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# Water Resources Act 1991

## CHAPTER 57

### WATER RESOURCES ACT 1991

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

#### *Remuneration, pensions etc.*

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*

6 (1) A member who is in any way directly or...

#### *Vacancies and defective appointments*

7 The validity of any proceedings of the Authority shall not...

#### *Minutes*

8 (1) Minutes shall be kept of proceedings of the Authority,...

#### *Application of seal and proof of instruments*

9 (1) The application of the seal of the Authority shall...

#### *Documents served etc. by or on the Authority*

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

#### *Interpretation*

11 In this Schedule— “the appropriate Minister”, in relation to any...

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1 (1) The Authority may at any time apply to the...

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*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*

- 4 (1) An order under this Schedule may contain such incidental,...

*Objection to final order by affected bodies*

- 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...

*Compensation for officers and staff*

- 10 (1) The Ministers shall by regulations make provision requiring the...

*Power to amend local enactments*

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

*Interpretation*

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

**SCHEDULE 3 — BOUNDARIES OF REGIONAL FLOOD DEFENCE AREAS**

*Power to make order*

- 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...

*Objections to draft order and making of order*

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

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*Procedure for making of order*

- 4 (1) Where the relevant Minister makes an order under this...

*Notice after making of order*

- 5 (1) Subject to sub-paragraph (2) below, after making an order...

*Questioning of order in courts*

- 6 (1) Subject to sub-paragraph (3) below, if any person desires...

SCHEDULE 4 — MEMBERSHIP AND PROCEEDINGS OF REGIONAL AND  
LOCAL FLOOD DEFENCE COMMITTEES  
Part I — MEMBERSHIP OF FLOOD DEFENCE COMMITTEES

*Terms of membership*

- 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...

*Resignation of office by members of local committee*

- 6 (1) The chairman of a local flood defence committee may...

*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

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

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

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*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...

*Proof and validity of proceedings*

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

SCHEDULE 5 — PROCEDURE RELATING TO STATEMENTS ON MINIMUM ACCEPTABLE FLOW

*Application of Schedule*

- 1 (1) This Schedule applies in the case of any draft...

*Notice of proposed statement*

- 2 (1) Before submitting the draft statement to the Secretary of...

*Duty to provide copy of draft statement*

- 3 The Authority shall, at the request of any person, furnish...

*Approval of draft statement*

- 4 (1) The Secretary of State may approve the statement either...

*Notice and inspection of approved statement*

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

SCHEDULE 6 — ORDERS PROVIDING FOR EXEMPTION FROM RESTRICTION ON ABSTRACTION

*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 exemption order is made, the...

*Making of order*

- 3 (1) Where an application for an exemption order is made,...

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*Notice and inspection of final order*

- 4 (1) Where an exemption order is made under section 33...

SCHEDULE 7 — LICENCES OF RIGHT

*Applications for licences of right under paragraph  
30 or 31 of Schedule 26 to the Water Act 1989*

- 1 (1) Paragraphs 30 and 31 of Schedule 26 to the...

*Section 48 of this Act*

- 2 Subsection (2) of section 48 of this Act shall not...

*Section 55 of this Act*

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

*Section 60 of this Act*

- 4 (1) Where the plaintiff in any action brought against the...

*Section 61 of this Act*

- 5 (1) No compensation shall be payable under section 61 of...

*Licences of right*

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

SCHEDULE 8 — PROCEEDINGS ON APPLICATIONS FOR DROUGHT  
ORDERS

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

*Objections to and making of orders*

- 2 (1) If any objection is duly made with respect to...

*Notice after making of order*

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

SCHEDULE 9 — COMPENSATION IN RESPECT OF DROUGHT ORDERS

*Compensation to be made in the case of all drought orders*

- 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...

*Claims for compensation: general*

- 3 (1) A claim for compensation under this Schedule shall be...

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*Claims for compensation under paragraph 2*

- 4 (1) A claim for compensation under paragraph 2 above may...

SCHEDULE 10 — DISCHARGE CONSENTS

*General review of consents*

- 9 (1) If it appears appropriate to the Secretary of State...

*Applications for variation*

- 10 (1) The holder of a consent under paragraph 3 or...

*Transfer of consents*

- 11 (1) A consent under paragraph 3 or 6 above may...

*Applications for consents*

- 1 (1) An application for a consent, for the purposes of...

*Consideration and determination of applications*

- 2 (1) It shall be the duty of the Authority to...

*Notification of proposal to give consent*

- 3 (1) This paragraph applies where the Authority proposes to give...

*Reference to Secretary of State of certain applications for consent*

- 4 (1) The Secretary of State may, either in consequence of...

*Consents without applications*

- 5 (1) If it appears to the Authority—

*Revocation of consents and alteration and imposition of conditions*

- 6 (1) It shall be the duty of the Authority to...

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

- 7 (1) Each instrument signifying the consent of the Authority under...

*General review of consents*

- 8 (1) If it appears appropriate to the Secretary of State...

SCHEDULE 11 — WATER PROTECTION ZONE ORDERS

*Application for consent*

- 1 (1) Where the Authority applies to the Secretary of State...

*Supply of copies of draft orders*

- 2 Where the Authority has applied for an order under section...



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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 213 of this Act, where an...

SCHEDULE 12 — NITRATE SENSITIVE AREA ORDERS  
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DESIGNATIONS ORDERS

*Orders made only on application*

- 1 (1) Subject to sub-paragraphs (2) and (3) below, the relevant...

*Procedure for applications*

- 2 (1) The Authority shall not for the purposes of paragraph...  
Part II — ORDERS CONTAINING MANDATORY PROVISIONS

*Publication of proposal for order containing mandatory provisions*

- 3 (1) This paragraph applies where the relevant Minister proposes to...

*Supply of copies of proposed orders*

- 4 The Secretary of State and, in a case where he...

*Modifications of proposals*

- 5 (1) Where notices with respect to any proposed order have...

*Consideration of objections etc.*

- 6 Without prejudice to section 213 of this Act, where notices...

*Consent of Treasury for payment provisions*

- 7 The consent of the Treasury shall be required for the...

SCHEDULE 13 — TRANSITIONAL WATER POLLUTION PROVISIONS

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

- 1 Where by virtue of the provisions of Schedule 2 to...

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

- 2 (1) Except in so far as the Secretary of State...

*Pre-1989 transitional provisions*

- 3 (1) A consent which has effect, in accordance with paragraph...

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*Discharge consents on application of undertakers etc.*

- 4 (1) The repeal by the Water Consolidation (Consequential Provisions) Act...

SCHEDULE 14 — ORDERS TRANSFERRING MAIN RIVER FUNCTIONS TO THE AUTHORITY

*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 Authority may serve on the owner of any...

*Arrangements for owner of land to pay drainage charge*

- 5 (1) Subject to paragraph 6 below, the Authority may make...

*Power of occupier to prevent arrangements under paragraph 5*

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

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*Assessment of chargeable land to drainage charge*

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

*Partial exemption of commercial woodlands*

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

*Returns with respect to land*

- 9 (1) The Authority may serve on any person appearing to...

*Power to correct erroneous assessments etc.*

- 10 (1) The Authority may, as respects any drainage charge raised...

*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 Authority and any relevant authority may enter into...

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...

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*Challenge to unconfirmed orders*

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

*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 For subsection (1) of section 8 of the 1965 Act...

*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...

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*Section 22 of the 1965 Act*

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

SCHEDULE 19 — ORDERS CONFERRING COMPLUSORY WORKS POWERS

*Applications for orders*

1 (1) Where the Authority applies to either of the Ministers...

*Supply of copies of draft orders*

2 Where the Authority is applying for a compulsory works order,...

*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...

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*Manner of exercise of powers*

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

*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 Authority, to...

*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 Authority—

*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...

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

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

*Protection for telecommunication systems*

- 5 Paragraph 23 of Schedule 2 to the Telecommunications Act 1984...

*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 AUTHORITY

*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 Authority shall have power to make such byelaws...

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

- 3 (1) The Authority shall have power to make such byelaws...

*Byelaws for controlling certain forms of pollution*

- 4 (1) The Authority may by byelaws make such provision as...

*Byelaws for flood defence and drainage purposes*

- 5 (1) The Authority may make such byelaws in relation to...

*Byelaws for purposes of fisheries functions*

- 6 (1) The Authority shall have power, in relation to the...

*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 Authority shall not make any byelaws by virtue...

SCHEDULE 26 — PROCEDURE RELATING TO BYELAWS MADE BY THE  
AUTHORITY

*Confirmation of byelaws*

- 1 (1) No byelaw made by the Authority shall have effect...

*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 Authority and confirmed under...

*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...

— 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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