



# Water Act 2003

## 2003 CHAPTER 37

### PART 1

#### ABSTRACTION AND IMPOUNDING

##### *Restrictions on abstraction and impounding*

## 9 Power to provide for further exemptions

After section 33 of the WRA there is inserted—

### **“33A Power to provide for further exemptions**

- (1) The Secretary of State may make regulations providing for further cases in which—
  - (a) the restriction on abstraction (and, in the case of abstractions from underground strata, the other restrictions imposed by section 24 above); or
  - (b) the restriction on impounding works,shall not apply; and in this section such a case is referred to as an “exemption”.
- (2) The regulations may, in particular, make provision, in relation to an exemption—
  - (a) for the exemption to apply only for a prescribed period;
  - (b) for the exemption not to apply unless prescribed conditions are satisfied, or continue to be satisfied;
  - (c) for the Agency to be notified, or its consent obtained—
    - (i) before any particular abstraction operation or series of such operations begins; or
    - (ii) in connection with such an operation or series of operations relating to the abstraction of water in underground strata,

---

*Changes to legislation: Water Act 2003, Section 9 is up to date with all changes known to be in force on or before 30 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- before any other thing which is mentioned in section 24(2) above is done; or
- (iii) before any impounding works are constructed or altered, in reliance on the exemption.
- (3) The regulations may provide for an exemption to apply generally or to relate to—
- (a) a prescribed geographical area;
  - (b) a prescribed source of supply (in the case of an exemption from the restriction on abstraction or the other restrictions imposed by section 24 above); or
  - (c) prescribed inland waters (in the case of an exemption from the restriction on impounding works).
- (4) Subject to subsection (5) below, if regulations under this section provide for an exemption falling within subsection (1)(a) above, the regulations shall—
- (a) if appropriate, make provision for the exemption not to permit a person who is authorised by a licence under this Chapter to carry on an abstraction operation (or series of operations) to carry it on beyond the authorisation conferred by the licence; and
  - (b) make provision as to whether or not, in relation to any abstraction, the exemption provided for by the regulations is to be counted cumulatively with any other exemption which a person has by virtue of this section or section 27 above.
- (5) The regulations may make provision for a licence granted under this Chapter and which is for the time being in force to cease to have effect, or to cease to have effect to the extent specified in the regulations, if it authorises an activity which falls to any extent within the exemption provided for by the regulations.”

---

**Commencement Information**

**II** S. 9 in force at 1.4.2004 by S.I. 2004/641, art. 3(b) (with Sch. 3 para. 17)

**Changes to legislation:**

Water Act 2003, Section 9 is up to date with all changes known to be in force on or before 30 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)