Water Resources Act 1971

1971 CHAPTER 34

An Act to make further provision with respect to the discharge of water by or by agreement with river authorities, and for connected purposes.

[27th May 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Discharge of water by or by agreement with river authorities.

1.—(1) If it appears to the Minister that it is appropriate to make an order under this section with a view to facilitating the performance by a river authority of any of their new functions, he may on the application of the authority make an order authorising the authority, subject to compliance with such conditions (if any) as may be specified in the order, to discharge water into any inland water or underground strata.

(2) The provisions of the Schedule to this Act shall have effect with respect to applications and orders under this section.

(3) A person who suffers damage which is attributable to any discharge of water made by a river authority in pursuance of an order under this section shall be entitled to recover compensation from the authority in respect of the damage; and any extra expenditure which it becomes reasonably necessary for a public authority to incur for the purpose of properly discharging their statutory functions and which is so attributable shall for the purposes of this subsection be deemed to be damage suffered by them and so attributable.

Subsections (5) to (7) of section 46 of the principal Act (which relate to compensation under that section) shall apply to compensation under this subsection as they apply to compensation under that section.

(4) A river authority and any statutory water undertakers may, with the consent of the Minister, enter into an agreement with respect to the discharge of water from any works belonging to the undertakers; and subsections (3) to (6) of section 81 of the principal Act (which contain supplemental provisions with respect to agreements under that section) shall apply to agreements under this subsection as they apply to agreements under that section but as if in the said subsection (3) for the words "river authority" there were substituted the word "parties".

(5) Where, in accordance with requirements made by a river authority in pursuance of an agreement entered into either by virtue of the preceding subsection or otherwise, a person other than the authority makes any discharge of water which if it were made by the authority would be authorised by an order in force under this section, the discharge shall be treated for the purposes of the order and subsection (3) of this section as made by the authority.

Supplemental. 1963 c. 38.

2.—(1) In this Act—

"the principal Act" means the Water Resources Act 1963 as amended by or under any enactment and, in so far as any provisions of that Act are applied by or under any enactment, includes those provisions as so applied; and

"public authority" includes any company authorised by a local enactment to supply water.

(2) Expressions used in this Act and the principal Act have the same meanings in this Act as in that Act, and—

(*a*) it is hereby declared that any reference to a river authority in this Act includes a reference to the Conservators of the River Thames and the Lee Conservancy Catchment Board;

(*b*) in relation to the said Conservators and Catchment Board the reference in section 1(1) of this Act to new functions is a reference to the functions for the time being conferred on them by an order under section 125 of the principal Act.

(3) Subsection (4) of section 1 of the principal Act (which relates to the meaning of "the Minister" in that Act) shall have effect as if the provisions of this Act were included among the sections specified in that subsection; and sections 120, 132(4) and 133(1) of the principal Act (which relate to the service of documents, the payment to the Church Commissioners of compensation in respect of ecclesiastical property and the repeal and adaptation of local enactments) shall have effect as if references to that Act included references to this Act and as if in section 133(1), so far as it relates to this Act, the reference to the second appointed day were a reference to the date of the passing of this Act.

(4) The power to make orders conferred by the preceding section shall be exercisable by statutory instrument, and—

(*a*) a statutory instrument containing an order under that section which—

(i) authorises the making of discharges of water at a place which, on the date when the order is made, is within a National Park or an area of outstanding natural beauty within the meaning of the National Parks and Access to the Countryside Act 1949, or 1949 c. 97.

(ii) specifies such a place as a place at which water to be discharged in pursuance of the order is to be abstracted or impounded;

shall be subject to annulment in pursuance of a resolution of either House of Parliament;

(*b*) an order under that section made on the application of a river authority may be varied or revoked by a subsequent order under that section made on the application of that authority.

(5) This Act binds the Crown.

Citation and extent.

3.—(1) This Act may be cited as the Water Resources Act 1971, and this Act and the Water Resources Acts 1963 and 1968 may be cited together as the Water Resources Acts 1963 to 1971.

(2) This Act does not extend to Scotland or Northern Ireland.

Section 1(2).

SCHEDULE

ORDERS AUTHORISING DISCHARGE OF WATER

1. Where a river authority apply to the Minister for an order under section 1 of this Act, the authority shall submit to the Minister a draft of the order and shall, at least once in each of two successive weeks, publish a notice in accordance with the following paragraph in one or more newspapers circulating in each locality in which a discharge point is situated and each locality in which it appears to the authority that there is situated an inland water or underground stratum in which the flow, level or quality of water may be affected by any of the proposed discharges.

2. A notice in pursuance of the preceding paragraph shall—

(*a*) contain particulars of the proposed discharges and state the purpose of them;

(*b*) specify each discharge point;

(*c*) specify the places at which the water to be comprised in the proposed discharges is to be taken and the treatment, if any, which the draft order proposes to require the water or any of it to receive before being discharged in pursuance of the order;

(*d*) state the effect which, in the opinion of the river authority, the proposed discharges would have on the flow, level and quality of water in any inland water or underground strata;

(*e*) specify a place in the river authority area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of six weeks beginning with the date of the first publication of the notice; and

(*f*) state that any person may within that period, by notice in writing to the Minister, object to the making of the order.

3. Not later than the date on which the notice is first published in pursuance of paragraph 1 of this Schedule, the river authority shall serve a copy of the notice on—

(*a*) every local authority within whose area any discharge point is situated;

(*b*) every navigation authority, harbour authority and conservancy authority appearing to the river authority to have functions relating to any inland water into which any of the proposed discharges may be made;

(*c*) all statutory water undertakers appearing to the river authority to be entitled to abstract water from any inland water or underground stratum at places at which it appears to the authority that the flow, level or quality of the water may be affected by any of the proposed discharges; and

(*d*) every person who has given notice to the river authority requesting them to notify him of applications by the authority

for orders under section 1 of this Act and, if the authority have required him to pay a reasonable charge for being so notified, has paid that charge.

4. Paragraphs 3 to 6 of Schedule 8 to the principal Act (which among other things provide for the gazetting of notices relating to a draft order to authorise the execution of works, the furnishing of copies of the draft, the making of an order in the terms of the draft or in those terms with alterations and the making and consideration of objections relating to the draft or alterations) shall have effect in relation to a draft order submitted in pursuance of paragraph 1 of this Schedule as those paragraphs have effect in relation to a draft order submitted in pursuance of paragraph 1 of that Schedule but with the substitution for the references in paragraph 3 of that Schedule to paragraphs 1 and 2 of that Schedule of references to paragraphs 1 and 3 of this Schedule respectively and for the references in paragraph 6 of that Schedule to the period of twenty-eight days referred to in paragraph 1 of that Schedule and a notice required to be served under that Schedule of references to the period of six weeks referred to in paragraph 2(*e*) of this Schedule and a notice required to be served by virtue of this Schedule respectively.

5. It is hereby declared that an order under section 1 of this Act may be made notwithstanding that the river authority in question have no power to take water or require discharges from an inland water or other source from which discharges in pursuance of the order are intended to be made, but nothing in such an order is to be construed as conferring such a power on a river authority.

6. In this Schedule " discharge point " and " proposed discharges ", in relation to a notice, mean respectively a place at which the river authority in question intend to make or require the making of discharges of water proposed to be authorised by the draft order to which the notice relates and the discharges of water proposed to be so authorised.