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Water Resources Act 1991

CHAPTER 57

WATER RESOURCES ACT 1991

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- 185 Savings in respect of existing drainage obligations.

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204 Restriction on disclosure of information.

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206 Making of false statements etc.

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218 Judicial disqualification.

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219 Powers to make regulations.

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225 Short title, commencement and extent.

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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...

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Powers to transfer functions or property

1 (1) The appropriate agency may at any time apply to...

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...

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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—

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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...

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Questioning of order in courts

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

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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...

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...

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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 appropriate agency shall, at the request of any person,...

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 appropriate...

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

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*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...

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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...

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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

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Application for consent

- 1 Discharge consents

Consultation in connection with applications

- 2 Discharge consents

Consideration and determination of applications

- 3 Discharge consents
- 4 Discharge consents

Reference to Secretary of State of certain applications for consent

- 5 Discharge consents

Consents without applications

- 6 Discharge consents

Revocation of consents and alteration and imposition of conditions

- 7 Discharge consents

Restriction on variation and revocation of consent and previous variation

- 8 Discharge consents

General review of consents

- 9 Discharge consents

Applications for variation

- 10 Discharge consents

Transfer of consents

- 11 Discharge consents

SCHEDULE 11 — WATER PROTECTION ZONE ORDERS

Application for consent

- 1 (1) Where the appropriate agency applies to the Secretary of...

Supply of copies of draft orders

- 2 Where the appropriate agency has applied for an order under...

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

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Orders made only on application

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Procedure for applications

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Publication of proposal for order containing mandatory provisions

3 NITRATE SENSITIVE AREA ORDERS

Supply of copies of proposed orders

4 NITRATE SENSITIVE AREA ORDERS

Modifications of proposals

5 NITRATE SENSITIVE AREA ORDERS

Consideration of objections et cetera laetc.

6 NITRATE SENSITIVE AREA ORDERS

Consent of Treasury for payment provisions

7 NITRATE SENSITIVE AREA ORDERS

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

1 TRANSITIONAL WATER POLLUTION PROVISIONS

Order under section 32(3) of the 1974 Act

2 TRANSITIONAL WATER POLLUTION PROVISIONS

Pre-1989 transitional provisions

3 TRANSITIONAL WATER POLLUTION PROVISIONS

Discharge consents on application of undertakers et cetera laetc.

4 TRANSITIONAL WATER POLLUTION PROVISIONS

SCHEDULE 14 — ORDERS TRANSFERRING MAIN RIVER FUNCTIONS TO THE APPROPRIATE AGENCY

Procedure on application for order

1 As soon as any scheme under section 108 of this...

Status: Point in time view as at 01/01/2018.

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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 appropriate agency may serve on the owner of...

Arrangements for owner of land to pay drainage charge

- 5 (1) Subject to paragraph 6 below, the appropriate agency may...

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 appropriate agency may serve on any person appearing...

Status: Point in time view as at 01/01/2018.

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Power to correct erroneous assessments etc.

- 10 (1) The appropriate agency may, as respects any drainage charge...

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 appropriate agency and any relevant authority may enter...

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—

Interpretation

- 10 (1) In this Schedule— “special charges scheme” means a scheme...

SCHEDULE 17 — ORDERS WITH RESPECT TO NAVIGATION TOLLS

Status: Point in time view as at 01/01/2018.

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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 Section 8(1) of the Compulsory Purchase Act 1965 has effect...

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 appropriate agency applies to either of the...

Supply of copies of draft orders

- 2 Where the appropriate agency is applying for a compulsory works...

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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...

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...

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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 appropriate 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 appropriate 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 electronic communications networks

5 Part 10 of Schedule 3A to the Communications Act 2003...

Interpretation

6 In this Schedule “railway company” means the British Railways Board,...

SCHEDULE 23 — MINERAL RIGHTS

Status: Point in time view as at 01/01/2018.

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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 APPROPRIATE
AGENCY

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 appropriate agency shall have power to make such...

Byelaws for regulating the use of the appropriate agency's waterways etc.

- 3 (1) The appropriate agency shall have power to make such...

Byelaws for controlling certain forms of pollution

- 4 (1) The appropriate agency may by byelaws make such provision...

Byelaws for flood defence and drainage purposes

- 5 (1) The appropriate agency may make such byelaws in relation...

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Byelaws for purposes of fisheries functions

6 (1) The appropriate agency shall have power, in relation to...

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
APPROPRIATE AGENCY

Confirmation of byelaws

1 (1) No byelaw made by the appropriate agency shall have...

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 appropriate agency and confirmed...

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...

Schedule 27 — Emergency fisheries byelaws

Emergency fisheries byelaws

1 (1) In this Schedule, “ emergency fisheries byelaw ” means...

Commencement

2 An emergency fisheries byelaw comes into force—

Notification of the appropriate national authority

3 The appropriate agency must, within 24 hours of making an...

Publication

4 The appropriate agency must publish notice of the making of...

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Amendment and revocation

- 5 (1) If at any time the appropriate national authority is...

Expiry and extension

- 6 (1) Subject to paragraph 7 below, an emergency fisheries byelaw...
7 (1) The appropriate agency may, at any time before an...

Availability

- 8 (1) Every emergency fisheries byelaw shall be printed and deposited...

Proof

- 9 The production of a printed copy of an emergency fisheries...

“Appropriate national authority”

- 10 In this Schedule “appropriate national authority” has the...

— 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 01/01/2018.

Changes to legislation:

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