



# Water Resources Act 1991

## CHAPTER 57

### WATER RESOURCES ACT 1991

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- 194A Inspection and copies
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- 2 (1) The Authority shall pay to its members such remuneration,...

*Staff*

- 3 (1) The Authority may, with the approval of the Secretary...

*Proceedings of Authority*

- 4 Subject to the following provisions of this Schedule and to...

*Delegation of powers*

- 5 Subject to section 106 of this Act, anything authorised or...

*Interests of members*

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*Vacancies and defective appointments*

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- 10 (1) Any document which the Authority is authorised or required...

*Interpretation*

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SCHEDULE 2 — ORDERS AND AGREEMENTS FOR TRANSFER OF  
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FUNCTIONS

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*Powers to transfer functions or property*

- 1 (1) The appropriate agency may at any time apply to...

*Consultation with affected body*

- 2 (1) Before determining whether to make an order on an...

*Public consultation*

- 3 (1) If the Ministers propose to make an order on...

*Supplemental provisions of order*

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- 5 (1) After making an order under this Schedule, the Ministers,...

*Public notice of order*

- 6 (1) After making an order under this Schedule, the Ministers...

*Challenge of order*

- 7 (1) Subject to sub-paragraph (3) below, if any person aggrieved...

*Effect of order or agreement*

- 8 (1) Where, by virtue of an order or agreement under...

*Ministers' expenses*

- 9 (1) The costs incurred by the Ministers in connection with...

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- 11 (1) If it appears to the Ministers by whom an...

*Interpretation*

- 12 (1) In this Schedule “local enactment” means—

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- 1 (1) The relevant Minister may by order made by statutory...

*Consultation and notice of intention to make order*

- 2 (1) Before making an order under this Schedule, the relevant...

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*Objections to draft order and making of order*

- 3 (1) Before making an order under this Schedule, the relevant...

*Procedure for making of order*

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- 1 (1) Members of a flood defence committee (that is to...

*Membership of constituent council as qualification for membership of committee*

- 2 (1) Members of a flood defence committee appointed by or...

*Disqualification for membership of committee*

- 3 (1) Subject to the following provisions of this paragraph, a...

*Vacation of office by disqualifying event*

- 4 (1) The office of a member of a flood defence...

*Resignation of office by members of regional committee*

- 5 (1) The chairman of a regional flood defence committee may...

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*Appointments to fill casual vacancies*

- 7 (1) Where, for any reason whatsoever, the office of a...

*Eligibility of previous members for re-appointment*

- 8 Subject to the provisions of this Schedule, a member of...

*Appointment of deputies*

- 9 (1) Subject to the following provisions of this paragraph, a...

*Payments to past and present chairmen and to members*

- 10 (1) The Authority shall pay to any person who is...

Part II — PROCEEDINGS OF FLOOD DEFENCE COMMITTEES

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*Appointment of sub-committees, joint sub-committees etc.*

- 11 (1) For the purpose of carrying out any functions in...

*Delegation of functions to sub-committees etc.*

- 12 (1) Subject to section 106 of this Act and to...

*Rules of procedure*

- 13 (1) A flood defence committee may, with the approval of...

*Declarations of interest etc.*

- 14 (1) Subject to the following provisions of this paragraph, the...

*Authentication of documents*

- 15 (1) Any notice or other document which a flood defence...

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- 16 (1) A minute of the proceedings of a meeting of...

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*Duty to provide copy of draft statement*

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- 5 (1) Where a statement is approved under this Schedule, whether...

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*Notice of draft order*

- 1 (1) An application to the Secretary of State for an...

*Duty to provide copy of draft order*

- 2 Where an application for an order is made, the appropriate...

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*Making of order*

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- 4 (1) Where an order is made under section 27A(1) or...

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*Section 55 of this Act*

- 3 No application shall be made under section 55 of this...

*Section 60 of this Act*

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*Section 61 of this Act*

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*Licences of right*

- 6 (1) In this Schedule references to a licence of right...

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- 1 (1) The applicant for a drought order shall—

*Objections to and making of orders*

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*Notice after making of order*

- 3 After a drought order has been made, the person on...

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- 1 Where a drought order has been made, compensation in respect...

*Compensation to be made in the case of ordinary orders only*

- 2 (1) This paragraph shall apply for determining the compensation to...



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*Restriction on variation and revocation of consent and previous variation*

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- 9 Discharge consents

*Applications for variation*

- 10 Discharge consents

*Transfer of consents*

- 11 Discharge consents

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- 1 (1) Where the appropriate agency applies to the Secretary of...

*Supply of copies of draft orders*

- 2 Where the appropriate agency has applied for an order under...

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*Modifications of proposals*

- 3 (1) On an application for an order under section 93...

*Consideration of objections etc.*

- 4 Without prejudice to section 53 of the 1995 Act (inquiries...

SCHEDULE 12 — NITRATE SENSITIVE AREA ORDERS  
Part I — APPLICATIONS BY THE AGENCY FOR DESIGNATIONS  
ORDERS

*Orders made only on application*

- 1 NITRATE SENSITIVE AREA ORDERS

*Procedure for applications*

- 2 NITRATE SENSITIVE AREA ORDERS  
Part II — ORDERS CONTAINING MANDATORY PROVISIONS

*Publication of proposal for order containing mandatory provisions*

- 3 NITRATE SENSITIVE AREA ORDERS

*Supply of copies of proposed orders*

- 4 NITRATE SENSITIVE AREA ORDERS

*Modifications of proposals*

- 5 NITRATE SENSITIVE AREA ORDERS

*Consideration of objections et cetera*

- 6 NITRATE SENSITIVE AREA ORDERS

*Consent of Treasury for payment provisions*

- 7 NITRATE SENSITIVE AREA ORDERS

SCHEDULE 13 — TRANSITIONAL WATER POLLUTION PROVISIONS

*Transitional power to transfer power of determination  
with respect to water pollution matters to the Agency*

- 1 TRANSITIONAL WATER POLLUTION PROVISIONS

*Order under section 32(3) of the 1974 Act*

- 2 TRANSITIONAL WATER POLLUTION PROVISIONS

*Pre-1989 transitional provisions*

- 3 TRANSITIONAL WATER POLLUTION PROVISIONS

*Discharge consents on application of undertakers et cetera*

- 4 TRANSITIONAL WATER POLLUTION PROVISIONS

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## SCHEDULE 14 — ORDERS TRANSFERRING MAIN RIVER FUNCTIONS TO THE APPROPRIATE AGENCY

### *Procedure on application for order*

- 1 As soon as any scheme under section 108 of this...

### *Order making procedure etc.*

- 2 (1) Before either of the Ministers makes an order under...

### *Determination of whether to make order*

- 3 (1) Before either of the Ministers makes an order under...

### *Notice of orders*

- 4 As soon as may be after an order under section...

### *Challenge to orders*

- 5 (1) If any person aggrieved by an order under section...

### *Power to make regulations for purposes of Schedule etc.*

- 6 The Ministers may make regulations in relation to—

## SCHEDULE 15 — SUPPLEMENTAL PROVISIONS WITH RESPECT TO DRAINAGE CHARGES

### *Raising of drainage charge*

- 1 (1) A drainage charge— (a) shall be raised by the...

### *Publication of drainage charge*

- 2 (1) A drainage charge shall not be valid unless notice...

### *Occupiers liable for drainage charge*

- 3 (1) Subject to paragraphs 4 and 5 below—

### *Cases where identity of occupiers in doubt*

- 4 (1) The appropriate agency may serve on the owner of...

### *Arrangements for owner of land to pay drainage charge*

- 5 (1) Subject to paragraph 6 below, the appropriate agency may...

### *Power of occupier to prevent arrangements under paragraph 5*

- 6 (1) The occupier of any chargeable land may, by notice...

### *Assessment of chargeable land to drainage charge*

- 7 (1) Where land is chargeable land during part only of...

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*Partial exemption of commercial woodlands*

- 8 (1) The sum payable by way of a drainage charge...

*Returns with respect to land*

- 9 (1) The appropriate agency may serve on any person appearing...

*Power to correct erroneous assessments etc.*

- 10 (1) The appropriate agency may, as respects any drainage charge...

*Appeals against demands for drainage charges*

- 11 (1) If any person is aggrieved by—

*Recovery of drainage charges*

- 12 (1) Arrears of any drainage charge may be recovered by...

*Use of certain authorities as agents for assessment, collection etc. of drainage charges*

- 13 (1) The appropriate agency and any relevant authority may enter...

SCHEDULE 16 — SCHEMES IMPOSING SPECIAL DRAINAGE CHARGES

*Submission of scheme*

- 1 (1) Before submitting a special charges scheme to either of...

*Confirmation of scheme*

- 2 (1) Subject to the following provisions of this Schedule the...

*Notice of proposed order*

- 3 (1) Before either of the Ministers makes an order confirming...

*Determination of whether to make order*

- 4 (1) Before either of the Ministers makes an order confirming...

*Procedure and other matters after the making of an order*

- 5 (1) After either of the Ministers has made an order...

*Orders subject to special parliamentary procedure*

- 6 (1) If— (a) no such memorial as is mentioned in...

*Notice of unconfirmed orders*

- 7 As soon as may be after an unconfirmed order has...

*Challenge to unconfirmed orders*

- 8 (1) If any person aggrieved by an unconfirmed order desires...

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*Power to make regulations for purposes of Schedule*

9 The Ministers may make regulations in relation to—

*Interpretation*

10 (1) In this Schedule— “special charges scheme” means a scheme...

SCHEDULE 17 — ORDERS WITH RESPECT TO NAVIGATION TOLLS

*Orders to be made by statutory instrument*

1 The power to make an order under section 143 of...

*Inquiries*

2 (1) The Secretary of State may hold inquiries for the...

*Notice of order*

3 (1) After the Secretary of State has made an order...

*Orders subject to special parliamentary procedure*

4 (1) If— (a) no such memorial as is mentioned in...

SCHEDULE 18 — MODIFICATION OF COMPENSATION PROVISION ETC IN  
RELATION TO THE CREATION OF NEW RIGHTS

*Compensation enactments*

1 Subject to the following provisions of this Schedule, the enactments...

*Adaptation of the Compulsory Purchase Act 1965*

2 (1) The Compulsory Purchase Act 1965 (in the following provisions...

*Section 7 of the 1965 Act*

3 For section 7 of the 1965 Act (measure of compensation)...

*Section 8 of the 1965 Act*

4 Section 8(1) of the Compulsory Purchase Act 1965 has effect...

*Effect of deed poll*

5 The following provisions of the 1965 Act (being provisions stating...

*Section 11 of the 1965 Act*

6 Section 11 of the 1965 Act (powers of entry) shall...

*Section 20 of the 1965 Act*

7 Section 20 of the 1965 Act (protection for interests of...

*Section 22 of the 1965 Act*

8 Section 22 of the 1965 Act (protection of acquiring authority’s...

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## SCHEDULE 19 — ORDERS CONFERRING COMPULSORY WORKS POWERS

### *Applications for orders*

- 1 (1) Where the appropriate agency applies to either of the...

### *Supply of copies of draft orders*

- 2 Where the appropriate agency is applying for a compulsory works...

### *Powers on an application*

- 3 (1) On an application for a compulsory works order, the...

### *Consideration of objections etc.*

- 4 (1) If, where an application for a compulsory works order...

### *Notice after making of order*

- 5 (1) As soon as practicable after a compulsory works order...

### *Compulsory acquisition provisions*

- 6 (1) Without prejudice to the provisions of Schedule 23 to...

### *Compensation in certain cases of compulsory acquisition*

- 7 Where— (a) in connection with any engineering or building operations...

### *Compensation in respect of powers other than acquisition powers*

- 8 (1) If the value of any interest in any relevant...

### *Protection of public undertakings*

- 9 The provisions of section 179 and paragraphs 1, 2 and...

### *Interpretation*

- 10 In this Schedule— “bridleway” and “footpath” have the same meanings...

## SCHEDULE 20 — Supplemental Provisions with respect to Powers of Entry

### *Notice of entry*

- 1 (1) Without prejudice to any power exercisable by virtue of...

### *Warrant to exercise power*

- 2 (1) If it is shown to the satisfaction of a...

### *Manner of exercise of powers*

- 3 A person designated as the person who may exercise any...

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*Supplementary powers of person making entry etc.*

- 4 A person authorised to enter any premises or vessel by...

*Duty to secure premises*

- 5 A person who enters any premises or vessel in the...

*Compensation*

- 6 (1) Where any person exercises any power to which this...

*Obstruction of person exercising power*

- 7 A person who intentionally obstructs another person acting in the...

*Interpretation*

- 8 (1) In this Schedule— “relevant authority”, in relation to a...

SCHEDULE 21 — CCOMPENSATION ETC. IN RESPECT OF CERTAIN WORKS POWER

*Compensation in respect of street works powers*

- 1 (1) This paragraph applies, in relation to the appropriate agency,...

*Compensation in respect of pipe-laying works on private land*

- 2 (1) If the value of any interest in any relevant...

*Assessment of compensation under paragraph 2*

- 3 (1) Any question of disputed compensation under paragraph 2 above...

*Compensation in respect of discharges for works purposes*

- 4 (1) It shall be the duty of the appropriate agency—...

*Compensation in respect of flood defence and drainage works*

- 5 (1) Where injury is sustained by any person by reason...

SCHEDULE 22 — PROTECTION FOR PARTICULAR UNDERTAKINGS

*General provisions protecting undertakings*

- 1 (1) Nothing in any of the provisions of this Act...

*Protection for statutory powers and jurisdiction*

- 2 (1) Subject to sub-paragraph (2) below, nothing in—

*Special protection for certain undertakings in respect of street works*

- 3 (1) Subject to the following provisions of this paragraph and...

*Protection for railways in connection with carrying out of flood defence functions*

- 4 (1) Without prejudice to the preceding provisions of this Schedule,...

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*Protection for electronic communications networks*

- 5 Part 10 of Schedule 3A to the Communications Act 2003...

*Interpretation*

- 6 In this Schedule “railway company” means the British Railways Board,...

SCHEDULE 23 — MINERAL RIGHTS

*Acquisition of mineral rights*

- 1 (1) This paragraph applies in each of the following cases,...

*Notice required for the working of underlying mines*

- 2 (1) If the owner of any mines or minerals underlying...

*Mining communications*

- 3 (1) If the working of any mines or minerals is...

*Compensation relating to severance*

- 4 (1) Where mines or minerals underlying any part of the...

*Powers of entry*

- 5 (1) Any person designated in writing for the purpose by...

*No exemption for injury to mines and minerals*

- 6 Nothing in any provision of this Act or of any...

*Interpretation*

- 7 (1) In this Schedule— “conveyance” has the same meaning as...

SCHEDULE 24 — DISCLOSURE OF INFORMATION

Part I — PERSONS IN RESPECT OF WHOSE FUNCTIONS  
DISCLOSURE MAY BE MADE

Part II — ENACTMENTS ETC. IN RESPECT OF WHICH  
DISCLOSURE MAY BE MADE

SCHEDULE 25 — BYELAW - MAKING POWERS OF THE APPROPRIATE  
AGENCY

*Byelaws for regulating use of inland waters*

- 1 (1) Subject to the following provisions of this paragraph but...

*Byelaws for regulating the use of navigable waters etc.*

- 2 (1) The appropriate agency shall have power to make such...

*Byelaws for regulating the use of the appropriate agency's waterways etc.*

- 3 (1) The appropriate agency shall have power to make such...



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*Byelaws for controlling certain forms of pollution*

- 4 (1) The appropriate agency may by byelaws make such provision...

*Byelaws for flood defence and drainage purposes*

- 5 (1) The appropriate agency may make such byelaws in relation...

*Byelaws for purposes of fisheries functions*

- 6 (1) The appropriate agency shall have power, in relation to...

*Fisheries byelaws for marine or aquatic environmental purposes*

- 6A (1) Any power to make byelaws conferred by paragraph 6...

*Restrictions on powers to make byelaws for fisheries purposes*

- 7 (1) The Agency shall not make any byelaws by virtue...

SCHEDULE 26 — PROCEDURE RELATING TO BYELAWS MADE BY THE APPROPRIATE AGENCY

*Confirmation of byelaws*

- 1 (1) No byelaw made by the appropriate agency shall have...

*Confirmation with or without modifications*

- 2 (1) Subject to sub-paragraph (3) below, the relevant Minister, with...

*Commencement of byelaw*

- 3 (1) The relevant Minister may fix the date on which...

*Availability of confirmed byelaws*

- 4 (1) Every byelaw made by the appropriate agency and confirmed...

*Revocation of byelaws*

- 5 If it appears to the relevant Minister that the revocation...

*Proof of byelaws*

- 6 The production of a printed copy of a byelaw purporting...

*Meaning of “the relevant Minister”*

- 7 In this Schedule “the relevant Minister”— (a) in relation to...

Schedule 27 — Emergency fisheries byelaws

*Emergency fisheries byelaws*

- 1 (1) In this Schedule, “ emergency fisheries byelaw ” means...

*Commencement*

- 2 An emergency fisheries byelaw comes into force—

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*Notification of the appropriate national authority*

- 3 The appropriate agency must, within 24 hours of making an...

*Publication*

- 4 The appropriate agency must publish notice of the making of...

*Amendment and revocation*

- 5 (1) If at any time the appropriate national authority is...

*Expiry and extension*

- 6 (1) Subject to paragraph 7 below, an emergency fisheries byelaw...  
7 (1) The appropriate agency may, at any time before an...

*Availability*

- 8 (1) Every emergency fisheries byelaw shall be printed and deposited...

*Proof*

- 9 The production of a printed copy of an emergency fisheries...

*“Appropriate national authority”*

- 10 In this Schedule “ appropriate national authority ” has the...

— Table of Derivations

- 1 Note: The following abbreviations are used in this Table:— 1945...  
2 Transfer of functions orders (“TFOs”), where applicable in relation to...  
3 General provisions contained in section 32 of the Magistrates’ Courts...

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**Changes and effects yet to be applied to :**

- s. 29 modified by [S.I. 2006/641 reg. 15](#) (This amendment comes into force on the date on which section 7(3) of the Water Act 2003 (c. 37) comes into force, see reg. 1(2). That provision is not yet in force)
- s. 88(1)(b) repealed by [1999 c. 24 Sch. 3](#)
- s. 110(1) words substituted by [2010 c. 29 Sch. 2 para. 42](#)
- s. 204(2)(a) words repealed by [1999 c. 24 Sch. 3](#)
- s. 204(3)(a) words repealed by [1999 c. 24 Sch. 3](#)
- s. 205(6) words substituted for para. (a)(b) by [2003 c. 44 Sch. 32 para. 160](#)
- Sch. 13 para. 4(2)(a)(b) amended by [1995 c. 25 Sch. 22 para. 186\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 186 repealed (6.4.2010 immediately after the coming into force of S.I. 2009/3381) by S.I. 2010/675, reg. 1, Sch. 28)
- Sch. 13 para. 4(3) amended by [1995 c. 25 Sch. 22 para. 186\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 186 repealed (6.4.2010 immediately after the coming into force of S.I. 2009/3381) by S.I. 2010/675, reg. 1, Sch. 28)
- Sch. 13 para. 4(4)(a) amended by [1995 c. 25 Sch. 22 para. 186\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 186 repealed (6.4.2010 immediately after the coming into force of S.I. 2009/3381) by S.I. 2010/675, reg. 1, Sch. 28)