STATUTORY INSTRUMENTS

2017 No. 1046

WATER RESOURCES, ENGLAND

The Water Abstraction (Revocations etc.) (England) Order 2017

Made - - - -	*30th October 2017*
Laid before Parliament	*31st October 2017*
Coming into force - -	*1st January 2018*

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

Citation and commencement

1. This Order may be cited as the Water Abstraction (Revocations etc.) (England) Order 2017 and comes into force on 1st January 2018.

Revocations

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

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

Amendment of the Northumbrian Water Authority Act 1981

3.—(1) The Northumbrian Water Authority Act 1981(**c**) is amended as follows.

(2) Omit section 4 (exception of small abstractions from licensing control).

(3) In subsection (2) of section 5 (registration of abstractions excepted from licensing control)—

(a) at the end of paragraph (b) omit "; and";

(b) omit paragraph (c).

(4) In section 6 (classification of springs for exception from licensing control) omit the words from "or for an order" to "this Act".

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

30th October 2017

(**a**) 2003 c. 37. See section 10(3) for the definition of "the appropriate authority".

(**b**) The Orders in the Schedule were made under section 25 of the Water Resources Act 1963 (c. 38). This section was repealed by Part 1 of Schedule 3 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60). The 1991 Act, by virtue of paragraph 1 of Schedule 2, provides that any subordinate legislation made under the Water Resources Act 1963 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

Article 2

Revocations

PART 1

Revocation of Orders

— The Bristol Avon River 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

Revocation of Orders 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) which were saved following the repeal of that section by section 10(11) of the Water Act 2003 (c. 37). Those Orders provide exemptions from the restrictions on abstraction of water set out in section 24 of that Act.

It also amends the Northumbrian Water Authority Act 1981 (c. xxvii) in relation to provisions which relate to exemptions for certain abstractions of water. Section 4 of that Act provided the Secretary of State with power to make orders exempting certain abstractions of water in the then Northumbrian Water Authority's area from the restrictions on abstraction imposed by the Water Resources Act 1963 (c. 38) (now read as the corresponding restrictions on abstraction imposed by the Water Resources Act 1991).

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 this Order relates. 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. Both are published together with an Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

(**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.

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