



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER I

GENERAL DUTIES OF WATER UNDERTAKERS

VALID FROM 01/10/2004

[^{F1}39B Drought plans: preparation and review

- (1) It shall be the duty of each water undertaker to prepare and maintain a drought plan.
- (2) A drought plan is a plan for how the water undertaker will continue, during a period of drought, to discharge its duties to supply adequate quantities of wholesome water, with as little recourse as reasonably possible to drought orders or drought permits under Chapter 3 of Part 2 of the Water Resources Act 1991.
- (3) The duties referred to in subsection (2) above include in particular those imposed under or by virtue of—
 - (a) section 37 above;
 - (b) sections 67 to 69 below.
- (4) A drought plan shall address, in particular, the following matters—
 - (a) what measures the water undertaker might need to take to restrain the demand for water within its area;
 - (b) what measures the water undertaker might need to take to obtain extra water from other sources (also taking into account for that purpose the introduction of water into the undertaker's supply system by or on behalf of licensed water suppliers);

Status: Point in time view as at 01/07/1992. This version of this provision is not valid for this point in time.

Changes to legislation: Water Industry Act 1991, Section 39B is up to date with all changes known to be in force on or before 24 July 2024. 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)

- (c) how the water undertaker will monitor the effects of the drought and of the measures taken under the drought plan;
 - (d) such other matters as the Secretary of State may specify in directions.
- (5) Section 37B above (water resources management plans: publication and representations), including any power in that section to make regulations or give directions, applies in relation to drought plans (including revised plans) as it applies in relation to water resources management plans.
- (6) Each water undertaker shall review (or further review) its drought plan and prepare a revised plan in each of the following cases—
- (a) if there is a material change of circumstances;
 - (b) if directed to do so by the Secretary of State;
 - (c) in any event, not later than the end of the period of three years beginning with the date when the plan (or revised plan) was last published in accordance with section 37B(8)(a) above as applied by subsection (5) above,
- and shall follow the procedure in section 37B above as applied by subsection (5) above (whether or not the revised plan prepared by the undertaker includes any proposed alterations to the previous plan).
- (7) Before preparing its drought plan (including a revised plan), the water undertaker shall consult—
- (a) the Environment Agency;
 - (b) the Authority;
 - (c) the Secretary of State; and
 - (d) any licensed water supplier which supplies water to premises in the undertaker's area via the undertaker's supply system.
- (8) The Secretary of State may give directions specifying the form which a drought plan must take.
- (9) Directions given under this section (including directions given under section 37B above as applied by subsection (5) above) may be—
- (a) general directions applying to all water undertakers; or
 - (b) directions applying only to one or more water undertakers specified in the directions,
- and shall be given by an instrument in writing.
- (10) It shall be the duty of each water undertaker to whom directions apply to comply with the directions.
- (11) The Secretary of State shall consult the Environment Agency before giving a direction under subsection (6)(b) above.
- (12) The duty of a water undertaker under this section shall be enforceable by the Secretary of State under section 18 above.]

Textual Amendments

- F1** Ss. 39B, 39C inserted (1.10.2004 for specified purposes and otherwise 1.10.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 63, 105\(3\)](#); [S.I. 2004/2528](#), [art. 2\(j\)](#) (with savings in [art. 4](#)); [S.I. 2005/2714](#), [art. 2\(j\)](#) (with [Sch. 2 para. 8](#))

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Modifications etc. (not altering text)

- C1** S. 39B modified (1.10.2004 for specified purposes and 1.10.2005 for further specified purposes and 1.4.2007 otherwise) by S.I. 1999/672, Sch. 2 (as amended by Water Act 2003 (c. 37), ss. 100(3)(7), 105(3); S.I. 2004/2528, art. 2(s) (with savings in art. 4); S.I. 2005/2714, art. 2(k) (with Sch. 2 para. 8); S.I. 2007/1021, art. 2(c)

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