



# Water Act 2003

## CHAPTER 37

### WATER ACT 2003

#### PART 1

##### ABSTRACTION AND IMPOUNDING

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

- 1 Licences to abstract water
- 2 Restrictions on impounding
- 3 Existing impounding works
- 4 Existing impounding works: works notices
- 5 Rights of navigation, harbour and conservancy authorities
- 6 Rights to abstract small quantities
- 7 Rights to abstract for drainage purposes, etc
- 8 Amendments relating to section 7
- 9 Power to provide for further exemptions
- 10 Orders under section 33 of the WRA, etc

###### *Applications for a licence*

- 11 Who may apply for a licence
- 12 Abolition of combined licences
- 13 Applications: types of abstraction licence
- 14 Publication of application for licence

###### *Consideration of licence applications*

- 15 General consideration of licence applications
- 16 Protection from derogation
- 17 Protected rights
- 18 Register of certain protected rights

*Status: Point in time view as at 28/05/2004.*

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

- 19 Form, contents and effect of licences
- 20 Limited extension of abstraction licence validity

### *Modification of licences*

- 21 Modification of licences
- 22 Proposals for modification at instance of Agency or Secretary of State

### *Transfer and apportionment of licences*

- 23 Transfer and apportionment of licences

### *Claims and compensation*

- 24 Claims arising out of water abstraction
- 25 Compensation for modification of licence on direction of Secretary of State
- 26 Recovery of compensation from new licence-holder
- 27 Withdrawal of compensation for certain revocations and variations

### *Water resources management schemes*

- 28 Water resources management schemes: other abstractors
- 29 Water resources management schemes: referral to Secretary of State

### *Enforcement*

- 30 Enforcement notices, and related procedures and offences

### *Miscellaneous*

- 31 Bulk supplies
- 32 Visiting forces
- 33 Application of certain water resources provisions to this Act

## **PART 2**

### **NEW REGULATORY ARRANGEMENTS, ETC**

#### *Establishment, etc of new bodies*

- 34 Water Services Regulation Authority
- 35 Consumer Council for Water
- 36 Transfer to Authority and Council of functions, property etc
- 37 Conditions relating to costs of water regulation
- 38 Forward work programmes and annual reports

#### *Objectives of regulation of water industry*

- 39 Objectives and duties under WIA
- 40 Guidance to Authority on social and environmental matters
- 41 Standards of performance in relation to water supply
- 42 Standards of performance in relation to sewerage services

#### *Functions of the Council*

- 43 General functions of the Council

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- 44 Provision of information to the Council
- 45 Provision of statistical information to consumers etc
- 46 Consumer complaints
- 47 Investigations by the Council

*Enforcement of obligations*

- 48 Financial penalties
- 49 Enforcement of certain provisions

*Remuneration and standards of performance*

- 50 Links between directors' pay and standards of performance

*Miscellaneous*

- 51 Reasons for decisions
- 52 Co-operation between water regulators

*The Competition Commission*

- 53 Specialist members of the Competition Commission
- 54 Determination references under section 12 of the WIA
- 55 Conditions of appointments under the WIA

*Licensing of water suppliers*

- 56 Licensing of other water suppliers

**PART 3**

MISCELLANEOUS

*The Drinking Water Inspectorate*

- 57 The Chief Inspector of Drinking Water and the Drinking Water Inspectorate

*Water fluoridation*

- 58 Fluoridation of water supplies

*Water resale*

- 59 Charges for services provided with the help of an undertaker

*Penalties*

- 60 Abstraction and impounding offences
- 61 Supplying water unfit for human consumption

*Water resources management plans*

- 62 Water resources management plans

*Drought*

- 63 Drought plans
- 64 Drought orders and drought permits: charges

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65 Procedure at local inquiries

*Land drainage and flood defence*

- 66 Revocation of local flood defence schemes
- 67 Membership of regional flood defence committees in Wales
- 68 Regional flood defence committees
- 69 Grants for drainage works and flood warning systems

*Information*

- 70 Information

*Powers of entry*

- 71 Extension of Environment Agency's powers of entry

*Environment Agency's general water resources duty*

- 72 Efficient use of water resources

*Border rivers*

- 73 Border rivers

*Reservoirs*

- 74 Environment Agency to be enforcement authority under the Reservoirs Act 1975
- 75 Extension of enforcement authority's reserve powers
- 76 Service of documents
- 77 Flood plans: large raised reservoirs
- 78 National security
- 79 Offences
- 80 Crown application

*Water conservation*

- 81 Duty to encourage water conservation
- 82 Water conservation: requirements on relevant undertakers
- 83 Water conservation by public authorities

*Fire hydrants*

- 84 Fire hydrants

*Coal mine water pollution*

- 85 Control of water from coal mines

*Contaminated land*

- 86 Contaminated land: pollution of controlled waters

*Discharge consents*

- 87 Transfer of discharge consents

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### *Trade effluent consents*

- 88 Trade effluent consents
- 89 Trade effluent consents: conditions of consent

### *Water mains, etc*

- 90 Water main requisitions: financial conditions
- 91 Water main requisitions: calculation of payments
- 92 Self-lay and adoption of water mains and service pipes

### *Sewers and drains*

- 93 Requisition and adoption of sewers
- 94 Provision of public sewers otherwise than by requisition
- 95 Requisition of lateral drains
- 96 Adoption of lateral drains
- 97 Requisitioning and adoption of lateral drains: supplementary
- 98 Schemes for the adoption of sewers, lateral drains and sewage disposal works
- 99 Communication with public sewers

## **PART 4**

### SUPPLEMENTARY

- 100 Devolution: Wales
- 101 Minor and consequential amendments and repeals
- 102 Specific transitional and transitory provisions
- 103 Powers to make further supplementary, consequential and transitional provision, etc
- 104 Regulations and orders
- 105 Interpretation, commencement, short title, and extent

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## SCHEDULES

SCHEDULE 1 — The Water Services Regulation Authority  
After Schedule 1 to the WIA there is inserted— SCHEDULE...

SCHEDULE 2 — The Consumer Council for Water  
After Schedule 3 to the WIA there is inserted— SCHEDULE...

SCHEDULE 3 — Further provisions about transfers of functions, property etc

### *Preliminary*

- 1 In this Schedule— “transfer” means— a transfer of functions under...

### *Contents of transfer schemes*

- 2 (1) The property, rights and liabilities which may be transferred...
- 3 A transfer scheme may define the property, rights and liabilities...
- 4 A transfer scheme may include such supplementary, incidental, transitional and...

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*Modification of transfer scheme after appointed day*

- 5 (1) If, after the day appointed by a transfer scheme,...

*Effect of transfers*

- 6 (1) Anything done by the transferor for the purpose of...  
7 There may be continued by or in relation to the...  
8 The transferee shall be substituted for the transferor in any...

*Continuity of employment, etc of transferred employees*

- 9 Where a person employed in the civil service of the...

SCHEDULE 4 — Licensing of water suppliers

- 1 The WIA is amended as follows.  
2 After Chapter 1 of Part 2 of the WIA there...  
3 After Chapter 2 of Part 3 of the WIA there...  
4 (1) The Water Services Regulation Authority (“the Authority”) may, in...

SCHEDULE 5 — Powers of entry under the Coal Industry Act 1994

After Schedule 1 to the Coal Industry Act 1994 (c....

SCHEDULE 6 — Compulsory purchase under the Coal Industry Act 1994

After Schedule 1A to the Coal Industry Act 1994 (c....

SCHEDULE 7 — Minor and consequential amendments

Part 1 — ABSTRACTION AND IMPOUNDING

*Water Resources Act 1991 (c. 57)*

- 1 The WRA is amended as follows.  
2 In section 34 (regulations with respect to applications under Chapter...  
3 In section 40 (obligations to take river flow etc into...  
4 In section 51 (modification of licence on application of licence...  
5 In section 57 (emergency variation of licences for spray irrigation...  
6 In section 61 (compensation for licence modified on direction of...  
7 In section 66 (inland waters owned or managed by British...  
8 (1) Section 67 (ecclesiastical property) is amended as follows.  
9 In section 71 (modification of local enactments), in subsection (4),...  
10 In section 125 (specific exemptions from water resources charges), subsection...  
11 In section 206 (making of false statements etc), in subsection...  
12 In section 217 (criminal liabilities of directors and other third...  
13 In section 222 (Crown application), as substituted by paragraph 2(4)...  
14 For Schedule 6 (which relates to the making of orders...

*Environment Act 1995 (c. 25)*

- 15 (1) The Environment Act 1995 is amended as follows.  
Part 2 — NEW REGULATORY ARRANGEMENTS, ETC

*Public Records Act 1958 (c. 51)*

- 16 In Schedule 1 to the Public Records Act 1958 (definition...

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*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 17 In the Schedule to the Public Bodies (Admission to Meetings)...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 18 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*Superannuation Act 1972 (c. 11)*

- 19 In Schedule 1 to the Superannuation Act 1972, in the...

*House of Commons Disqualification Act 1975 (c. 24)*

- 20 (1) Schedule 1 to the House of Commons Disqualification Act...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 21 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

*Race Relations Act 1976 (c. 74)*

- 22 In Part 2 of Schedule 1A to the Race Relations...

*Telecommunications Act 1984 (c. 12)*

- 23 In the Telecommunications Act 1984, in section 101 (restriction on...

*Airports Act 1986 (c. 31)*

- 24 In the Airports Act 1986, in section 74 (restriction on...

*Company Directors Disqualification Act 1986 (c. 46)*

- 25 In section 9E of the Company Directors Disqualification Act 1986...

*Water Act 1989 (c. 15)*

- 26 (1) The Water Act 1989 is amended as follows.

*Water Industry Act 1991 (c. 56)*

- 27 (1) The WIA is amended as follows.

*Water Resources Act 1991 (c. 57)*

- 28 (1) The WRA is amended as follows.

*Water Consolidation (Consequential Provisions) Act 1991 (c. 60)*

- 29 (1) The Water Consolidation (Consequential Provisions) Act 1991 is  
amended...

*Competition and Service (Utilities) Act 1992 (c. 43)*

- 30 Section 50 of the Competition and Service (Utilities) Act 1992...

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*Coal Industry Act 1994 (c. 21)*

31 In section 59 (information to be kept confidential by the...

*Competition Act 1998 (c. 41)*

32 (1) The Competition Act 1998 is amended as follows.

*Postal Services Act 2000 (c. 26)*

33 In Schedule 7 to the Postal Services Act 2000 (disclosure...

*Utilities Act 2000 (c. 27)*

34 In section 105 of the Utilities Act 2000 (general restrictions...

*Transport Act 2000 (c. 38)*

35 In Schedule 9 to the Transport Act 2000 (air traffic:...

*Enterprise Act 2002 (c. 40)*

36 (1) The Enterprise Act 2002 is amended as follows.

Part 3 — MISCELLANEOUS

*Metropolis Water Act 1852 (c. 84)*

37 Section 1 of the Metropolis Water Act 1852 (restriction on...

*Reservoirs Act 1975 (c. 23)*

38 In Schedule 1 to the Reservoirs Act 1975 (index of...

*Water Industry Act 1991 (c. 56)*

39 (1) The WIA is amended as follows.

*Land Drainage Act 1991 (c. 59)*

40 (1) The Land Drainage Act 1991 is amended as follows....

*Health Authorities Act 1995 (c. 17)*

41 In Schedule 1 to the Health Authorities Act 1995 (amendment...

*Environment Act 1995 (c. 25)*

42 In section 101 of the Environment Act 1995 (grants in...

SCHEDULE 8 — Minor and consequential amendments: licensing of water suppliers etc

*Water Act 1989 (c. 15)*

1 (1) Section 174 of the Water Act 1989 (general restrictions...

*Water Industry Act 1991 (c. 56)*

2 The WIA is amended as follows.

3 In section 6 (appointment of relevant undertakers), after subsection (5)...



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- 4 (1) Section 18 (orders for securing compliance) is amended as...
- 5 (1) Section 19 (exceptions to duty to enforce) is amended...
- 6 (1) Section 20 (procedure for enforcement orders) is amended as...
- 7 In section 22 (effect of enforcement order), in subsection (3),...
- 8 (1) Section 23 (meaning and effect of special administration order)...
- 9 (1) Section 24 (special administration orders made on special petitions)...
- 10 In section 25 (power to make special administration order on...
- 11 In section 26 (restrictions on voluntary winding up and insolvency...
- 12 (1) Section 27 (general duty of Authority to keep matters...
- 13 (1) Section 39A (information to be given to customers about...
- 14 (1) Section 43 (calculation of payments to undertaker in respect...
- 15 (1) Section 52 (the domestic supply duty) is amended as...
- 16 (1) Section 55 (supplies for non-domestic purposes) is amended as...
- 17 After section 63 there is inserted— Supply by licensed water...
- 18 (1) Section 68 (water quality) is amended as follows.
- 19 (1) Section 69 (regulations for preserving water quality) is amended...
- 20 (1) Section 70 (offence of supplying water unfit for human...
- 21 In section 72 (contamination of water sources), in subsection (5),...
- 22 In section 73 (offences of contaminating water etc), in subsection...
- 23 In section 74 (regulations for preventing contamination etc), in subsection...
- 24 (1) Section 75 (power to prevent damage etc) is amended...
- 25 In section 76 (temporary hosepipe bans), in subsection (1), after...
- 26 (1) Section 78 (local authority functions in relation to undertaker's...
- 27 (1) Section 86 (enforcement of water quality) is amended as...
- 28 In section 93(1) (interpretation of Part 3), in the definition...
- 29 In section 93A (duty to promote the efficient use of...
- 30 (1) Section 93B (power to impose requirements in connection with...
- 31 (1) Section 93C (publicity) is amended as follows.
- 32 (1) Section 93D (information as to compliance) is amended as...
- 33 In section 148 (restriction on charging for metering works), in...
- 34 In section 150 (fixing maximum charges for services provided with...
- 35 In section 152 (grants for national security purposes), in subsection...
- 36 In section 158 (powers to lay pipes in streets), in...
- 37 (1) Section 162 (works in connection with metering) is amended...
- 38 In section 163 (power to fit stopcocks), in subsection (1),...
- 39 (1) Section 174 (offences of interference with works) is amended...
- 40 (1) Section 175 (offence of tampering with meter) is amended...
- 41 (1) Section 179 (vesting of works in undertaker) is amended...
- 42 (1) Section 195 (maintenance of register for the purposes of...
- 43 (1) Section 201 (publication of information and advice) is amended...
- 44 (1) Section 202 (duty to furnish the Secretary of State...
- 45 (1) Section 203 (power to acquire information for enforcement purposes)...
- 46 (1) Section 205 (exchange of metering information) is amended as...
- 47 (1) Section 206 (restriction on disclosure of information) is amended...
- 48 (1) Section 208 (directions in the interests of national security)...
- 49 (1) Section 213 (power to make regulations) is amended as...
- 50 (1) Section 219 (general interpretation) is amended as follows.
- 51 (1) Schedule 2 (transitional provision on termination of appointments) is...
- 52 (1) Schedule 3 (special administration orders) is amended as follows....

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*Water Resources Act 1991 (c. 57)*

53 (1) The WRA is amended as follows.

*Competition Act 1998 (c. 41)*

54 In Schedule 7 to the Competition Act 1998, in paragraph...

*Enterprise Act 2002 (c. 40)*

55 (1) The Enterprise Act 2002 is amended as follows.

SCHEDULE 9 — Repeals and revocation

Part 1 — ABSTRACTION AND IMPOUNDING

Part 2 — NEW REGULATORY ARRANGEMENTS, ETC

Part 3 — MISCELLANEOUS AND SUPPLEMENTARY

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