



# Water Resources Act 1991

## CHAPTER 57

### WATER RESOURCES ACT 1991

#### PART I

#### PRELIMINARY

#### CHAPTER I

#### THE NATIONAL RIVERS AUTHORITY

- 1 The National Rivers Authority.
- 2 The Authority's functions.
- 3 Incidental functions of the Authority.
- 4 Incidental general powers of the Authority.
- 5 Ministerial directions to the Authority.

#### CHAPTER II

#### COMMITTEES WITH FUNCTIONS IN RELATION TO THE AUTHORITY

##### *Advisory committees*

- 6 The advisory committee for Wales.
- 7 Regional rivers advisory committees.
- 8 Regional and local fisheries advisory committees.

##### *Flood defence committees*

- 9 Continuance of regional flood defence committees.
- 10 Composition of regional flood defence committees.
- 11 Change of composition of regional flood defence committee.

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- 12 Local flood defence schemes and local flood defence committees.
- 13 Composition of local flood defence committees.
- 14 Membership and proceedings of flood defence committees.

### CHAPTER III

#### GENERAL DUTIES

- 15 General duties with respect to the water industry.
- 16 General environmental and recreational duties.
- 17 Environmental duties with respect to sites of special interest.
- 18 Codes of practice with respect to environmental and recreational duties.

### PART II

#### WATER RESOURCES MANAGEMENT

### CHAPTER I

#### GENERAL MANAGEMENT FUNCTIONS

- 19 General management of resources by the Agency.
- 20 Water resources management schemes.
- 20A Water resources management schemes: other abstractors
- 20B Water resources management schemes: referral to Secretary of State
- 20C Proposals for bulk supply arrangements
- 21 Minimum acceptable flows.
- 22 Directions to the Agency to consider minimum acceptable flow.
- 23 Minimum acceptable level or volume of inland waters.

### CHAPTER II

#### ABSTRACTION AND IMPOUNDING

##### *Restrictions on abstraction and impounding*

- 24 Restrictions on abstraction.
- 24A Abstraction licences
- 25 Restrictions on impounding.
- 25A Enforcement notices
- 25B Rights of entry and appeals
- 25C Consequences of not complying with an enforcement notice

##### *Rights to abstract or impound*

- 26 Rights of navigation, harbour and conservancy authorities.
- 27 Rights to abstract small quantities.
- 27A Variation of small quantity threshold
- 28 Curtailment of rights under section 27.
- 29 Rights to abstract for drainage purposes etc.
- 30 Notices with respect to borings not requiring licences.
- 31 Appeals against conservation notices under section 30.
- 32 Miscellaneous rights to abstract.
- 33 Power to provide for further rights to abstract.
- 33A Power to provide for further exemptions

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### *Applications for a licence*

- 34 Regulations with respect to applications.
- 35 Restrictions on persons who may make applications for abstraction licences.
- 36 Application for combined abstraction and impounding licence.
- 36A Applications: types of abstraction licence
- 37 Publication of application for licence.
- 37A Power to dispense with publication requirements

### *Consideration of licence applications*

- 38 General consideration of applications.
- 39 Obligation to have regard to existing rights and privileges.
- 39A Protected rights for the purposes of this Chapter
- 39B Register of certain protected rights
- 40 Obligation to take river flow etc. into account.

### *Call-in of applications*

- 41 Secretary of State's power to call in applications
- 42 Consideration of called-in applications.

### *Appeals with respect to decisions on licence applications*

- 43 Appeals to the Secretary of State.
- 44 Determination of appeals.
- 45 Regulations with respect to appeals.

### *Form, contents and effect of licences*

- 46 Form and contents of licences.
- 46A Limited extension of abstraction licence validity
- 47 Holders of licence.
- 48 General effect of licence.
- 48A Civil remedies for loss or damage due to water abstraction

### *Succession to licences*

- 49 Succession to licences to abstract where person ceases to occupy the relevant land.
- 50 Succession where person becomes occupier of part of the relevant land.

### *Modification of licences*

- 51 Modification on application of licence holder.
- 52 Proposals for modification at instance of the Agency or Secretary of State.
- 53 Modification in pursuance of proposals under section 52.
- 54 Reference of modification proposals to the Secretary of State.
- 55 Application for modification of licence by owner of fishing rights.
- 56 Determination of application under section 55.
- 57 Emergency variation of licences for spray irrigation purposes.
- 58 Water Resources Management
- 59 Regulations with respect to modification applications.

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### *Transfer and apportionment of licences*

- 59A Transfer of licence
- 59B Vesting of licence on death or bankruptcy of holder
- 59C Apportionment of licence to abstract
- 59D Apportionment of licence to abstract: supplementary

### *Remedies and compensation in respect of infringement of protected rights etc.*

- 60 Liability of the Agency for derogation from protected right.
- 61 Compensation where licence modified on direction of the Secretary of State.
- 61A Recovery of compensation from new licence-holder
- 62 Compensation for owner of fishing rights applying under section 55.
- 63 Secretary of State to indemnify Agency in certain cases.

### *Supplemental provisions of Chapter II*

- 64 Abstracting and impounding by the Agency.
- 65 Licences of right.
- 66 Inland waters owned or managed by British Waterways Board.
- 67 Ecclesiastical property.
- 68 Water Resources Management
- 69 Validity of decisions of Secretary of State and related proceedings.
- 70 Civil liability under Chapter II.
- 71 Modification of local enactments.
- 72 Interpretation of Chapter II.

## **CHAPTER III**

### **DROUGHT**

- 73 Power to make ordinary and emergency drought orders.
- 74 Provisions and duration of ordinary drought order.
- 75 Provisions and duration of emergency drought order.
- 76 Provisions of drought order restricting use of water.
- 77 Provisions of drought order with respect to abstractions and discharges.
- 78 Works under drought orders.
- 79 Compensation and charges where drought order made.
- 79A Drought permits.
- 80 Offences against drought order.
- 81 Interpretation of Chapter III.

## **PART III**

### **CONTROL OF POLLUTION OF WATER RESOURCES**

#### **CHAPTER I**

#### **QUALITY OBJECTIVES**

- 82 Classification of quality of waters.
- 83 Water quality objectives.
- 84 General duties to achieve and maintain objectives etc.

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## CHAPTER II

### POLLUTION OFFENCES

#### *Principal offences*

- 85 Offences of polluting controlled waters.
- 86 Prohibition of certain discharges by notice or regulations.
- 87 Discharges into and from public sewers etc.
- 88 Defence to principal offences in respect of authorised discharges.
- 89 Other defences to principal offences.

#### *Offences in connection with deposits and vegetation in rivers*

- 90 Offences in connection with deposits and vegetation in rivers.

#### *Consents for the purposes of sections 88 to 90*

- 90A Applications for consent under section 89 or 90.
- 90B Enforcement notices.

#### *Appeals in respect of consents under Chapter II*

- 91 Appeals in respect of consents under Chapter II.

## CHAPTER IIA

### ABANDONED MINES

- 91A Introductory.
- 91B Mine operators to give the Agency six months' notice of any proposed abandonment.

## CHAPTER III

### POWERS TO PREVENT AND CONTROL POLLUTION

- 92 Requirements to take precautions against pollution.
- 93 Water protection zones.
- 94 Nitrate sensitive areas.
- 95 Agreements in nitrate sensitive areas.
- 96 Regulations with respect to consents required by virtue of section 93 or 94.
- 97 Codes of good agricultural practice.

## CHAPTER IV

### SUPPLEMENTAL PROVISIONS WITH RESPECT TO WATER POLLUTIONS

- 98 Radioactive substances.
- 99 Consents required by the Agency.
- 100 Civil liability in respect of pollution and savings.
- 101 Limitation for summary offences under Part III.
- 102 Power to give effect to international obligations.
- 103 Transitional pollution provisions.

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104 Meaning of “controlled waters” etc. in Part III.

#### **PART IV**

#### **FLOOD DEFENCE**

##### *General*

105 General functions with respect to flood defence.  
106 Obligation to carry out flood defence functions through committees.

##### *Main river functions*

107 Main river functions under the Land Drainage Act 1991.  
108 Schemes for transfer to the Agency of functions in relation to main river.  
109 Structures in, over or under a main river.  
110 Applications for consents and approvals under section 109.

##### *Arrangements with certain authorities*

111 Arrangements with navigation and conservancy authorities.

##### *Supplemental*

112 Flood defence regulations.  
113 Interpretation of Part IV.

#### **PART V**

#### **GENERAL CONTROL OF FISHERIES**

114 General fisheries duty of the Authority.  
115 Fisheries orders.  
116 Power to give effect to international obligations.

#### **PART VI**

#### **FINANCIAL PROVISIONS IN RELATION TO THE AGENCY**

##### **CHAPTER I**

##### **GENERAL FINANCIAL PROVISIONS**

117 General financial duties.  
118 Special duties with respect to flood defence revenue.  
119 Duties with respect to certain funds raised under local enactments.  
120 Contributions between the Agency and certain other authorities.  
121 Accounts of the Authority.  
122 Audit.

##### **CHAPTER II**

##### **REVENUE PROVISIONS**

##### *Water resources charges*

123 Power to make scheme imposing water resources charges.

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- 124 Approval of scheme under section 123.
- 125 Specific exemptions from water resources charges.
- 126 Agreements containing exemptions from charges.
- 127 Special charges in respect of spray irrigation.
- 128 Duration of agreement under section 127.
- 129 Directions and appeals with respect to exercise of powers under sections 127 and 128.
- 130 Charges in respect of abstraction from waters of British Waterways Board.

*Charges in connection with control of pollution*

- 131 Power to make scheme of charges.
- 132 Approval of scheme under section 131.

*Levies by the Agency on local authorities*

- 133 Power to authorise the Agency to issue levies.

*General drainage charges*

- 134 Raising of general drainage charges.
- 135 Amount, assessment etc. of general drainage charge.
- 136 Determination of the relevant quotient.

*Special drainage charges*

- 137 Special drainage charges in interests of agriculture.
- 138 Levying and amount of special drainage charge.

*Revenue from internal drainage boards*

- 139 Contributions from internal drainage boards.
- 140 Appeals in respect of resolutions under section 139.
- 141 Precepts for recovery of contributions from internal drainage boards.

*Fisheries contributions*

- 142 Fisheries contributions.

*Navigation tolls*

- 143 Power of Authority to levy navigation tolls.

*Incidental power of the Authority to impose charges*

- 144 Incidental power of the Authority to impose charges.

*Interpretation of Chapter II*

- 145 Interpretation of Chapter II.

**CHAPTER III**

**GRANTS AND LOANS**

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### *Grants to the Agency*

- 146 Revenue grants.
- 147 Grants for drainage works.
- 148 Grants towards cost of flood warning systems.
- 149 Other grants in respect of exercise of powers under Part VII for drainage purposes.
- 150 Grants for national security purposes.

### *Borrowing by the Authority*

- 151 Borrowing powers of the Authority.
- 152 Loans to the Authority.
- 153 Treasury guarantees of the Authority's borrowing.

## **PART VII**

### **LAND AND WORKS POWERS**

#### **CHAPTER I**

### **POWERS OF THE AGENCY**

#### *Provisions in relation to land*

- 154 Compulsory purchase etc.
- 155 Accretions of land resulting from drainage works.
- 156 Acquisition of land etc. for fisheries purposes.
- 157 Restriction on disposals of compulsorily acquired land.

#### *Works agreements for water resources purposes*

- 158 Works agreements for water resources purposes.

#### *General pipe-laying powers*

- 159 Powers to lay pipes in streets.
- 160 Power to lay pipes in other land.

#### *Anti-pollution works*

- 161 Anti-pollution works and operations.
- 161A Notices requiring persons to carry out anti-pollution works and operations.
- 161B Grant of, and compensation for, rights of entry etc.
- 161C Appeals against works notices.
- 161D Consequences of not complying with a works notice.
- 162 Other powers to deal with foul water and pollution.

#### *Powers to discharge water*

- 163 Discharges for works purposes.
- 164 Consents for certain discharges under section 163.

#### *Flood defence and drainage works*

- 165 General powers to carry out flood defence and drainage works.



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- 166 Power to carry out works for purpose of providing flood warning system.
- 167 Power to dispose of spoil in connection with flood defence works.

*Compulsory works orders*

- 168 Compulsory works orders.

**CHAPTER II**

**POWERS OF ENTRY**

- 169 Powers of entry for enforcement purposes.
- 170 Power of entry for certain works purposes.
- 171 Power to carry out surveys and to search for water.
- 172 Powers of entry for other purposes.
- 173 Powers of entry: supplemental provisions.
- 174 Impersonation of persons exercising powers of entry.

**CHAPTER III**

**PROVISIONS SUPPLEMENTAL TO LAND AND WORK POWERS**

*Vesting of pipes in the Agency*

- 175 Vesting of pipes in the Agency.

*Offence of interference with works etc.*

- 176 Offence of interference with works etc.

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

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

*Protective provisions*

- 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.

*Savings in respect of existing drainage obligations*

- 185 Savings in respect of existing drainage obligations.

*Interpretation of Part VII*

- 186 Interpretation of Part VII.

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## PART VIII

### INFORMATION PROVISIONS

#### *Annual report and publication of information*

- 187 Annual report of the Authority.
- 188 Duty of Agency to publish certain information.

#### *Registers etc. to be kept by the Agency*

- 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 and acquisition of information
- 197 Provision of information about water flow etc.
- 198 Information about underground water.
- 199 Notice etc. of mining operations which may affect water conservation.
- 199A Appeals against conservation notices under section 199
- 200 Gauges and records kept by other persons.
- 201 Power to require information in respect of water resources functions
- 202 Information and assistance required in connection with the control of pollution.
- 203 Exchange of information with respect to pollution incidents etc.

#### *Restriction on disclosure of information*

- 204 Restriction on disclosure of information.
- 205 Confidentiality of information relating to underground water etc.

#### *Making of false statements etc.*

- 206 Making of false statements etc.

## PART IX

### MISCELLANEOUS AND SUPPLEMENTAL

#### *Miscellaneous*

- 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.

#### *Byelaws*

- 210 Byelaw-making powers of the Agency.
- 211 Enforcement of byelaws.
- 212 Compensation in respect of certain fisheries byelaws.

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#### *Local inquiries*

- 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.

#### *Judicial disqualification*

- 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...

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*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...

*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...

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*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...

*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...

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*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...

*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...

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*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 relating to abstraction of small quantities and compulsory registration of protected rights

*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 Agency...

*Making of order*

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

*Notice and inspection of final order*

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

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—

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*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...

*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...



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*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...

*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...

*Status: Point in time view as at 24/05/2007.*

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### 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

*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...

*Status: Point in time view as at 24/05/2007.*

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*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...

*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...

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*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—

*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)...

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*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 COMPULSORY WORKS POWERS

*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...

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*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...

*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 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 Agency—

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*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...

*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...

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## SCHEDULE 24 — DISCLOSURE OF INFORMATION

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

Any Minister of the Crown.  
The Office of Fair Trading.  
The Competition Commission.  
The Office of Communications  
The Civil Aviation Authority.  
The Director General of Gas Supply.  
The Director General of Electricity Supply.  
The Coal Authority.  
Office of Rail Regulation

A local weights and measures authority in England and Wales....

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

The Trade Descriptions Act 1968.  
The Fair Trading Act 1973.  
The Consumer Credit Act 1974.  
.....  
.....  
The Estate Agents Act 1979.  
The Competition Act 1980.  
The Telecommunications Act 1984.  
The Airports Act 1986.  
The Gas Act 1986.  
The Consumer Protection Act 1987.  
The Electricity Act 1989.  
The Railways Act 1993  
The Coal Industry Act 1994.  
The Competition Act 1998.  
Part I of the Transport Act 2000.  
The Enterprise Act 2002.  
The Communications Act 2003.  
The Railways Act 2005.  
Any subordinate legislation made for the purpose of securing  
compliance...

## 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...



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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 24/05/2007.

**Changes to legislation:**

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