



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

#### CHAPTER III

#### PROVISIONS SUPPLEMENTAL TO LAND AND WORK POWERS

##### *Protective provisions*

#### **179 Protective provisions in respect of flood defence works and watercourses etc.**

- (1) Nothing in this Act shall confer power on any person to do anything, except with the consent of the person who so uses them, which interferes—
  - (a) with any sluices, floodgates, groynes, sea defences or other works used by any person for draining, preserving or improving any land under any local statutory provision; or
  - (b) with any such works used by any person for irrigating any land.
- (2) Where the [<sup>F1</sup>appropriate agency] proposes, otherwise than in exercise of any compulsory powers—
  - (a) to construct or alter any such inland waters in any internal drainage district as do not form part of a main river; or
  - (b) to construct or alter any works on or in any such inland waters,the [<sup>F1</sup>appropriate agency] shall consult the internal drainage board for that district before doing so.
- (3) A consent for the purposes of subsection (1) above may be given subject to reasonable conditions but shall not be unreasonably withheld.
- (4) Any dispute—

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**Changes to legislation:** *There are currently no known outstanding effects for the Water Resources Act 1991, Section 179. (See end of Document for details)*

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- (a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in subsection (1) above;
- (b) as to whether any consent for the purposes of this section is being unreasonably withheld; or
- (c) as to whether any condition subject to which any such consent has been given was reasonable,

shall be referred to the arbitration of a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institution of Civil Engineers.

- (5) The provisions of this section shall be without prejudice to the provisions of Schedule 22 to this Act.

**Textual Amendments**

**F1** Words in ss. 176-179 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 294** (with Sch. 7)

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

**C1** S. 179 applied (01.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), **ss. 67(2), 76(2)**.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 179.