



Water Resources Act 1963

1963 CHAPTER 38

PART III

ASSESSMENT OF WATER RESOURCES AND RELATED MATTERS

14 Periodical surveys

- (1) It shall be the duty of each river authority, as soon as practicable after the second appointed day.—
 - (a) to carry out a survey of the water resources of their area, and of the existing demand, on the part of statutory water undertakers and other persons, for the supply of water from those resources, and to prepare a report setting out the results of the survey ;
 - (b) to prepare an estimate of the future demand, on the part of statutory water undertakers and other persons, for the supply of water from those resources during the period of twenty years from the date on which the survey is completed or such longer or shorter period from that date as the Water Resources Board may in any particular case direct; and
 - (c) to formulate proposals as to action to be taken by the river authority (whether by way of executing works or securing the execution of works by other persons or otherwise) for any of the purposes mentioned in section 4 of this Act, including action for giving effect to any notice or advice given to them by the Water Resources Board under section 12 of this Act.
- (2) Each river authority shall keep under review the particulars contained in any report or estimate prepared by them, and any proposals formulated by them, in accordance with the preceding subsection, and shall in accordance with the next following subsection from time to time revise all such particulars and proposals, ether by way of amendment or by carrying out a new survey and preparing a new report, preparing a new estimate, or formulating new proposals, as the authority may consider appropriate having regard to changes which have occurred since the previous survey or (as the case may be) the revision last effected by them under this subsection.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) A river authority shall carry out revisions in pursuance of the last preceding subsection at intervals of not more than seven years, and, subject to that requirement, at such times as they consider appropriate, having particular regard to the times at which like revisions are proposed to be carried out by other river authorities.
- (4) The reference in section 4 of this Act to action which a river authority consider necessary or expedient as therein mentioned shall be taken to include action in accordance with any proposals of the authority (whether as originally formulated or as subsequently revised) in pursuance of this section.
- (5) In the performance of their functions under this section a river authority shall consult the Water Resources Board; and every river authority—
 - (a) shall send to the Ministers, to the Water Resources Board and to the council of every county or county borough any part of which is comprised in the river authority area a copy of any report prepared by them in consequence of a survey under this section, and of any amendments made by them in any such report, and
 - (b) shall furnish the Board with such other information as the Board may reasonably require with respect to anything done by the authority in pursuance of this section.

15 Hydrometric schemes

- (1) Not later than the end of the period of one year beginning with the second appointed day, or of such extended period as the Water Resources Board may in any particular case allow, each river authority shall prepare and submit to the Board a scheme (in this Act referred to as a "hydrometric scheme") for obtaining and recording such measurements and other particulars of—
 - (a) rainfall in the area of the authority,
 - (b) the evaporation of water in that area,
 - (c) the flow, level or volume of inland waters in that area, other than inland waters falling within section 2 (3) of this Act, and
 - (d) other matters appearing to the authority to affect, or to be likely to affect, water resources in their area, as the river authority may consider necessary or expedient for the performance of any of their functions, or as may be required for complying with any directions of the Water Resources Board.
- (2) A hydrometric scheme prepared by a river authority shall include provision as to the works required to be constructed or altered, and apparatus required to be installed or modified, for the purposes of the scheme, and provision as to the way in which any such works and apparatus are to be maintained and used.
- (3) In so far as it appears to the Water Resources Board that hydrometric schemes are needed for any such purposes as are mentioned in section 4 of this Act, the Board may give directions, either to river authorities generally or to any particular river authority, as to the measurements or particulars relating to—
 - (a) any of the matters specified in paragraphs (a) to (c) of subsection (1) of this section, or
 - (b) any other matters appearing to the Board to affect, or to be likely to affect, water resources in the river authority areas or area in question,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

for which provision is to be made in a hydrometric scheme, as to the form of any hydrometric scheme, and as to the period within which the action provided for by such a scheme is to be carried out.

- (4) Where a river authority have submitted a hydrometric scheme to the Water Resources Board, and the Board approve the scheme, with or without modifications, it shall be the duty of the river authority to take all such steps as are reasonably practicable for carrying out the scheme as approved by the Board:

Provided that the Board shall not approve a scheme with modifications except after consultation with the river authority concerned.

- (5) At any time when required to do so by the Water Resources Board, and, subject to any such requirement, at intervals of not more than seven years, each river authority shall review the provisions of the hydrometric scheme submitted by the authority and approved (with or without modifications) by the Board under this section, and shall submit to the Board such proposals for alterations or additions to the scheme as the authority may consider necessary or expedient in consequence of the review.
- (6) Where any such proposals have been submitted to the Board, the Board, after consultation with the river authority concerned, may amend the scheme to such extent as they consider appropriate having regard to those proposals and to any other material considerations; and it shall be the duty of the river authority to take all such steps as are reasonably practicable for carrying out the scheme as amended by the Board under this subsection.
- (7) Subsections (2) and (3) of this section shall apply (with the necessary modifications) in relation to any proposals for alterations or additions to a hydrometric scheme as they apply in relation to the preparation of such a scheme.
- (8) In the following provisions of this Act, any reference to a hydrometric scheme is a reference to such a scheme in the form in which (whether as originally approved by the Board or as subsequently amended) that scheme is for the time being in force.

16 Information obtained in pursuance of hydrometric schemes

- (1) The Water Resources Board may give directions requiring any river authority to furnish the Board with such information obtained by the authority in pursuance of a hydro-metric scheme as may be specified in the directions.
- (2) Without prejudice to the preceding subsection, each river authority shall provide reasonable facilities for the inspection of records kept by them in pursuance of a hydrometric scheme, and for the taking of copies of, and extracts from, such records.
- (3) Facilities provided by a river authority in accordance with the last preceding subsection—
- (a) shall be available free of charge to all local authorities and internal drainage boards whose areas or districts are wholly or partly comprised in the area of the river authority, and
 - (b) shall be available to all other persons on payment of such fees as may be approved by the Minister after considering any recommendation of the Water Resources Board relating thereto.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

17 Gauges and records kept by other persons

- (1) Any person, other than a river authority, who proposes, on or after the second appointed day, to instal a gauge for measuring and recording the flow, level or volume of any inland water in a river authority area, other than an inland water falling within section 2 (3) of this Act.—
 - (a) shall give notice to the river authority of his proposal to instal the gauge, and shall not begin the work of installing it before the end of the period of three months beginning with the date of service of the notice or such shorter period as the river authority may in any particular case allow, and
 - (b) not more than one month after the work is completed, shall give notice to the river authority stating where the records obtained by means of the gauge are to be kept:

Provided that this subsection shall not apply to any gauge installed for the sole purpose of indicating the level of an inland water for the benefit of persons who fish in it, or to any gauge which is removed at or before the end of the period of twenty-eight days beginning with the date on which it is installed.

- (2) A river authority shall have the right, at all reasonable hours, to inspect any records kept by any other person of the flow, level or volume of any inland water in the area of the authority, other than an inland water falling within section 2 (3) of this Act, and to take copies of, and extracts from, any such records.
- (3) Any person who contravenes subsection (1) of this section, or who without reasonable excuse refuses or fails to permit any inspection, or the taking of any copy or extract, reasonably required in pursuance of the last preceding subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

18 Investigation of water in underground strata

- (1) A river authority may after consultation with the Water Resources Board, and shall if so directed by the Board, formulate proposals for the construction of wells, boreholes or other works for either or both of the following purposes, that is to say—
 - (a) ascertaining the presence of water in any underground strata in the river authority area or the quality or quantity of any such water, and
 - (b) ascertaining the effect of abstracting any such water on the abstraction of water from any other source of supply in that area or on the flow, level or volume of water in any such source of supply.
- (2) A river authority shall submit to the Water Resources Board any proposals formulated by them under this section; and if the proposals are approved by the Board, with or without modification, it shall be the duty of the river authority to take all such steps as are reasonably practicable for carrying out the proposals as approved by the Board.

19 Minimum acceptable flows

- (1) As soon as practicable after the second appointed day, each river authority shall consider—
 - (a) for which inland waters in their area (other than inland waters falling within section 2 (3) of this Act) minimum acceptable flows ought to be determined under this Act, and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) whether, for the purpose of determining minimum acceptable flows for those waters, they ought to be dealt with simultaneously or successively, and, if successively, how for that purpose they should be grouped or arranged and in what order.
- (2) In the performance of their functions under the last preceding subsection a river authority shall consult the Water Resources Board; and, if a river authority and the Board are unable to agree with respect to any question arising under that subsection, the matter shall be referred to the Minister, who may determine it and give directions to the river authority as to the action to be taken by them in relation thereto.
- (3) When a river authority have completed consideration of the matters referred to in subsection (1) of this section, they shall as soon as practicable thereafter prepare and submit to the Minister a draft statement or a series of draft statements (in accordance with their determination of the questions referred to in subsection (1) (b) of this section) indicating with respect to each of the inland waters for which minimum acceptable flows are to be determined—
 - (a) the control points at which the flow of water is to be measured, and the method of measurement to be used at each control point, and
 - (b) the flow which is to be the minimum acceptable flow at each such control point.
- (4) Before preparing so much of any draft statement under this section as relates to any particular inland water, the river authority shall consult—
 - (a) any statutory water undertakers having the right to abstract water therefrom;
 - (b) any other statutory water undertakers having the right to abstract water from any underground strata, where it appears to the river authority, having regard to the extent to which the level of water in those strata depends on the flow of that inland water, that the exercise of that right may be substantially affected by the draft statement in so far as it relates to that inland water;
 - (c) any internal drainage board from whose drainage district water is discharged into that inland water or in whose district any part of it is situated;
 - (d) any navigation authority, harbour authority or conservancy authority having functions in relation to that inland water, or, if it is a tidal water and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport;
 - (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any other inland water, where it appears to the river authority that changes in the flow of the inland water in question may affect the flow of that other inland water, or, if that other inland water is a tidal water and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport; and
 - (f) the Central Electricity Generating Board.
- (5) In determining the flow to be specified in relation to any inland water under subsection (3)(b) of this section, the river authority shall have regard to the character of the inland water and its surroundings (and, in particular, any natural beauty which the inland water and its surroundings may possess) and to the flow of water therein from time to time; and the flow so specified shall be not less than the minimum which in the opinion of the river authority is needed for safeguarding the public health and for meeting (in respect both of quantity and quality of water) the requirements of existing lawful uses of the inland water, whether for agriculture, industry, water supply or other purposes, and the requirements of land drainage, navigation and fisheries,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

both in relation to that inland water and in relation to other inland waters whose flow may be affected by changes in the flow of that inland water.

- (6) The provisions of Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to draft statements under this section and with respect to the approval of statements submitted as draft statements thereunder.

20 Periodical review of minimum acceptable flows

- (1) Each river authority shall keep under review any statement of minimum acceptable flows relating to inland waters in their area (being a statement approved under the last preceding section or under this section) and shall at the requisite intervals submit to the Minister—
- (a) any such draft statement, in substitution for a statement of minimum acceptable flows for the time being in force, or
 - (b) such proposals for amending any statement of minimum acceptable flows for the time being in force,
- as they consider appropriate in consequence of the review.
- (2) For the purposes of the preceding subsection each river basin in a river authority area shall be dealt with separately, but all inland waters comprised in any one such basin shall be taken together, and time shall be reckoned from the earliest date on which a statement under the last preceding section relating to any one or more inland waters in the river basin in question was approved; and the requisite intervals for those purposes, in relation to inland waters comprised in any such river basin, shall be such intervals, not exceeding seven years, as the river authority consider appropriate.
- (3) The provisions of subsections (2) to (5) of the last preceding section shall apply (with the necessary modifications) to draft statements and proposals under this section.
- (4) The provisions of Part I, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to draft statements under subsection (1) (a) of this section and with respect to the approval of statements submitted as draft statements thereunder; and the provisions of Part II, and, where applicable, Part IV, of that Schedule shall have effect with respect to proposals under subsection (1) (b) of this section.
- (5) In the following provisions of this Act, any reference to the minimum acceptable flow, in relation to an inland water, is a reference to that flow as specified in a statement approved under the last preceding section or under this section, in the form in which (whether as originally approved or as subsequently amended) that statement is for the time being in force.

21 Additional powers of Minister in relation to minimum acceptable flows

- (1) Where a draft statement relating to any inland waters is submitted to the Minister under section 19 or section 20 of this Act, and is not approved thereunder, with or without modifications, the Minister, after consultation with the Water Resources Board and the river authority by whom the statement was submitted, may require the Board to prepare and submit to him a draft statement relating to those inland waters.
- (2) The Water Resources Board, where required to do so under the preceding subsection, shall prepare and submit to the Minister a draft statement accordingly; and the provisions of Part III, and, where applicable, Part IV, of Schedule 7 to this Act shall

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

have effect with respect to any draft statement submitted under this subsection and with respect to the approval of statements submitted as draft statements thereunder.

- (3) Without prejudice to the provisions of the last preceding section as to the amendment of statements in pursuance of proposals submitted by river authorities, the Minister may at any time himself prepare proposals for amending any statement of minimum acceptable flows for the time being in force; and the provisions of Part III, and, where applicable, Part IV, of Schedule 7 to this Act shall have effect with respect to any proposals of the Minister for amending such a statement under this subsection:

Provided that, before preparing proposals under this subsection with respect to any inland water, the Minister, except where he is acting on the application of the river authority in whose area the inland water is situated, shall consult that river authority and the Water Resources Board.

- (4) The provisions of section 19(3) to (5) of this Act shall apply (with the necessary modifications) to draft statements submitted to the Minister, and to proposals of the Minister, under this section; and in section 20 of this Act any reference to a statement approved under section 19 of this Act shall be construed as including a reference to a statement approved under this section.

22 Measurement of level or volume instead of, or in addition to, flow

- (1) Where it appears to a river authority, in the case of any particular inland water, that it would be appropriate to measure the level or the volume, either instead of, or in addition to, the flow, the river authority may determine that sections 19 and 20 of this Act shall apply in relation to that inland water as if any reference to the flow were, or (as the case may be) included, a reference to the level or the volume, as the case may be.
- (2) Where a river authority so determine with respect to any inland water, any draft statement prepared under those sections, in so far as it relates to that inland water, shall state whether the level or the volume is to be measured, and whether instead of, or in addition to, the flow; and the provisions of section 21 (3) and Part IV of this Act shall apply in relation to that inland water as if any reference therein to the flow were, or (as the case may be) included, a reference to the level or the volume, as the case may be, and " minimum acceptable flow " in those provisions shall be construed accordingly.
- (3) Where in accordance with the last preceding section the Water Resources Board prepare a draft statement, or the Minister (otherwise than on the application of a river authority) proposes to amend a statement, the preceding provisions of this section shall apply, with the necessary modifications, as if any reference to a river authority were a reference to the Board or the Minister, as the case may be.