STATUTORY INSTRUMENTS

2017 No. 1042

WATER RESOURCES, ENGLAND AND WALES

The Water Abstraction (Specified Enactments) Regulations 2017

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

The Secretary of State makes the following Regulations in exercise of the power conferred by section 102(5)(b) of the Water Act 2003(**a**).

Citation and commencement

1. These Regulations may be cited as the Water Abstraction (Specified Enactments) Regulations 2017 and come into force on 1st January 2018.

Specified enactments

2. The following provisions of the Water Resources Act 1991(**b**) are specified for the purposes of section 102(5)(b) of the Water Act 2003—

(a) section 21 (minimum acceptable flows)(**c**);

(b) section 39(2) and (5) (which relate to existing rights and privileges)(**d**);

(c) section 40 (obligations to take river flow etc. into account)(**e**).

Thérèse Coffey
Parliamentary Under Secretary of State
30th October 2017 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations specify enactments for the purposes of section 102(5)(b) of the Water Act 2003 (c. 37). Section 102(5)(b) provides that nothing in those specified enactments prevents the

(**a**) 2003 c. 37; section 102 was amended by S.I. 2013/755 (W. 90).
(**b**) 1991 c. 57.
(**c**) Section 21 was amended by paragraphs 128 and 133 of Schedule 22 to the Environment Act 1995 (c. 25), by section 8 and Part 1 of Schedule 9 to the Water Act 2003, and by S.I. 1997/2971, 2002/2626 and 2013/755 (W. 90).
(**d**) Section 39(2) and (5) was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 and by S.I. 2013/755 (W. 90).
(**e**) Section 40 was amended by paragraph 128 of Schedule 22 to the Environment Act 1995, by paragraph 3 of Part 1 of Schedule 7 to the Water Act 2003 and by S.I. 2013/755 (W. 90).

Environment Agency or the Natural Resources Body for Wales ("the appropriate agency") from granting a licence under Chapter 2 of Part 2 of the Water Resources Act 1991 (c. 57) in respect of abstractions of water described in that section.

The Regulatory Impact Assessment produced in connection with the Water Act 2003 (setting out the impacts of removing exemptions from the restriction on abstraction) is relevant to this instrument. A further impact assessment was produced in respect of new authorisations for water abstraction in October 2017. Copies of both impact assessments 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.

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