
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings various provisions of the Water Act 2003 (c. 37) into force on 1st January 2018.

Sections 5, 7, and 32 limit or remove certain exemptions from the restriction on abstracting water in the Water Resources Act 1991 (c. 57). Those exemptions relate to rights of navigation, harbour and conservancy authorities, rights to abstract for drainage purposes and visiting forces. Sections 8(2) and 101 make consequential amendments to the Water Resources Act 1991.

Section 73 extends to Scotland and amends section 6 of the Environment Act 1995 (c. 25) (general provisions with respect to water) to include within the scope of the Environment Agency's functions referred to in that section so much of the specified border rivers as are in England.

A Regulatory Impact Assessment was produced in connection with the Water Act 2003. This sets out the impact of removing exemptions from the restriction on abstraction to which this Order relates. A further impact assessment was produced in respect of new authorisations for water abstraction in October 2017 on the costs to business, the voluntary sector and the public sector. Copies of both impact assessments can be obtained from the Water Resources Management Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and are published on www.legislation.gov.uk alongside the Water Abstraction and Impounding (Exemptions) Regulations 2017 and the Water Abstraction (Transitional Provisions) Regulations 2017. No separate impact assessment has been produced for this instrument.