

EXPLANATORY MEMORANDUM TO
THE WATER RESOURCES (ABSTRACTION AND IMPOUNDING)
(AMENDMENT) REGULATIONS 2008

2008 No. 165

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

This Statutory Instrument amends the Water Resources (Abstraction and Impounding) Regulations 2006¹ (“the 2006 Regulations”) to make corrections to those regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The 2006 Regulations (SI 2006/641) were reported for defective drafting by the JCSI in its 25th report of Session 2005-6. This instrument corrects the error giving rise to that report. There are no other matters of special interest.

4. Legislative Background

This instrument is made in order to amend the 2006 Regulations so as to correct the cross reference error reported by the JCSI (as mentioned above), to remove an unnecessary reference to a provision in primary legislation and to correct an error and an omission in relation to deadlines for entering certain information on to the Register of abstraction and impounding licences.

5. Extent

This instrument extends to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Defra and the Welsh Assembly Government have, respectively, policy responsibility for water resources in England and Wales and for ensuring that the Environment Agency fulfils its duty to secure the proper and efficient use of water resources. The duties of the Environment Agency include the regulation of water abstraction from sources of supply, including rivers, lakes, canals and underground sources through a system of licensing to protect rights to abstract water and minimise damage to the environment. The Environment Agency’s duties also include the regulation of impounding works.

¹ SI 2006 No.641

7.2 The 2006 Regulations dealt with procedural matters concerning applications to the Environment Agency for licences to abstract and impound water, the requirements on the Environment Agency in dealing with applications, including advertising, decisions by the Environment Agency and appeals against decisions. The regulations dealt too with the procedural arrangements for licence applications by the Environment Agency itself. They also prescribed what information must be contained on the register of abstraction and impounding licences.

7.3 This instrument corrects the mistakes in the 2006 Regulations mentioned under heading 4 above. None of the corrections give rise to any significant public, political or legal impact.

8. Impact

This instrument will have no impact on licence applicants. Consequently no further impact assessment has been undertaken in addition to the Regulatory Impact Assessment prepared in connection with the 2006 Regulations.

9. Contact

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