



Water Resources Act 1991

1991 CHAPTER 57

PART VII

LAND AND WORKS POWERS

CHAPTER I

POWERS OF THE ^[F1]APPROPRIATE AGENCY]

^[F1]Restoration and improvement works for controlled waters

^[F1]161Z Sections 161 to 161ZB: supplementary

- (1) Nothing in sections 161 to 161ZB shall entitle the ^[F2]appropriate agency] to impede or prevent the making of any discharge in pursuance of ^[F3]an environmental permit].
- (2) Where the ^[F2]appropriate agency] carries out any works, operations or investigations under any of the powers conferred by section 161 or 161ZA it shall, subject to subsection (3), be entitled to recover the expenses reasonably incurred in doing so from any responsible person (within the meaning of the section conferring the powers in question).
- (3) No expenses are recoverable from a person for any works, operations or investigations in respect of water from an abandoned mine or an abandoned part of a mine which that person permitted to enter any controlled waters or to reach a place from which it was likely, in the opinion of the ^[F2]appropriate agency], to enter any controlled waters.
- (4) Subsection (3) does not apply to the owner or former operator of any mine or part of a mine if the mine or part in question became abandoned after 31st December 1999.
- ^{F4}(5)
- (6) Nothing in sections 161, 161ZA and 161ZB—

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 161ZC. (See end of Document for details)

- (a) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under any of those sections; or
- (b) affects any restriction imposed by or under any other enactment, whether public local or private.

(7) In this section—

- “expenses” includes costs;
- “mine” has the same meaning as in the Mines and Quarries Act 1954;
- “works notice” means a notice under section 161A.

(8) In sections 161, 161ZA and 161ZB and this section “controlled waters” has the same meaning as in Part 3 of this Act ^{F5}...

[^{F6}(9) In sections 161ZA and 161ZB, “environmental objectives”, “hydromorphological quality element” and “Water Framework Directive” have the meanings given by section 93(7) of this Act.]]

Textual Amendments

- F1** Ss. 161-161AB substituted for s. 161 (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009 \(S.I. 2009/3104\)](#), regs. 1(c), **5** (with reg. 7)
- F2** Words in ss. 159-161B substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 283** (with Sch. 7)
- F3** Words in s. 161ZC(1) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(8)(a)** (with reg. 1(2), Sch. 4)
- F4** S. 161ZC(5) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(m), **Sch. 28** (with reg. 1(2), Sch. 4)
- F5** Words in s. 161ZC(8) omitted (31.12.2020) by virtue of [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **4(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 161ZC(9) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **4(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Ss. 161-161D modified by [S.I. 2010/675](#), Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 1**)
- C2** Ss. 161-161D modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), Sch. 23 Pt. 7 paras. 1(3), **2** (with regs. 1(3), 77-79, Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 161ZC.