

*These notes refer to the Water Act 2003 (c.37) which  
received Royal Assent on 20th November 2003*

# **WATER ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: Abstraction and Impounding**

*Sections 1 to 10 Restrictions on abstraction and impounding*  
38.

#### **Section 2: Restrictions on impounding.**

The current restriction on impounding of water makes it an offence to begin to construct or alter an impounding works unless an impounding licence has been obtained. This section amends the current restriction on impounding in order to impose controls throughout the lifetime of new impounding works. Impounding licences (whether issued before or after the coming into force of this section) will remain in force for the lifetime of the works, allowing the Agency to attach or modify conditions to the licence to ensure that impounding works do not cause damage to the environment.

39. Provisions in this section are devolved to the Assembly.