STATUTORY INSTRUMENTS

2006 No. 1424

WATER RESOURCES, ENGLAND

The Mid Kent Water (Non-Essential Use) Drought Order 2006

Made - - - -	*25th May 2006*
Coming into force - -	*26th May 2006*

The Secretary of State is satisfied, as mentioned in section 73(1)(a) of the Water Resources Act 1991(**a**) ("the Act") that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water is threatened in the area of supply of Mid Kent Water Limited ("the Company").

An application to the Secretary of State has been made by the Company for an ordinary drought order under section 73(3)(b) of the Act(**b**).

The Secretary of State is satisfied that the proper notices of the application have been published and served by the Company in accordance with paragraph 1 of Schedule 8 to the Act(**c**).

Certain objections to the application have been made to the Secretary of State.

In accordance with paragraph 2(1)(b) of Schedule 8 to the Act, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose has been afforded to the objectors, the Company and other persons to whom it appeared to the Secretary of State expedient to afford such an opportunity.

Under section 74(2)(b) of the Act, the Secretary of State has given to water undertakers generally a direction dated 18th April 1991 and entitled the Drought Direction 1991(**d**).

It appears to the Secretary of State expedient, with a view to meeting the deficiency of supplies of water in the Company's area of supply, to authorise the Company, under section 74(2)(b) of the Act, to prohibit or limit the use of water which it supplies in that area for certain purposes, being the purposes set out in the Drought Direction 1991, other than the use of water for the purposes of filling ornamental ponds that are wildlife garden ponds.

(**a**) 1991 c.57; section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25).

(**b**) Section 73(3) of the Water Resources Act 1991 was amended by paragraphs 128, and 139(1) and (3), of Schedule 22 to the Environment Act 1995 (c.25).

(**c**) Paragraph 1(2) of Schedule 8 was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 (c.25) and section 22(5) of, and paragraph 3(7) of Part 1 of Schedule 11 to, the Local Government (Wales) Act 1994 (c.19).

(**d**) A copy of the Drought Direction 1991 can be obtained from Water Supply & Regulation Division, Department of Environment, Food and Rural Affairs, Room 304, 55 Whitehall c/o 3-8 Whitehall Place, London SW1A 2HH.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 73(1), 74(2)(b) and 74(5)(a) of, and paragraph 2(5) of Schedule 8 to, the Act(**a**):

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Mid Kent Water (Non-Essential Use) Drought Order 2006.

(2) This Order shall come into force on 26th May 2006.

(3) In this Order—

"the Company" means Mid Kent Water Limited; and

"wildlife garden ponds" means ponds in private gardens which are primarily managed or kept to provide a natural habitat for wild animals.

(4) This Order applies in relation to water supplied by the Company in any part of its area of supply.

Power to prohibit or limit the use of water for certain purposes

2. The Company may prohibit or limit the use of water for any of the following purposes—

(a) the watering, by hosepipe, sprinkler or other similar apparatus, of—

(i) gardens (other than market gardens), including lawns, verges and other landscaped areas,

(ii) allotments,

(iii) parks, or

(iv) any natural or artificial surfaces used for sport or recreation,

whether publicly or privately owned;

(b) the filling (whether wholly or partially) of privately owned swimming pools, other than—

(i) pools designed to be used in the course of a programme of medical treatment;

(ii) the filling of pools where necessary in the course of their construction;

(c) the filling (whether wholly or partially) of ornamental ponds other than fish ponds and wildlife garden ponds;

(d) the operation of mechanical vehicle washers, whether automatic or not;

(e) the washing of road vehicles, boats, railway rolling stock or aircraft for any reason other than safety or hygiene;

(f) the cleaning of the exterior of buildings, other than windows;

(g) the cleaning of windows by hosepipe, sprinkler or other similar apparatus;

(h) the cleaning of industrial premises or plant for any reason other than safety or hygiene;

(i) the operation of ornamental fountains or cascades, including those where water is recycled; and

(j) the operation, in relation to any building or other premises, of any cistern which flushes automatically, during any period when those premises are wholly or substantially unoccupied.

(**a**) Section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25).

Duration of authorisation

3. The authorisation given by article 2 shall cease to have effect on 25th November 2006.

Richard Wood
Head of Water Supply and Regulation Division, for and on behalf of the Secretary of State for Environment, Food and Rural Affairs

25th May 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made on the application of Mid Kent Water Limited ("the Company"), makes provision to meet a serious deficiency of supplies of water which is threatened in its area of supply as a result of an exceptional shortage of rain.

It authorises the Company to prohibit or limit the use of water supplied by it for certain purposes, being purposes set out in the Drought Direction 1991, other than the use of water for the purposes of filling ornamental ponds that are wildlife garden ponds.

The authorisation given by this Order ceases to have effect on 25th November 2006.

A copy of the Drought Direction, which was given by the Secretary of State to water undertakers generally on 18th April 1991, can be obtained from Water Supply & Regulation Division, Department of Environment, Food and Rural Affairs, Room 304, 55 Whitehall c/o 3-8 Whitehall Place, London SW1A 2HH.

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