



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART II

#### WATER RESOURCES MANAGEMENT

### CHAPTER III

#### DROUGHT

#### **[<sup>F1</sup>79A Drought permits.**

- (1) If the [<sup>F2</sup>appropriate agency] is satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water in any area exists or is threatened then, subject to the following provisions of this section, it may, upon the application of a water undertaker which supplies water to premises in that area, issue to that undertaker a drought permit making such provision authorised by this section as appears to the [<sup>F2</sup>appropriate agency] to be expedient with a view to meeting the deficiency.
- (2) A drought permit may contain any of the following provisions, that is to say—
  - (a) provision authorising the water undertaker to which it is issued to take water from any source specified in the permit subject to any conditions or restrictions so specified;
  - (b) provision suspending or modifying, subject to any conditions specified in the permit, any restriction or obligation to which that undertaker is subject as respects the taking of water from any source.
- (3) A drought permit shall specify—
  - (a) the day on which it comes into force; and
  - (b) the period for which, subject to subsections (4) and (5) below, any authorisation given, or suspension or modification effected, by the permit is to have effect.
- (4) Subject to subsection (5) below, the period for which—

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(a) an authorisation given by a drought permit, or  
(b) a suspension or modification effected by such a permit,  
has effect shall expire before the end of the period of six months beginning with the day on which the permit comes into force.

(5) At any time before the expiration of the period for which such an authorisation, suspension or modification has effect, the [<sup>F2</sup>appropriate agency] may, by giving notice to the water undertaker to which the permit in question was issued, extend that period, but not so as to extend it beyond the end of the period of one year beginning with the day on which the permit came into force.

(6) A drought permit which—  
(a) authorises the taking of water from a source from which water is supplied to an inland navigation; or  
(b) suspends or modifies—  
(i) a restriction as respects the taking of water from a source from which water is supplied to an inland navigation; or  
(ii) an obligation to discharge compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation,

shall not be issued without the consent of every navigation authority exercising functions over any or all of the parts of the canal or inland navigation in question which are affected by the permit.

(7) Schedule 8 to this Act shall have effect with respect to the procedure on an application for a drought permit as it has effect with respect to the procedure on an application for a drought order, but with the following modifications, that is to say—

- (a) with the substitution for any reference to a drought order of a reference to a drought permit;
- (b) with the substitution for any reference to the Secretary of State of a reference to the [<sup>F2</sup>appropriate agency];
- <sup>F3</sup>(c) .....
- (d) with the insertion, in paragraph 1(3)(c), of a requirement that the notice in question shall specify the address at which any objections are to be made to the [<sup>F2</sup>appropriate agency]; and
- (e) with the omission—
  - (i) of paragraph 2(1)(a) and the word “either” immediately preceding it, and
  - (ii) of paragraph 2(6).

<sup>F4</sup>(8) .....

[ Where a water undertaker makes an application for a drought permit, the [<sup>F2</sup>appropriate <sup>F5</sup>(8A) agency] may recover from the water undertaker any expenses it incurs (whether of a revenue or capital nature) in the exercise of its functions so far as their exercise is attributable to—

- (a) the application;
- (b) (if the permit is issued) the permit,

in so far as those expenses have not been recovered (whether from the water undertaker or not) under or by virtue of any other enactment.

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- (8B) Sections 125 to 129 below shall not apply in respect of any charges which may be made under subsection (8A) above.]
- (9) Section 79 above and Schedule 9 to this Act shall apply in relation to drought permits and their issue as they apply in relation to ordinary drought orders and their making.
- (10) A drought permit may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
  - (b) contain such supplemental, consequential and transitional provisions as the [F<sup>2</sup>appropriate agency] considers appropriate.
- (11) In this section—
- “compensation water” has the same meaning as in section 77 above;
  - “drought permit” means a drought permit under this section;
  - “inland navigation” has the same meaning as in section 77 above.]

#### Textual Amendments

- F1** S. 79A inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 140** (with 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 79A substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 271(2)** (with Sch. 7)
- F3** S. 79A(7)(c) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 271(3)** (with Sch. 7)
- F4** S. 79A(8) repealed (1.4.2004) by Water Act 2003 (c. 37), ss. 64(3)(a), 105(3), **Sch. 9 Pt. 3**; S.I. 2004/641, art. 3(o)(z)
- F5** S. 79A(8A)(8B) inserted (1.4.2004) by Water Act 2003 (c. 37), **ss. 64(3)(b)**, 105(3); S.I. 2004/641, art. 3(o) (with Sch. 3 para. 7)

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