The Secretary of State makes the following Order in exercise of the power conferred by section 125(3) of the Environment Act 1995.

Citation

1. This Order may be cited as the Environment Act 1995 (Commencement No. 24) Order 2009.

Provisions coming into force

2. The following provisions of the Environment Act 1995 come into force on 1st October 2009—
   
   (a) paragraph 2(4) of Schedule 21, for all remaining purposes; and
   
   (b) section 116, in so far as it relates to that provision.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 1st October 2009, section 116 of the Environment Act 1995 (c. 25) in so far as it relates to paragraph 2(4) of Schedule 21 to that Act. Paragraph 2(4) of Schedule 21 substitutes section 222 of the Water Resources Act 1991 (c. 57), to provide that the provisions of that Act, including Part 2, bind the Crown.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<table>
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<th>Provision</th>
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(a) 1995 c. 25.
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The Water Act 2003 (Commencement No. 10) Order 2009

The Secretary of State, in exercise of the powers conferred by section 105(3) to (6) of the Water Act 2003(a) and after consulting the Welsh Ministers(b) in relation to sections 5, 7, 8, 32 and 101 of that Act, makes the following Order.

Citation

1. This Order may be cited as the Water Act 2003 (Commencement No. 10) Order 2009.

Provisions coming into force

2. The following provisions of the Water Act 2003 come into force on 1st October 2009—
   (a) section 5 (rights of navigation, harbour and conservancy authorities);
   (b) section 7 (rights to abstract for drainage purposes);
   (c) section 8 (amendments relating to section 7), for all remaining purposes;
   (d) section 32 (visiting forces);
   (e) section 73 (border rivers);
   (f) paragraphs 3, 5 and 9 of Schedule 7 (minor and consequential amendments), and—
      (i) paragraph 1 of Schedule 7, and
      (ii) section 101(1),
      in so far as they relate to those paragraphs;
   (g) in Schedule 9 (repeals and revocation)—
      (i) the repeal of sections 29(3), 47(3), 66(2)(a) and 223 of the Water Resources Act 1991(c), and
      (ii) the repeals in relation to sections 21(9) and 47(1) of that Act, and
   section 101(2) in so far as it relates to those repeals.

Minister of State

Department for Environment, Food and Rural Affairs

(a) 2003 c. 37.
(b) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
(c) 1991 c. 57.
EXPLANATORY NOTE
(This note is not part of the Order)

This Order brings the following sections of the Water Act 2003 (c. 37) into force on 1st October 2009: sections 5, 7, 8(2), 32, 73, 101(1) (in so far as it relates to paragraphs 3, 5 and 9 of Schedule 7) and 101(2) (in so far as it relates to certain repeals of the Water Resources Act 1991 (c. 57)).

Sections 5, 7, and 32 limit or remove certain exemptions from the restriction on abstracting water in the Water Resources Act 1991. 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 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 under that section so much of the specified border rivers that are in England.

NOTE AS TO EARLIER COMMENCEMENT ORDERS
(This note is not part of the Order)

The following provisions of the Water Act 2003 have been brought into force in England and Wales by commencement order made before the date of this Order:

<table>
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s. 101(2) and Sch. 9 (partially)  1.4.2004, 28.5.2004, 2004/641,
The following provisions of the Water Act 2003 have been brought into force in England by commencement order made before the date of this Order:

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<sup>(5)</sup> Section 58(5), (6) and (8), in so far as not already in force, were brought into force by S.I. 2009/359 in relation to Scotland only.

The following provisions of the Water Act 2003 have been brought into force in Wales by commencement order made before the date of this Order:

<table>
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2009 No. 0000

WATER RESOURCES, ENGLAND AND WALES

The Water Resources (Transitional Provisions) Regulations 2009

Made - - - - 2009
Laid before Parliament 2009
Laid before the National Assembly for Wales 2009
Coming into force - - 1st October 2009

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PART 1 — Application for a licence
PART 2 — Determination of applications
PART 3 — Appeals

The Secretary of State, in relation to England, and the Welsh Ministers in relation to Wales, make the following Regulations in exercise of the powers conferred by—

(a) sections 34, 36A(5), 37(1), (4) and (6), 37A, 43(2)(a) and (3), 44(3)(a), 45, 59 and 189 of the Water Resources Act 1991(a); and

(b) sections 103(1) to (4), 103(7) and 104 of the Water Act 2003(b).

PART 1
Introduction

Citation and commencement

1. These Regulations may be cited as the Water Resources (Transitional Provisions) Regulations 2009 and come into force on 1st October 2009.

Interpretation

2.—(1) In these Regulations—
    “the 2006 Regulations” means the Water Resources (Abstraction and Impounding) Regulations 2006(c);
    “abstraction” and “source of supply” have the meanings given by section 221 of the Water Resources Act 1991, and “abstract” is to be construed accordingly;
    “licence” means a licence to abstract water under Chapter 2 of Part 2 of the Water Resources Act 1991;
    “the Agency” means the Environment Agency;
    “the appropriate authority” means—
    (a) in relation to England, the Secretary of State; and
    (b) in relation to Wales, the Welsh Ministers;
    “the restriction on abstraction” has the meaning given by section 72(1) of the Water Resources Act 1991.

(2) In these Regulations, any reference to a section is, unless the context otherwise requires, a reference to a section of the Water Resources Act 1991.

References to applications etc.

3. In these Regulations—

(a) 1991 c. 57. The power to make Regulations under this Act was transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (references to the Water Resources Act 1991 in that Schedule are treated as references to that Act as amended by the Water Act 2003 (c. 37) (“the WA”) by virtue of section 100(6) of the WA). Those functions were then transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
(b) 2003 c. 37. The power to make Regulations under section 103 of this Act was conferred, by virtue of section 103(7), on the National Assembly for Wales in relation to provision dealing with matters with respect to which functions are exercisable by the Assembly. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions were then transferred to the Welsh Ministers. By virtue of section 162 of, and paragraph 32 of Schedule 11 to, the Government of Wales Act 2006, the reference to functions exercisable by the Assembly is to be construed as being or including a reference to the functions exercisable by the Welsh Ministers.
(c) S.I. 2006/641 as amended by S.I. 2008/165.
(a) any reference to an application for a licence includes a reference to an application for a variation of an existing licence; and
(b) any reference to the grant or refusal of a licence includes a reference to a grant or refusal of a variation of an existing licence.

PART 2
Transitional licence provisions

Scope of this Part
4. This Part applies to any person who, in the four years prior to 1st October 2009, abstracted water—
   (a) from a source of supply, or
   (b) from any of the inland waters of the Rivers Tweed, Esk or Sark (or their tributaries) in England,
and who did not require a licence for that abstraction.

Transitional application procedures
5. Any person (other than the Agency) who—
   (a) falls within the scope of this Part, and
   (b) applies for a licence before 30th September 2010,
must apply for that licence in accordance with the Schedule to these Regulations instead of in accordance with Part 2 of the 2006 Regulations; and any such application must be determined in accordance with that Schedule.

Modification of the 2006 Regulations for Agency applications
6.—(1) If the Agency falls within the scope of this Part and applies for a transfer licence before 30th September 2010, paragraph 2(3) of Schedule 2 to the 2006 Regulations is modified so that the Agency is not required to specify, in the notice published in accordance with section 37, the quantity of water to be abstracted.

   (2) In this regulation, “transfer licence” has the meaning given by section 24A(1)(b).

Continuation of abstraction during transitional period
7. Notwithstanding the restriction on abstraction, a person may continue to carry out any abstraction of water described in regulation 4—
   (a) if the person applies for a licence in respect of that abstraction, until the date on which that application (including any appeal under section 43) is determined, or
   (b) if no such application is submitted, until 30th September 2010.

Register of licences
8.—(1) The register required to be kept by the Agency under section 189 must contain for each application for a licence submitted in accordance with this Part—
   (a) the name and address of the applicant;
   (b) the date of the application and brief particulars of its proposals;
   (c) particulars of any decision of the Agency or the appropriate authority on the application (including the decision on any appeal) and the date of that decision;
(d) the date of any licence granted;
(e) the date on which that licence expires; and
(f) the particulars of any notice of appeal.

(2) The Agency must—
(a) enter the information in paragraph (1)(a) and (1)(b) in the register within 28 days of receipt of a valid application (as to which see paragraph 6 of the Schedule);
(b) enter the information in paragraph (1)(c) to (1)(e) in the register within 28 days of a decision on an application; and
(c) enter the information in paragraph (1)(f) in the register within 28 days of receiving a notice of appeal.

This is subject to paragraphs (3) and (4).

(3) If any of the information in paragraph (1) falls to be determined under section 191A and the appropriate authority determines that it should be included in the register, the Agency must enter it within 28 days of receiving notice of that determination.

(4) If any of the information in paragraph (1) falls to be determined under section 191B and is determined not to be commercially confidential, the Agency must enter it in the register—
(a) within 28 days of the end of the period within which notice of appeal against that determination may be served; or
(b) if notice of appeal is served, within 28 days of the date the Agency receives notification of the determination or withdrawal of the appeal.

(5) The Agency must record in the register the date each entry is made.

(6) The Agency may keep the register, or any part of it, electronically.

PART 3

Compensation

Scope of this Part

9.—(1) This Part applies to any person, other than a public authority, who applies for a licence—
(a) under these Regulations;
(b) under the 2006 Regulations in the circumstances set out in paragraph (2).

(2) The circumstances referred to in paragraph (1)(b) are that—
(a) the nature of that person’s operations, or proposed operations, requires that person to make plans about the abstraction of water;
(b) before 1st October 2009, that person would not have required a licence in respect of any such abstraction for which that person had reasonably planned (or, if there has already been an abstraction, that person did not require a licence in respect of it); and
(c) from 1st October 2009, that person does require a licence in respect of it.

Payment of compensation

10.—(1) The Agency must pay compensation to any person falling within the scope of this Part—
(a) whose application for a licence is—
   (i) refused by the Agency, or
   (ii) granted by the Agency, but in respect of an abstraction of more limited extent than that person applied for;
(b) whose appeal under section 43 in respect of that decision by the Agency is dismissed by the appropriate authority;
(c) who has suffered loss and damage as a result; and
(d) who applies to the Agency for compensation within the deadline specified in regulation 11.

(2) But paragraph (1) does not apply where the reason for the refusal of the licence or the grant of a licence in respect of an abstraction of more limited extent than applied for is that this is necessary in order to protect from serious damage—
(a) any inland waters,
(b) any water contained in any underground strata,
(c) any underground strata themselves,
or any flora or fauna dependent on any of them.

(3) In paragraph (2), “inland waters” and “underground strata” have the meanings given by section 221.

Deadline for receipt of applications

11. An application for compensation must be made to the Agency—
(a) within 6 years of the determination of the appeal by the appropriate authority under section 44, or
(b) by 1st October 2024,
whichever is the earlier.

Disputed compensation

12.—(1) Any question of disputed compensation must be referred to, and determined by, the Lands Tribunal.

(2) The provisions of sections 2 and 4 of the Land Compensation Act 1961(a) apply, subject to any necessary modifications, in relation to the determination of any such compensation.

Calculation of compensation

13.—(1) For the purpose of assessing compensation in respect of loss or damage consisting of depreciation of the value of an interest in land, the rules in section 5 of the Land Compensation Act 1961(b) (so far as applicable and subject to any necessary modifications) have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(2) Where that interest in land is subject to a mortgage—
(a) the compensation is to be assessed as if the interest were not subject to the mortgage;
(b) a claim for the compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
(c) no such compensation is payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage);
(d) any such compensation which is payable in respect of the interest which is subject to the mortgage is to be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee, and must in either case be applied by that person as if it were proceeds of sale.

(a) 1961 c. 33. Section 2 of that Act was amended by the Local Government, Planning and Land Act 1980, section 193 and paragraph 5 of Schedule 33.
(b) Section 5 was amended by the Planning and Compensation Act 1991, sections 70 and 84, Schedule 15, paragraph 1 and Schedule 19, Part 3.
Meaning of public authority

14.—(1) In this Part, “public authority” means any of the following—
(a) a Minister of the Crown;
(b) the Welsh Ministers and Deputy Welsh Ministers;
(c) a public body (including a government department, a local authority and a local planning authority);
(d) a person holding an office—
   (i) under the Crown,
   (ii) created or continued in existence by a public general Act, or
   (iii) the remuneration in respect of which is paid out of money provided by Parliament;
(e) a statutory undertaker.

(2) In paragraph (1)—
“local authority” means—
(a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
(b) in relation to Wales, a county council, a county borough council or a community council; “local planning authority” has the same meaning as in the Town and Country Planning Act 1990(a);
“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975(b);
“statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.

Name
Minister of State

Date Department for Environment, Food and Rural Affairs

Name
Date Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

SCHEDULE
Regulation 5

Application for and determination of licences

CONTENTS

PART 1
Application for a licence

1. Submission of licence applications
2. Information to be included in an application
3. Manner of application

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(b) 1975 c. 26.
4. Provision of additional information
5. Type of application

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6. Interpretation
7. Provision of information
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9. Abstraction in National Parks or the Broads
10. Notification of a decision

PART 3
Appeals

11. Appeals procedure: section 36A(4)
12. Appeals procedure: section 43
13. Prescribed periods

PART 1
Application for a licence

Submission of licence applications
1. An application for a licence must be submitted to the Agency.

Information to be included in an application
2. An application must include—
   (a) details of any abstraction from the source of supply that is the subject of the application carried out in the four years prior to 1st October 2009; and
   (b) such other information, including maps, as the Agency may reasonably require to determine the application.

Manner of application
3.—(1) An application—
   (a) subject to paragraph (c), must be made on a form issued by the Agency for the purpose;
   (b) must be accompanied by any fee payable under section 41(1)(a) of the Environment Act 1995(a);
   (c) may be made electronically in a form accessible by the Agency.

   (2) The form referred to in sub-paragraph (1)(a) and the information referred to in paragraph 2 must be provided in duplicate unless the Agency agrees to accept a single copy or they are provided electronically.

Provision of additional information
4. The Agency may, following receipt of an application, require the applicant to submit any further information or reports that it considers necessary to determine that application.

(a) 1995 c. 25.
Type of application

5. The Agency may decide that—

(a) an application for a new licence ought to be for a variation of an existing licence; or
(b) an application for a variation of an existing licence ought to be for a new licence,

and may proceed with the application accordingly.

PART 2
Determination of applications

Interpretation

6. In this Part, “valid application” means an application that complies with the provisions of paragraphs 1 to 4.

Provision of information

7.—(1) The Agency must, by 31st March 2012, provide the applicant with the following information in relation to a valid application—

(a) whether a notice of the application has been or will be published in accordance with section 37(1);
(b) the date by which the applicant must be notified of the Agency’s decision on the application (as to which, see paragraph 10(1));
(c) the applicant’s entitlement to appeal, in accordance with section 43(1)(b), against any failure by the Agency to give notice, within the time period prescribed by paragraph 10(1) of its decision on the application.

(2) But if, when it receives the application, the Agency serves a notice on the applicant under section 36A of the Act, and the applicant appeals against that notice, the Agency must provide the information by that date or within 28 days of the final determination of that appeal, whichever is the later.

Publication of an application

8.—(1) For the purposes of section 37(1), notice of an application must be published in at least one newspaper circulating in the locality of the proposed point of abstraction and on the Agency’s website.

(2) The notice must be published by—

(a) 31st March 2012; or
(b) if there is an appeal under section 36A in relation to the application, within 28 days of the determination of that appeal or by 31st March 2012, whichever is the latest.

(3) The notice must specify—

(a) the name of the applicant;
(b) the type of licence being applied for;
(c) the purpose of the abstraction;
(d) the point of abstraction;
(e) the period over which abstraction will take place;
(f) in the case of an application for a full licence, the quantity of water to be abstracted;
(g) where and when the application documents and the register containing details of the application may be inspected, and that such inspection is free of charge; and
(h) the address to which any representations in relation to the application should be sent.

(4) The notice must not include any information that is to be excluded from a register by virtue of section 191A or 191B.

(5) In this paragraph, “full licence” has the meaning given by section 24A(1)(a).

(6) Subsections (1) and (2) of section 37 do not apply to any application if the appropriate authority notifies the Agency that complying with those requirements in relation to that application would be contrary to the interests of national security.

(7) The requirements of subsections (1) and (2) of section 37 may be dispensed with if it appears to the Agency that the proposed abstraction would have no appreciable adverse effect on the environment.

Abstraction in National Parks or the Broads

9.—(1) This paragraph applies in the case of a valid application relating to abstraction in the area of a National Park or the Norfolk or Suffolk Broads.

(2) The Agency must serve notice in writing of that application on the National Park authority for that Park or the Broads Authority, as the case may be, by 31st March 2012.

(3) The notice must include—
   (a) a copy of the application; and
   (b) a statement that that National Park authority or Broads Authority may make representations in writing to the Agency in relation to the application within 3 months, beginning on the date on which the notice is served.

(4) The Agency—
   (a) must not decide on the application until the end of the 3 month period referred to in subparagraph (3)(b); and
   (b) must have regard to any representations made by the Broads Authority or National Park authority when deciding on the application.

(5) This paragraph does not apply if the appropriate authority notifies the Agency that giving such notice would be contrary to the interests of national security.

Notification of a decision

10.—(1) The Agency must, by 30th September 2015, notify the applicant in writing of its decision on an application for a licence.

(2) If the Agency grants a licence on terms that are different in any material respect from the application, or refuses an application, the notification must—
   (a) include a statement of the Agency’s reasons for doing so; and
   (b) state the applicant’s entitlement to appeal under section 43(1).

PART 3
Appeals

Appeals procedure: section 36A(4)

11.—(1) The period within which any notice of appeal under section 36A(4) must be served is 28 days from the date on which notice of the decision to which the appeal relates is served on the applicant.

(2) A notice of appeal under section 36A(4) must state the grounds for appeal and be accompanied by a copy of—
   (a) the application to which the appeal relates;
(b) any information or report submitted to the Agency with the application;
(c) the notice of the decision on the application; and
(d) all other relevant correspondence with the Agency.

Appeals procedure: section 43

12.—(1) For the purposes of section 43(3)(b), the prescribed period is 28 days.

(2) A notice of appeal under section 43 must state the grounds for appeal and be accompanied by a copy of—
(a) the application to which the appeal relates;
(b) any information or report submitted to the Agency with the application;
(c) the notice of the decision on the application, if any; and
(d) all other relevant correspondence with the Agency.

(3) The Agency must, within 14 days of receiving a notice of appeal under section 43, serve a copy of that notice on—
(a) any person who, within the period referred to in section 37(4)(b) made representations in writing in relation to the application; and
(b) any authority served with a notice in accordance with paragraph 9(2) that, within the period referred to in paragraph 9(3)(b), made representations in writing in relation to the application.

(4) When serving a copy of a notice of appeal, the Agency must notify the recipient in writing—
(a) that the recipient may make further representations in writing in relation to the appeal; and
(b) of where any such representations must be sent; and
(c) of the date by which those representations must be received.

Prescribed periods

13.—(1) The prescribed period for the purposes of section 44(3)(a) is 21 days from the date on which notice of appeal is served on the persons mentioned in section 43(5).

(2) The prescribed period for the purposes of section 45(2)(b) is 21 days from the date on which notice of appeal is served on the authority.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations contain transitional provisions relating to the licensing of water abstraction by certain categories of persons, in the light of amendments made by the Water Act 2003 (c. 37) to the Water Resources Act 1991 (c. 57). Those amendments, which come into force on the same date as these Regulations, limit or remove certain exemptions from the restriction on abstracting water in the Water Resources Act 1991.

Part 2 and the Schedule set out the procedural requirements for making and determining certain licence applications and appeals. Regulation 4 provides that these requirements only apply to applicants who, in the four years before the coming into force of these Regulations, carried out an abstraction to which the restriction on abstraction did not apply, including an abstraction from any of the inland waters of the Rivers Tweed, Esk or Sark that are in England. Regulation 5 provides that these requirements apply to an application made before 30th September 2010 (other than an application made by the Environment Agency) instead of the provisions in Part 2 of the Water Resources (Abstraction and Impounding) Regulations 2006 (S.I. 2006/641).
Regulation 8 makes provision for completion of the register required by section 189 of the Water Resources Act 1991, in respect of licence applications covered by these Regulations.

Part 3 provides for the payment of compensation to certain persons whose application for a licence is refused or granted but in respect of an abstraction of more limited extent than applied for. Regulation 9 sets out the classes of persons to whom compensation is payable. Regulation 10 sets out the circumstances in which compensation is payable. Regulation 11 provides that applications for compensation must be made to the Environment Agency within 6 years of the determination of an appeal under section 44 of the Water Resources Act 1991 or by 1st October 2024, whichever is earliest. Regulation 12 provides that any question of disputed compensation is to be determined by the Lands Tribunal.

A Regulatory Impact Assessment (“RIA”) was produced in connection with the Water Act 2003. This RIA sets out the impacts of removing exemptions from the restriction on abstraction to which these Regulations relate. A copy of the RIA can be obtained from Water Supply and Regulation, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL and from Water Policy, Climate Change and Water Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.
The Water Resources (Exemptions) Regulations 2009

Made - - - - ***
Laid before Parliament ***
Laid before National Assembly for Wales ***
Coming into force - 1st October 2009

CONTENTS

1. Title and commencement
2. Interpretation
3. Rights of navigation, harbour and conservancy authorities
4. Rights to abstract in the course of dredging
5. Rights to abstract from water meadows
6. Rights to abstract from the Cheshire Brinefields
7. Rights of internal drainage boards to construct impounding works
8. Rights to construct impounding works in a water meadow
9. Licences
10. Transitional provision regarding water meadows

SCHEDULE — Areas to which regulation 6(1) applies

The Secretary of State in relation to England and the Welsh Ministers in relation to Wales make the following Regulations in exercise of the powers conferred by sections 33A and 219(2)(f) of the Water Resources Act 1991(a).

Title and commencement

1. These Regulations may be cited as the Water Resources (Exemptions) Regulations 2009 and come into force on 1st October 2009.

(a) 1991 c. 57. Section 33A was inserted by section 9 of the Water Act 2003 (c. 37). The functions under section 33A were transferred, in relation to Wales, to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
Interpretation

2.—(1) In these Regulations—

“normal tidal limit” means the normal tidal limit as marked on the Ordnance Survey maps (1:25,000 scale);

“water meadow” means—

(a) any meadow that is periodically inundated with water, or

(b) any area of land through which water flows,

through a system of channels, sluices, carriers or other apparatus.

(2) In these Regulations, references to alteration, in relation to impounding works, include the removal or partial removal of those works and cognate expressions are construed accordingly.

Rights of navigation, harbour and conservancy authorities

3.—(1) The restriction on abstraction does not apply to any abstraction of water that is carried out by, or on behalf of, a navigation authority, harbour authority or conservancy authority if—

(a) the purpose of the abstraction is a transfer, without intervening use, of water from any inland waters downstream of the normal tidal limit to a water system in relation to which the authority has functions; and

(b) the water is abstracted at any time other than in the hour before or in the hour after low tide at the point of abstraction.

(2) In this regulation, “water system” has the meaning given by section 26(5) of the Water Resources Act 1991.

Rights to abstract in the course of dredging

4.—(1) The restriction on abstraction does not apply to any abstraction of water in the course of dredging—

(a) in any inland waters downstream of the normal tidal limit;

(b) in any inland waters upstream of the normal tidal limit, if that dredging is carried out by, or on behalf of, any authority in the exercise of its functions in those inland waters.

(2) In this regulation, “authority” means the Environment Agency, any navigation authority, harbour authority, conservancy authority, any internal drainage board or any local authority.

Rights to abstract from water meadows

5. The restriction on abstraction does not apply to any abstraction of water from a water meadow if—

(a) the abstraction is for the sole purpose of the management, operation or maintenance of water levels or flows in that water meadow; and

(b) the Environment Agency has given consent in writing to the abstraction in accordance with regulation 84B(2) of the Conservation (Natural Habitats, &c) Regulations 1994(a).

Rights to abstract from specified saliferous strata

6.—(1) The restriction on abstraction does not apply to the abstraction of water from the saliferous strata underlying the surface of the land in the areas listed in the Schedule(b).

(2) In this regulation, “saliferous strata” means strata which (whether in their natural state or when water is artificially introduced) yield an aqueous solution with a salt content of more than one hundred thousand milligrammes per litre.

(a) S.I. 1994/2716; amended by S.I. 2000/192 and 2007/1843; there are other amending instruments but none are relevant.

(b) These areas are delineated on a map available from the Environment Agency at www.environment-agency.gov.uk.
Rights of internal drainage boards to construct impounding works

7. The restriction on impounding works does not apply to the construction or alteration of impounding works within the district of an internal drainage board if—
   (a) such works are constructed or altered by, or on behalf of, that board in connection with its functions; and
   (b) construction or alteration is commenced after the coming into force of these Regulations.

Rights to construct impounding works in a water meadow

8. The restriction on impounding works does not apply to any impounding works in a water meadow if—
   (a) they are constructed or altered after the coming into force of these Regulations for the sole purpose of the management, operation or maintenance of water levels or flows in that water meadow; and
   (b) the Environment Agency has given consent in writing to those impounding works in accordance with regulation 84B(2) of the Conservation (Natural Habitats, &c) Regulations 1994.

Licences

9. A licence to abstract water granted under Chapter 2 of the Water Resources Act 1991 ceases to have effect to the extent that it authorises an activity falling within regulation 4 or regulation 5.

Transitional provision regarding water meadows

10. Any person who, in the four years prior to the coming into force of these Regulations, abstracted water from a water meadow for the sole purpose of the management, operation or maintenance of water levels or flows in that water meadow, may continue that abstraction until—
   (a) the date an application for written consent to that abstraction under regulation 84B(2) of the Conservation (Natural Habitats, &c) Regulations 1994 is determined by the Environment Agency; or
   (b) if no such application is submitted, 30th September 2010.

Minister of State
Date
Department for Environment, Food and Rural Affairs

Date
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

SCHEDULE
Regulation 6(1)
Areas to which regulation 6(1) applies

The following civil parishes in the county of Cheshire—

<table>
<thead>
<tr>
<th>Acton</th>
<th>Allostock</th>
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<tr>
<td>Agden</td>
<td>Alpraham</td>
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<tr>
<td>Alsager</td>
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</tbody>
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3
Anderton with Marbury
Arclid
Ashley
Aston By Budworth
Aston Juxta Mondrum
Audlem
Austerson
Baddiley
Baddington
Barthomley
Barton
Bastford
Beeston
Betchton
Bexton
Bickerton
Bickle
Blakenhall
Bostock
Bradley
Bradwall
Bretton
Bridgemere
Brindley
Broomhall
Buerton
Bulkeley
Bunbury
Burland
Byley
Calveley
Checkley cum Wrinehill
Chelford
Chidlow
Cholmondeley
Cholmondeston
Chorley
Chorlton
Church Lawton
Church Minshull
Comberbach
Congleton
Coole Pilate
Crew Green
Darnhall
Davenham
Delamere
Dodcott cum Wilkesley
Doddington
Edleston
Egerton
Faddiley
Great Budworth
Great Warford
Hampton
Hankelow
Hartford
Haslington
Hassall
Hatherton
Haughton
Henbury
Henhull
Hough
Hunsterson
Hurleston
Knutsford
Lea
Little Bollington
Little Budworth
Little Warford
Lostock Gralam
Lower Withington
Macefen
Marbury cum Quoisley
Marston
Marthall
Marton
Mere
Middlewich
Millington
Mobberley
Moreton cum Alcumlow
Moston
Moulton
Nantwich
Nether Alderley
Nether Peover
Newbold Astbury
Newhall
Norbury
Northwich
Oakmere
Odd Rode
Peckforton
Peover Inferior
Peover Superior
Pickmere
Plumley
Poole
Ridley
Rostherne
Rudheath
Rushon
Sandbach
Siddington
Smallwood
Snelsor
Sound
Sproston
Spurstow
Stanhorne
Stapeley
Stoke
Tabley Inferior
Tabley Superior
Tarporley
Tatton
Tilstone Fearnall
Tiverton
Toft
Tushingham cum Grindley
Utckinton
Walgerton
Wardle
Warmingham
Weston
Wettenhall
Whitegate and Marton
Wigland
Willaston
Wimboldsley
Wincham
Winsford
Wirswall
Worleston
Wrenbury cum Frith
Wybunbury

The following civil parishes in the county of Shropshire—

Whitchurch Rural
Whitchurch Urban
Whixall
Woore

The following civil parishes in the county of Staffordshire—

Audley Rural
Balterley
Betley

The following civil parishes in Trafford District—

Dunham Massey
Warburton

The following civil parish in Manchester District—

Ringway

The following civil parish in Warrington—
EXPLANATORY NOTE
(This note is not part of these Regulations)

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

They provide exemptions from the restriction on abstraction for—

(a) the transfer of water by a navigation, conservancy or harbour authority to that authority’s water system (regulation 3);

(b) the abstraction of water during dredging (regulation 4);

(c) the abstraction of water from a water meadow for the management, operation or maintenance of water levels or flows in that water meadow (regulation 5); and

(d) the abstraction of water from saliferous strata in the brinefields in areas listed in the Schedule (regulation 6(1)).

They provide exemptions from the restriction on impounding works in the case of the construction of impounding works—

(a) in the area of an internal drainage board if they are constructed by that board after the date these Regulations come into force (regulation 7); and

(b) in a water meadow after the date these Regulations come into force for the management, operation or maintenance of water levels or flows in that water meadow (regulation 8).

A Regulatory Impact Assessment (“RIA”) was produced in connection with the Water Act 2003 (2003 c. 37). This RIA sets out the impacts of providing exemptions from the restriction on abstraction to which these Regulations relate. A copy of the RIA can be obtained from Water Supply and Regulation, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL and from Water Policy, Climate Change and Water Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.
WATER, ENGLAND
WATER RESOURCES, ENGLAND

The Water Resources (Miscellaneous Revocations and Repeals) Order 2009

Made - - - - ***
Laid before Parliament ***
Coming into force - - 1st October 2009

The Secretary of State makes the following Order in exercise of the powers conferred by section 10(1) and (7) of the Water Act 2003(a).

Title and commencement

1. This Order may be cited as the Water Resources (Miscellaneous Revocations and Repeals) Order 2009 and comes into force on 1st October 2009.

Revocation of Orders

2. — (1) The Orders in Part 1 of the Schedule are revoked(b).

(2) The Orders in Part 2 of the Schedule are revoked in so far as they relate to inland waters or underground strata in England.

Northumbrian Water Authority Act 1981

3. The following sections of the Northumbrian Water Authority Act 1981 (c) are repealed—

(a) section 4 (exception of small abstractions from licensing control);

(b) section 5(2)(c) (orders under section 4 of that Act); and

(c) section 6 (classification of springs for exemption from licensing control), in so far as it relates to section 4 of that Act.

Minister of State

Date

Department for Environment, Food and Rural Affairs

(a) 2003 c. 37. For the definition of “the appropriate authority”, see section 10(3) of this Act.

(b) The Orders in the Schedule were made under section 25 of the Water Resources Act 1963 (c. 38). This section was repealed by section 3(1) of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60). The 1991 Act, by virtue of section 2(2) and Schedule 2, paragraph 1, provides that any subordinate legislation made under the 1963 Act is to have effect as if made under section 33 of the Water Resources Act 1991 (c. 57). Such legislation continues in force, despite the repeal of section 33 of the Water Resources Act 1991, by virtue of section 10(11) of the Water Act 2003.

(c) 1981 c. xxvii.
SCHEDULE

PART 1
Orders revoked in full
The Bristol River Avon Authority (Exceptions from Control) Order 1967(a)
The Somerset River Authority (Exceptions from Control) Order 1967(b)
The Devon River Authority (Exceptions from Control) Order 1970(c)
The Great Ouse River Authority (Exceptions from Control) Order 1970(d)
The Northumbrian Water Authority (Exemption from Licensing Control) Order 1984(e)

PART 2
Orders revoked in so far as they relate to England
The Dee and Clwyd River Authority (Exceptions from Control) Order 1966(f)
The Severn River Authority (Exceptions from Control) Order 1967(g)
The Mersey and Weaver River Authority (Exceptions from Control) Order 1968(h)

EXPLANATORY NOTE
(This note is not part of the Order)
This Order revokes Orders deemed to be made under section 33 of the Water Resources Act 1991 (c. 57). Those Orders provide exemptions from the restrictions on abstraction of water in section 24 of that Act.

It also repeals sections 4, 5(2)(c) and 6 (in so far as it relates to section 4) of the Northumbrian Water Authority Act 1981 (c. xxvii). Section 4 of that Act provides the Secretary of State with power to make orders exempting certain abstractions of water in the Northumbrian Water Authority’s area from the restrictions on abstraction imposed by the Water Resources Act 1991.

A Regulatory Impact Assessment (“RIA”) was produced in connection with the Water Act 2003 (c. 37). This RIA sets out the impacts of removing exemptions from the restriction on abstraction to which these Regulations relate. A copy of the RIA can be obtained from Water Supply and Regulation, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL and from Water Policy Branch, Climate Change and Water Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

(a) S.I. 1967/1137.
(b) S.I. 1967/1970.
(c) S.I. 1970/137.
(d) S.I. 1970/1344.
(e) S.I. 1984/209.
(f) S.I. 1966/646.
(g) S.I. 1967/1971.
(h) S.I. 1968/910.
The Water Resources (Miscellaneous Revocations and Repeals) (Wales) Order 2009

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A Regulatory Impact Assessment ("RIA") was produced in connection with the Water Act 2003 (c. 37). This RIA sets out the impacts of removing exemptions from the restriction on abstraction to which this Order relates. A copy of the RIA can be obtained from Water Policy Branch, Climate Change and Water Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ and from Water Supply and Regulation, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL.
2009 No. (W. )

WATER, WALES

WATER RESOURCES, WALES

The Water Resources (Miscellaneous Revocations and Repeals) (Wales) Order 2009

Made

Laid before the National Assembly for Wales

Coming into force 1 October 2009

The Welsh Ministers make the following Order in exercise of the powers conferred by section 10(1) of the Water Act 2003(1).

Title and commencement

1. The title of this Order is the Water Resources (Miscellaneous Revocations and Repeals) (Wales) Order 2009 and comes into force on 1 October 2009.

Revocation of Orders

2.—(1) The Orders in Part 1 of the Schedule are revoked(2).

(2) The Orders in Part 2 of the Schedule are revoked in so far as they relate to inland waters or underground strata in Wales.

Name

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

Date

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(1) 2003 c. 37. For the definition of “the appropriate authority”, see section 10(3) of this Act.

(2) The Orders in the Schedule were made under section 25 of the Water Resources Act 1963 (c. 38). This section was repealed by section 3(1) of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60). The 1991 Act, by virtue of section 2(2) and Schedule 2, paragraph 1, provides that any subordinate legislation made under the 1963 Act is to have effect as if made under section 33 of the Water Resources Act 1991 (c. 57).
SCHEDULE

PART 1
The Gwynedd River Authority (Exceptions from Control) Order 1965(1)
The South West Wales (Exceptions from Control) Order 1965(2)
The Glamorgan River Authority (Exceptions from Control) Order 1966(3)
The Usk River Authority (Exceptions from Control) Order 1973(4)

PART 2
The Dee and Clwyd River Authority (Exceptions from Control) Order 1966(5)
The Severn River Authority (Exceptions from Control) Order 1967(6)
The Mersey and Weaver River Authority (Exceptions from Control) Order 1968(7)

(1) S.I. 1965/1661.
(2) S.I. 1965/1970.
(3) S.I. 1966/309.
(5) S.I. 1966/646.
(7) S.I. 1968/910.