



# Water Act 2014

## 2014 CHAPTER 21

### PART 2 **E+W**

#### WATER RESOURCES

#### **57 Report on water abstraction reform **E+W****

- (1) The Secretary of State must prepare a report setting out progress made in reforming the arrangements for managing water abstraction in England.
- (2) The Secretary of State must lay before Parliament a copy of the report.
- (3) The report must be prepared and laid before the end of the period of five years beginning with the day on which this Act is passed.

#### **58 Withdrawal of compensation for undertakers **E+W****

- (1) The Water Resources Act 1991 is amended as follows.
- (2) In section 61 (compensation where licence modified on direction of the Secretary of State or Welsh Ministers), in subsection (1), after “Where a licence” there is inserted “ held by a person other than a water undertaker or sewerage undertaker ”.
- (3) Section 61A (recovery of compensation from new licence-holder) is repealed.

#### **59 Main rivers in England and Wales **E+W****

- (1) The Water Resources Act 1991 is amended as follows.
- (2) For sections 193 and 194 (maintenance, inspection and amendment of main river maps for areas in England and Wales) there is substituted—

*Status: Point in time view as at 01/10/2014.*

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### *“Main river map for England*

#### **193 The main river map for England**

- (1) The Agency must keep the main river map for England.
- (2) For the purposes of this Act the main river map for England is a record of areas in England which—
  - (a) shows the extent to which any watercourse or part of a watercourse is to be treated as a main river or as part of a main river for the purposes of this Act, and
  - (b) indicates which (if any) of those watercourses are watercourses designated in a scheme made under section 137.
- (3) The map is conclusive as to the extent to which a watercourse in England is to be treated as a main river or as part of a main river for the purposes of this Act.
- (4) The map must specify the date on which it takes effect.
- (5) The Agency must keep the map in electronic form.
- (6) In this section and sections 193A to 193E “watercourse” has the same meaning as in Part 4 of this Act.

#### **193A Inspection and copies**

- (1) The Agency must provide reasonable facilities for inspecting the main river map for England in electronic form.
- (2) The Agency must on request provide any person with—
  - (a) a hard copy of all or part of the map, or
  - (b) data comprising all or part of the map in electronic form.
- (3) The Agency may charge a fee for providing a copy or data under subsection (2), but the fee—
  - (a) must, in the case of a person appearing to the Agency to have requested a copy or data for commercial purposes, represent a reasonable usage fee, and
  - (b) in any other case, may not exceed the reasonable costs of providing the copy or data.
- (4) The Agency must on request provide a body mentioned in the first column of the following table with a hard copy of, or data comprising, such part of the main river map for England as is described in the second column of the entry for that body.

A local authority in England	The part that relates to the local authority's area
An internal drainage board for an internal drainage district that is wholly or partly in England	The part that relates to its district, so far as that district is in England

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A water company that exercises functions in relation to an area in England The part that relates to that area

A highway authority that exercises functions in relation to highways in England in relation to which it exercises functions

A navigation authority that exercises functions in relation to an area in England The part that relates to that area

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- (5) The Documentary Evidence Act 1868 has effect as if—
- (a) the Agency were mentioned in the first column of the Schedule to that Act;
  - (b) any member of the staff of the Agency authorised to act on behalf of the Agency were specified in the second column of the Schedule to that Act in connection with the Agency;
  - (c) the regulation referred to in that Act included the main river map for England kept by the Agency;
  - (d) references to a copy included references to a print-out of information kept in electronic form.

### **193B Replacing the main river map for England**

- (1) The Agency may at any time replace the existing main river map for England for the purpose of including—
- (a) a change which, pursuant to section 193(2)(b), is required by the making, amendment or revocation of a scheme under section 137,
  - (b) a change to give effect to a determination under section 193C, or
  - (c) a change directed by the Secretary of State under section 193D(5) (following an appeal against a determination).
- (2) A replacement map may not include other changes.
- (3) A replacement map must specify the date on which it takes effect.

### **193C Determinations as to main rivers**

- (1) Subject to the following provisions of this section, the Agency may determine that—
- (a) such watercourse or part of a watercourse in England as is specified in the determination is to be treated for the purposes of this Act as a main river or part of a main river;
  - (b) such watercourse or part of a watercourse in England as is specified in the determination (not being a watercourse designated in a scheme made under section 137) is no longer to be treated for the purposes of this Act as a main river or part of a main river.
- (2) Before making a determination under subsection (1) as regards a watercourse, the Agency must—
- (a) publish (in such manner as it considers appropriate) the determination it proposes to make, and

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- (b) consider representations made within the time and in the manner specified by the Agency when publishing the determination.
- (3) The Agency must consult the NRBW before making a determination under subsection (1)—
  - (a) which affects a watercourse part of which is in England and part of which is in Wales, and
  - (b) in which it seems to the Agency that the NRBW has an interest.
- (4) Having taken such steps as are required by subsections (2) and (3), the Agency may—
  - (a) decide not to make a determination, or
  - (b) decide to make a determination in accordance with what was proposed under subsection (2)(a) or otherwise.
- (5) The Agency must publish (in such manner as it considers appropriate)—
  - (a) that decision;
  - (b) the terms of any determination made;
  - (c) if a determination is made, the date on which a replacement map will give effect to the determination.
- (6) The date specified under subsection (5)(c) may not be before the end of a period of six weeks beginning with the day on which the matters specified in subsection (5) are published.
- (7) The Agency must also inform those persons affected by the proposal who made representations in accordance with subsection (2)(b) containing an objection to the proposal as to the matters referred to in subsection (5).

### **193D Appeals**

- (1) A person aggrieved by a determination under section 193C may appeal to the Secretary of State.
- (2) An appeal must be made before the end of a period of six weeks beginning with the day on which the matters referred to in section 193C(5) are published.
- (3) Where an appeal is made against a determination, a replacement map under section 193B may not include a change to give effect to the determination except as specified in this section.
- (4) The Secretary of State may appoint a person to make a report to assist the Secretary of State in determining the appeal.
- (5) If the Secretary of State allows the appeal in whole or in part, the Secretary of State may by direction to the Agency—
  - (a) specify a change to be included in a replacement map under section 193B, and
  - (b) specify the date on which that change is to take effect.
- (6) If the Secretary of State dismisses the appeal, the Agency may include a change to give effect to its determination in a replacement map, the replacement map to have effect on such date as the Secretary of State may direct.

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- (7) The Secretary of State may direct the Agency to publish the Secretary of State's decision in such manner as the direction may specify.

### **193E Guidance**

- (1) The Secretary of State may from time to time issue guidance to the Agency about the exercise of its functions under sections 193 to 193D.
- (2) The guidance may in particular include guidance as to—
- (a) determining whether or not a watercourse or part of a watercourse is suitable to become or to remain a main river or a part of a main river;
  - (b) what kind of publication is appropriate under section 193C(2) and (5).
- (3) The Agency must have regard to the guidance in carrying out its functions under sections 193 to 193D.

### *Main river map for Wales*

#### **194 The main river map for Wales**

- (1) The NRBW must keep the main river map for Wales.
- (2) For the purposes of this Act the main river map for Wales is a record of areas in Wales which—
- (a) shows the extent to which any watercourse or part of a watercourse is to be treated as a main river or as part of a main river for the purposes of this Act, and
  - (b) indicates which (if any) of those watercourses are watercourses designated in a scheme made under section 137.
- (3) The map is conclusive as to the extent to which a watercourse in Wales is to be treated as a main river or as part of a main river for the purposes of this Act.
- (4) The map must specify the date on which it takes effect.
- (5) The NRBW must keep the map in electronic form.
- (6) In this section and sections 194A to 194E “watercourse” has the same meaning as in Part 4 of this Act.

#### **194A Inspection and copies**

- (1) The NRBW must provide reasonable facilities for inspecting the main river map for Wales in electronic form.
- (2) The NRBW must on request provide any person with—
- (a) a hard copy of all or part of the map, or
  - (b) data comprising all or part of the map in electronic form.
- (3) The NRBW may charge a fee for providing a copy or data under subsection (2), but the fee—

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- (a) must, in the case of a person appearing to the NRBW to have requested a copy or data for commercial purposes, represent a reasonable usage fee, and
  - (b) in any other case, may not exceed the reasonable costs of providing the copy or data.
- (4) The NRBW must on request provide a body mentioned in the first column of the following table with a hard copy of, or data comprising, such part of the main river map for Wales as is described in the second column of the entry for that body.

A local authority in Wales	The part that relates to the local authority's area
An internal drainage board for an internal drainage district that is wholly or partly in Wales	The part that relates to its district, so far as that district is in Wales
A water company that exercises functions in relation to an area in Wales	The part that relates to that area
A highway authority that exercises functions in relation to highways in Wales	The part that relates to the area in Wales in relation to which it exercises functions
A navigation authority that exercises functions in relation to an area in Wales	The part that relates to that area

- (5) The Documentary Evidence Act 1868 has effect as if—
- (a) the NRBW were mentioned in the first column of the Schedule to that Act;
  - (b) any member of the staff of the NRBW authorised to act on behalf of the NRBW were specified in the second column of the Schedule to that Act in connection with the NRBW;
  - (c) the regulation referred to in that Act included the main river map for Wales kept by the NRBW;
  - (d) references to a copy included references to a print-out of information kept in electronic form.

### **194B Replacing the main river map for Wales**

- (1) The NRBW may at any time replace the existing main river map for Wales for the purpose of including—
- (a) a change which, pursuant to section 194(2)(b), is required by the making, amendment or revocation of a scheme under section 137,
  - (b) a change to give effect to a determination under section 194C, or
  - (c) a change directed by the Welsh Ministers under section 194D(5) (following an appeal against a determination).
- (2) A replacement map may not include other changes.
- (3) A replacement map must specify the date on which it takes effect.

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### **194C Determinations as to main rivers**

- (1) Subject to the following provisions of this section, the NRBW may determine that—
  - (a) such watercourse or part of a watercourse in Wales as is specified in the determination is to be treated for the purposes of this Act as a main river or part of a main river;
  - (b) such watercourse or part of a watercourse in Wales as is specified in the determination (not being a watercourse designated in a scheme made under section 137) is no longer to be treated for the purposes of this Act as a main river or part of a main river.
- (2) Before making a determination under subsection (1) as regards a watercourse, the NRBW must—
  - (a) publish (in such manner as it considers appropriate) the determination it proposes to make, and
  - (b) consider representations made within the time and in the manner specified by the NRBW when publishing the determination.
- (3) The NRBW must consult the Agency before making a determination under subsection (1)—
  - (a) which affects a watercourse part of which is in Wales and part of which is in England, and
  - (b) in which it seems to the NRBW that the Agency has an interest.
- (4) Having taken such steps as are required by subsections (2) and (3), the NRBW may—
  - (a) decide not to make a determination, or
  - (b) decide to make a determination in accordance with what was proposed under subsection (2)(a) or otherwise.
- (5) The NRBW must publish (in such manner as it considers appropriate)—
  - (a) that decision;
  - (b) the terms of any determination made;
  - (c) if a determination is made, the date on which a replacement map will give effect to the determination.
- (6) The date specified under subsection (5)(c) may not be before the end of a period of six weeks beginning with the day on which the matters specified in subsection (5) are published.
- (7) The NRBW must also inform those persons affected by the proposal who made representations in accordance with subsection (2)(b) containing an objection to the proposal as to the matters referred to in subsection (5).

### **194D Appeals**

- (1) A person aggrieved by a determination under section 194C may appeal to the Welsh Ministers.
- (2) An appeal must be made before the end of a period of six weeks beginning with the day on which the matters referred to in section 194C(5) are published.

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- (3) Where an appeal is made against a determination, a replacement map under section 194B may not include a change to give effect to the determination except as specified in this section.
- (4) The Welsh Ministers may appoint a person to make a report to assist them in determining the appeal.
- (5) If the Welsh Ministers allow the appeal in whole or in part, they may by direction to the NRBW—
  - (a) specify a change to be included in a replacement map under section 194B, and
  - (b) specify the date on which that change is to take effect.
- (6) If the Welsh Ministers dismiss the appeal, the NRBW may include a change to give effect to its determination in a replacement map, the replacement map to have effect on such date as the Welsh Ministers may direct.
- (7) The Welsh Ministers may direct the NRBW to publish their decision in such manner as the direction may specify.

#### **194E Guidance**

- (1) The Welsh Ministers may from time to time issue guidance to the NRBW about the exercise of its functions under sections 194 to 194D.
- (2) The guidance may in particular include guidance as to—
  - (a) determining whether or not a watercourse or part of a watercourse is suitable to become or to remain a main river or a part of a main river;
  - (b) what kind of publication is appropriate under section 194C(2) and (5).
- (3) The NRBW must have regard to the guidance in carrying out its functions under sections 194 to 194D.”
- (3) In section 113 (interpretation of Part 4), in subsection (1), in the definition of “main river”, for “a main river map” there is substituted “ the main river map for England or the main river map for Wales ”.
- (4) In section 221 (interpretation of the Act), in subsection (1)—
  - (a) for the definition of “main river map” there is substituted—
 

““the main river map for England” has the meaning given by section 193(2);

“the main river map for Wales” has the meaning given by section 194(2);”;
  - (b) in the definition of “watercourse”, for “and 113(1)” there is substituted “ 113(1), 193(6) and 194(6) ”.

#### **Commencement Information**

**II** S. 59 in force at 1.10.2014 by S.I. 2014/1823, art. 3



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## 60 Maps of waterworks **E+W**

- (1) Section 195 of the Water Resources Act 1991 (duty of appropriate agency to keep records of location of waterworks) is repealed.
- (2) In Schedule 23 to that Act (mineral rights), in paragraph 7(2) (structures and underground works which comprise appropriate agency's undertaking), for paragraph (b) there is substituted—
  - “(b) any resource mains, discharge pipes or other underground works which are for the time being vested in the appropriate agency.”

**Status:**

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**Changes to legislation:**

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