>3</sup> appropriate agency] considers necessary or expedient in connection with the carrying out of any of the [F<sup>3</sup> appropriate agency's] functions by virtue of Part II of this Act;
  - (b) the maintenance by any party to the agreement of works carried out in pursuance of the agreement;
  - (c) provision for the [F<sup>4</sup> appropriate agency] to use, or have access to, any land for any purpose connected with the carrying out of any of those functions;
  - (d) the manner in which any reservoir is to be operated.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 158. (See end of Document for details)*

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- (2) The Secretary of State may by a direction to the [<sup>F5</sup>appropriate agency] direct that, in such cases or classes of cases as are specified in the direction, the [<sup>F5</sup>appropriate agency] shall not enter into any such agreement as is mentioned in subsection (1) above except with his consent.
- (3) An agreement such as is mentioned in subsection (1) above may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the [<sup>F6</sup>appropriate agency] necessary or expedient for the purposes of the agreement.
- (4) Where an agreement such as is mentioned in subsection (1) above is made with an owner of land, other than registered land, and the agreement provides that the provisions of this subsection shall have effect in relation to the agreement—
- (a) the agreement may be registered as a land charge under the <sup>M1</sup>Land Charges Act 1972 as if it were a charge affecting land falling within paragraph (iii) of Class D;
  - (b) the provisions of section 4 of that Act (which relates to the effect of non-registration) shall apply as if the agreement were such a land charge; and
  - (c) subject to the provisions of section 4 of that Act, the agreement shall be binding upon any successor of that owner to the same extent as it is binding upon that owner, notwithstanding that it would not have been binding upon that successor apart from the provisions of this paragraph.
- (5) Where an agreement such as is mentioned in subsection (1) above is made with an owner of land which is registered land, and the agreement provides that the provisions of this subsection shall have effect in relation to the agreement—
- <sup>F7</sup>(a) the agreement may be the subject of a notice in the register of title under the Land Registration Act 2002 as if it were an interest affecting the registered land;
  - (b) the provisions of sections 28 to 30 of that Act (effect of dispositions of registered land on priority of adverse interests) shall apply as if the agreement were such an interest;
  - (c) [<sup>F8</sup>subject to the provisions of those sections,] the agreement shall be binding upon any successor of that owner to the same extent as it is binding upon that owner, notwithstanding that it would not have been binding upon that successor apart from the provisions of this paragraph.
- (6) In this section—
- “registered land” has the same meaning as in the [<sup>F9</sup>Land Registration Act 2002]; and
- “successor”, in relation to an agreement with the owner of any land, means a person deriving title or otherwise claiming under that owner, otherwise than in right of an interest or charge to which the interest of the owner was subject immediately before the following time, that is to say—
- (a) where the land is not registered land, the time when the agreement was made; and
  - (b) where the land is registered land, the time when the notice of the agreement was registered.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 158. (See end of Document for details)*

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### Textual Amendments

- F1** Word in s. 158 substituted (subject to the 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**
- F2** Words in s. 158(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 282(2)(a)** (with Sch. 7)
- F3** Words in s. 158(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. 282(2)(b)** (with Sch. 7)
- F4** Words in s. 158(1)(c) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 282(2)(c)** (with Sch. 7)
- F5** Words in s. 158(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. 282(3)** (with Sch. 7)
- F6** Words in s. 158(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. 282(4)** (with Sch. 7)
- F7** S. 158(5)(a)(b) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 25(2)(a)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F8** Words in s. 158(5)(c) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 25(2)(b)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F9** Words in s. 158(6) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 25(3)** (with s. 129); S.I. 2003/1725, art. 2(1)

### Modifications etc. (not altering text)

- C1** S. 158 applied (1.4.2006) by Water Act 2003 (c. 37), **ss. 33(3)(b)**, 105(3); S.I. 2006/984, art. 2(p)
- C2** S. 158 applied (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **66(3)** (with art. 55)
- C3** S. 158(1) applied (with modifications) (4.6.1996) by S.I. 1996/1243, art. 18, **Sch. 5 para. 6(2)(b)**

### Marginal Citations

- M1** 1972 c. 61.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 158.