**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Environmental Permitting (England and Wales) Regulations 2010 No. 675

## SCHEDULE 22

## Groundwater activities

## Notice in relation to a highway drain

- 11. A highway authority or other person entitled to keep open a highway drain by virtue of section 100 of the 1980 Act who operates a highway drain other than under and in accordance with an environmental permit is not guilty of an offence under regulation 38(1) unless—
  - (a) the regulator has served a notice on that person under paragraph 10 of this Schedule; and
  - (b) the notice has taken effect.