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Water Resources Act 1991

CHAPTER 57

WATER RESOURCES ACT 1991

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- 60 Liability of the Agency for derogation from protected right.
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126 Agreements containing exemptions from charges.

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128 Duration of agreement under section 127.

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131 Power to make scheme of charges.

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- 137 Special drainage charges in interests of agriculture.
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- 142 Fisheries contributions.

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- 144 Incidental power of the Authority to impose charges.

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- 145 Interpretation of Chapter II.

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- 147 Grants for drainage works.
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- 158 Works agreements for water resources purposes.

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- 161 Anti-pollution works and operations.
- 161A Notices requiring persons to carry out anti-pollution works and operations.
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- 161D Consequences of not complying with a works notice.
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- 163 Discharges for works purposes.
- 164 Consents for certain discharges under section 163.

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- 165 General powers to carry out flood defence and drainage works.
- 166 Power to carry out works for purpose of providing flood warning system.
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- 169 Powers of entry for enforcement purposes.
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- 175 Vesting of pipes in the Agency.

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176 Offence of interference with works etc.

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177 Compensation etc. in respect of exercise of works powers.

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178 Protection for particular undertakings.

179 Protective provisions in respect of flood defence works and watercourses etc.

180 Power of navigation authorities etc to divert the Authority's watercourses.

181 Works in tidal lands etc.

182 Mineral rights.

183 Saving for planning controls etc.

184 Duties to make recreational facilities available when building reservoirs in Wales.

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185 Savings in respect of existing drainage obligations.

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186 Interpretation of Part VII.

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187 Annual report of the Authority.

188 Duty of Agency to publish certain information.

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189 Register of abstraction and impounding licences.

190 Pollution control register.

191 Register for the purposes of works discharges.

191A Exclusion from registers of information affecting national security.

191B Exclusion from registers of certain confidential information.

192 Maps of fresh-water limits.

193 Main river maps.

194 Amendment of main river maps.

195 Maps of waterworks.

Provision and acquisition of information etc.

196 Provision of information by the Authority to the Ministers.

197 Provision of information about water flow etc.

198 Information about underground water.

199 Notice etc. of mining operations which may affect water conservation.

200 Gauges and records kept by other persons.

201 Power to require information with respect to abstraction.

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202 Information and assistance required in connection with the control of pollution.

203 Exchange of information with respect to pollution incidents etc.

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204 Restriction on disclosure of information.

205 Confidentiality of information relating to underground water etc.

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206 Making of false statements etc.

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207 Directions in the interests of national security etc.

208 Civil liability of the Agency for escapes of water etc.

209 Evidence of samples and abstractions.

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210 Byelaw-making powers of the Agency.

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212 Compensation in respect of certain fisheries byelaws.

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213 General powers to hold local inquiries.

214 Power to hold inquiries for flood defence purposes etc.

215 Procedure at local inquiries.

Offences etc.

216 Enforcement: powers and duties.

217 Criminal liabilities of directors and other third parties.

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218 Judicial disqualification.

Powers to make regulations

219 Powers to make regulations.

Construction of Act

220 Provisions relating to service of documents.

221 General interpretation.

Other supplemental provisions

222 Crown application.

223 Exemption for visiting forces.

224 Application to the Isles of Scilly.

225 Short title, commencement and extent.

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SCHEDULES

SCHEDULE 1 —

Membership

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...

SCHEDULE 2 — ORDERS AND AGREEMENTS FOR TRANSFER OF OF NAVIGATION, HARBOUR AND CONSERVANCY FUNCTIONS

Powers to transfer functions or property

1 (1) The Agency 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 —

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 —

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 Agency 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

Application for consent

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

Consultation in connection with applications

- 2 (1) Subject to sub-paragraph (2) below, the Agency shall give...

Consideration and determination of applications

- 3 (1) On an application under paragraph 1 above the Agency...
4 The Secretary of State may give the Agency a direction...

Reference to Secretary of State of certain applications for consent

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

Consents without applications

- 6 (1) If it appears to the Agency—

Revocation of consents and alteration and imposition of conditions

- 7 (1) The Agency may from time to time review any...

Restriction on variation and revocation of consent and previous variation

- 8 (1) Each instrument signifying the consent of the Agency under...

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...

SCHEDULE 11 — WATER PROTECTION ZONE ORDERS

Application for consent

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

Supply of copies of draft orders

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

Modifications of proposals

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

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

Procedure for applications

2 (1) The Agency 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 53 of the 1995 Act (inquiries...

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 Agency*

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...

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

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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 Agency may serve on the owner of any...

Arrangements for owner of land to pay drainage charge

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

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...

Partial exemption of commercial woodlands

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

Status: Point in time view as at 01/12/2001.

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Returns with respect to land

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

Power to correct erroneous assessments etc.

10 (1) The Agency 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 Agency 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...

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—

Status: Point in time view as at 01/12/2001.

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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...

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

Status: Point in time view as at 01/12/2001.

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Applications for orders

- 1 (1) Where the Agency applies to either of the Ministers...

Supply of copies of draft orders

- 2 Where the Agency 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...

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...

Status: Point in time view as at 01/12/2001.

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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 Agen cy,...

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 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,...

Protection for telecommunication systems

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

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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 Agency shall have power to make such byelaws...

Byelaws for regulating the use of the Agency’s waterways etc.

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

Byelaws for controlling certain forms of pollution

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

Status: Point in time view as at 01/12/2001.

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Byelaws for flood defence and drainage purposes

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

Byelaws for purposes of fisheries functions

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

SCHEDULE 26 — PROCEDURE RELATING TO BYELAWS MADE BY THE AGENCY

Confirmation of byelaws

- 1 (1) No byelaw made by the Agency 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 Agency 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...

Status:

Point in time view as at 01/12/2001.

Changes to legislation:

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