
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations provide for exemptions from the restriction on abstraction and the restriction on impounding works in the Water Resources Act 1991 (c. 57).

The Regulations provide exemptions (subject to certain conditions) for—

- (a) the transfer of water by a navigation, conservancy or harbour authority to that authority's water system and the transfer of water for use in a dry dock (regulation 3) and emergency abstractions by such authorities (regulation 4);
- (b) dewatering in the course of building or engineering works (regulation 5);
- (c) the abstraction of surface water in the course of building and engineering works (regulation 6);
- (d) the abstraction of water during dredging (regulation 7);
- (e) the abstraction of water within a managed wetland system for the management, operation or maintenance of water levels or flows in that managed wetland system (regulation 8);
- (f) the abstraction of water from saliferous strata in the brinefields in areas listed in the Schedule (regulation 9).

The Regulations provide exemptions from the restriction on impounding works in the case of the construction or alteration of impounding works—

- (a) undertaken in an emergency to avoid, or reduce the threat of, imminent loss of human life or damage to property or the environment (regulation 10);
- (b) in the area of an internal drainage board, if they are constructed by that board after the date these Regulations come into force (regulation 11);
- (c) in a managed wetland system after the date these Regulations come into force, for the management, operation or maintenance of water levels or flows in that managed wetland system (regulation 12).

A Regulatory Impact Assessment (“RIA”) was produced in connection with the Water Act 2003 (c. 37). This RIA set out the impact of removing exemptions from the restriction on abstraction to which these Regulations relate. A further impact assessment was produced in respect of new authorisations for water abstraction in October 2017. Copies of the RIA and the impact assessment can be obtained from the Water Resources Management Team, the Department for Environment, Food and Rural Affairs, Area 3D, Nobel House, 17 Smith Square, London SW1P 3JR and from the Water Branch, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ. Both are published alongside the Explanatory Memorandum on www.legislation.gov.uk.