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**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 47. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

##### *Water Resources Act 1991*

- 47 (1) Section 165 (powers to carry out works) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Agency may—
- (a) carry out flood risk management work within subsection (1D)(a) to (f) if Conditions 1 and 2 are satisfied;
  - (b) carry out flood risk management work within subsection (1D)(g) or (h) if Condition 1 is satisfied.
- (1A) Condition 1 is that the Agency considers the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010.
- (1B) Condition 2 is that the purpose of the work is to manage a flood risk (within the meaning of that Act) from—
- (a) the sea, or
  - (b) a main river.
- (1C) In subsection (1B)(b) the reference to a main river includes a reference to a lake, pond or other area of water which flows into a main river.
- (1D) In this section “flood risk management work” means anything done—
- (a) to maintain existing works (including buildings or structures) including cleansing, repairing or otherwise maintaining the efficiency of an existing watercourse or drainage work;
  - (b) to operate existing works (such as sluiceways or pumps);
  - (c) to improve existing works (including buildings or structures) including anything done to deepen, widen, straighten or otherwise improve an existing watercourse, to remove or alter mill dams, weirs or other obstructions to watercourses, or to raise, widen or otherwise improve a drainage work;
  - (d) to construct or repair new works (including buildings, structures, watercourses, drainage works and machinery);
  - (e) for the purpose of maintaining or restoring natural processes;
  - (f) to monitor, investigate or survey a location or a natural process;
  - (g) to reduce or increase the level of water in a place;
  - (h) to alter or remove works.”

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- (3) In subsection (2) omit “, irrespective of whether the works are in connection with a main river.”.
- (4) In subsection (5)—
  - (a) omit “in connection with a main river”, and
  - (b) at the end add “ under this section ”.
- (5) In subsection (7) omit from “; and subsections (2)” to the end.
- (6) The heading becomes “General powers to carry out works”.

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**Commencement Information**

- I1** Sch. 2 para. 47 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(f)
- I2** Sch. 2 para. 47 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(d)

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