STATUTORY INSTRUMENTS

1965 No. 1092

WATER RESOURCES, ENGLAND AND WALES

The Water Resources (Miscellaneous Provisions) Regulations 1965

Made - - - -	10*th May* 1965
Laid before Parliament	17*th May* 1965
Coming into Operation	18*th May* 1965

The Minister of Housing and Local Government, in exercise of his powers under sections 54(2), 55, 72, 74, 75, 78 and 134 of the Water Resources Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Water Resources (Miscellaneous Provisions) Regulations 1965, and shall come into operation on 18th May 1965.

Interpretation

2.—(1) In these regulations, " the Act " means the Water Resources Act 1963, any reference to the Minister is a reference to the Minister of Housing and Local Government or the Secretary of State for Wales as the case may require, and any reference to a river authority is a reference to a river authority established under the Act or any other body by whom functions of a river authority under the Act are for the time being exercisable.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Appeal to the court under section 55 against notice curtailing protected rights

3. The time within which an appeal may be made to the court under section 55 of the Act against a river authority's notice curtailing protected rights shall be a period of two months from the date of service of the notice in question.

In this regulation " the court " means the county court mentioned in section 55(6) of the Act.

Appeal under section 72 in respect of discharge into underground strata

4.—(1) The time within which notice in writing of appeal may be served on the Minister by an aggrieved applicant for consent under section 72 of the

(a) 1963 c. 38. (b) 52 & 53 Vict. c. 63.

Act (which relates to the control of discharges into underground strata) shall be—

(*a*) one month from the date on which the applicant is notified by the river authority of their decision on his application, or,

(*b*) if notice of decision is not given to the applicant by the river authority within the period allowed in that behalf by section 72(4) of the Act (namely, three months and any duly agreed extension), one month from the end of that period,

or such longer period as the Minister may at any time allow.

(2) The appellant shall provide the Minister with a copy of the following documents—

(*a*) the application for consent made to the river authority;

(*b*) all relevant maps and particulars submitted to the authority;

(*c*) the notice of the authority's decision, if any;

(*d*) all other relevant correspondence with the river authority.

Appeal under section 74 in respect of revocation or variation of consent under section 72

5.—(1) This regulation applies to an appeal under section 74 of the Act against the revocation or variation by a river authority of a consent under section 72 to discharge into underground strata, or against the refusal of the river authority to vary such a consent in accordance with the terms of an application in that behalf made by the person to whom the consent was granted.

(2) The notice of appeal shall be in writing and shall be served on the Minister—

(*a*) within one month from the date on which notice of the revocation or variation, or, as the case may be, refusal, is given by the river authority to the person to whom the consent was granted, or

(*b*) where, in the case of an application for variation of a consent, the river authority do not give notice of their decision to the applicant within the period allowed in that behalf by section 74(3) of the Act (namely, three months and any duly agreed extension), within one month from the end of that period,

or such longer period as the Minister may at any time allow.

(3) The appellant shall provide the Minister with a copy of the following documents:—

(*a*) the relevant consent;

(*b*) if the appeal is against the refusal of the river authority to vary the consent in accordance with the terms of an application for variation, the relevant application;

(*c*) the notice of revocation or variation, or the notice of refusal, if any;

(*d*) all relevant correspondence with the river authority.

Register of consents to discharges into underground strata

6.—(1) The register which by virtue of section 75 of the Act is required to be kept by a river authority and to be available for inspection by the public

at all reasonable hours shall contain the following particulars of every consent granted by the authority, and for the time being in force, under section 72 of the Act, that is to say :—

(*a*) the date of grant of the consent and the name and address of the person to whom it was granted ;

(*b*) brief details of the consent, including any conditions attached to it ;

(*c*) the date and brief details of any variation of the consent, indicating whether the variation was effected in pursuance of an application or otherwise ;

and, where a consent is granted or varied in accordance with a direction given by the Minister on appeal, the relevant particulars shall include a statement to that effect.

(2) The register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) The particulars specified in paragraph (1) of this regulation shall be entered in the register within 14 days from the grant, or, as the case may be, variation, of the consent to which they relate.

(4) The register shall be kept at the principal office of the river authority.

Notices under section 78 with respect to certain works or borings

7.—(1) The notice of intention which a person is required to give to the river authority under section 78(1) of the Act (which relates to proposals to construct or extend a well, borehole or other work to be used solely for abstracting water in underground strata to prevent interference with underground works) shall be in the form of the notice designated for this purpose in the Schedule to these regulations or in a form substantially to the like effect.

(2) The notice of intention which a person is required to give to the river authority under section 78(2) of the Act (which relates to proposals to construct or extend a boring for the purpose of searching for or extracting minerals) shall be in the form of the notice designated for this purpose in the said Schedule or in a form substantially to the like effect.

Appeal to the Minister against a conservation notice under section 78

8.—(1) This regulation applies to an appeal to the Minister against a conservation notice served by a river authority under section 78 of the Act in respect of the construction, extension or use of any work mentioned in the last preceding regulation.

(2) The time within which a person on whom a conservation notice is served may, by notice in writing served on the Minister, appeal against the notice shall be one month from the date on which the conservation notice was served on him or such longer period as the Minister may at any time allow.

(3) The notice of appeal shall be accompanied by a copy of the conservation notice and of the notice under section 78(1) or section 78(2) of the Act in respect of which the conservation notice was served, and shall specify the grounds (being either, or both, of the grounds mentioned in section 78(4)) on which the appeal is made.

Regulation 7

SCHEDULE

PRESCRIBED FORMS OF NOTICES

WATER RESOURCES ACT 1963, SECTION 78(1)

NOTICE OF INTENTION TO CONSTRUCT OR EXTEND A WORK FOR ABSTRACTION OF WATER CONTAINED IN UNDERGROUND STRATA TO PREVENT INTERFERENCE WITH UNDERGROUND WORKS

Notice is hereby given that (*a*).....
.....
intends on or after (*b*).....
to begin to *[construct] [extend], at the place marked on the accompanying †map, a (*c*).....
.....to be used solely for the purpose of abstracting at that place water contained in (*d*).....
to the extent necessary to prevent interference with the *[execution] [and] [operation] of the following underground works (*e*).....
.....

Details of the proposed *[construction] [extension] are as follows:—

(*f*) .....
.....

Details of the way in which it is proposed to dispose of water abstracted are as follows:—

(*g*) .....
.....

I declare that to the best of my knowledge the statements made above are true.

Communications about this Notice should be addressed to *[(*a*).....] [(*h*).....] at (*i*).....

Signed .....
*[On behalf of .....]
Date .....

* *Delete where inappropriate.*

† *Enclose an Ordnance Survey Map on which the place in question is marked. Unless otherwise agreed with the river authority, the map scale should be not less than six inches to one mile.*

(*a*) Insert name of person who intends to construct or extend the work.

(*b*) Except in special circumstances (e.g. where emergency measures are required) the date inserted should be such as to allow the river authority a reasonable period to consider the matter, say, not less than one month. Compliance with the requirements of any conservation notice which the river authority may decide to serve under section 78(3) of the Act may entail additional expense if the work is begun before such notice can be served.

(*c*) Insert " well ", " borehole ", or other description of the work, as appropriate.

(*d*) Insert description (e.g. " Chalk ", " Lower Greensand ") of the underground strata in question.

(*e*) Insert brief description of the underground works in question and of their location.

(*f*) Give all relevant details, e.g. depth, diameter and orientation of the work it is proposed to construct (or of the existing work and of the proposed extension), the way in which the proposed work or extension will be constructed, etc.

(*g*) State, e.g., the extent to which the water will be caused or allowed to run to waste, the extent to which it will be used for any purpose and the proportion which will be discharged after use and where it will be discharged.

(*h*) Insert name of professional adviser or agent.

(*i*) Insert address to which communications are to be sent.

WATER RESOURCES ACT 1963, SECTION 78(2)

NOTICE OF INTENTION TO CONSTRUCT OR EXTEND A BORING FOR THE PURPOSE OF SEARCHING FOR OR EXTRACTING MINERALS

Notice is hereby given that (*a*).....
.....
intends on or after (*b*).....
to begin to *[construct] [extend] [a] boring[s] [at the place[s] marked] [in the area shown] on the accompanying †map for the purpose of *[searching for] [and] [extracting] minerals.

Details of *[the] [each] proposed *[construction] [extension] are as follows:—

(*c*) .....
.....

*[It is proposed to dispose of any water entering [the] [a] boring during or after its construction or extension in the following manner:—

(*d*) .....
.....]

I declare that to the best of my knowledge the statements made above are true.

Communications about this Notice should be addressed to *[(*a*).....] [(*e*).....]at (*f*).....

Signed .....
*[On behalf of .....]
Date .....

* *Delete where inappropriate.*

† *Enclose an Ordnance Survey map on which the (or each) place in question is marked or, as the case may be, the area in question is delineated or coloured. Unless otherwise agreed with the river authority, the map scale should be not less than six inches to one mile.*

(*a*) Insert name of person who intends to construct or extend the boring or borings.

(*b*) The date inserted should be such as to allow the river authority a reasonable period to consider the matter, say, not less than one month. Compliance with the requirements of any conservation notice which the river authority may decide to serve under section 78(3) of the Act may entail additional expense if the work is begun before such notice can be served.

(*c*) Give relevant details, e.g. depth, diameter and orientation of the (or each) boring it is proposed to construct or, as the case may be, of the (or each) boring and its proposed extension, describe briefly the way in which the (or each) proposed boring or extension will be constructed, etc.

(*d*) Give details of the proposals, if any, e.g. the extent to which the water will be caused or allowed to run to waste, the extent to which it will be abstracted for use for any purpose and the proportion which will be discharged after use and where it will be discharged.

(*e*) Insert name of professional adviser or agent.

(*f*) Insert address to which communications are to be sent.

Given under the official seal of the Minister of Housing and Local Government on 10th May 1965.

(L.S.)

R. H. S. Crossman,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which have been made by the Minister of Housing and Local Government in consultation with the Secretary of State for Wales, are concerned with procedural aspects of certain appeals from decisions of river authorities under the Water Resources Act 1963. They also prescribe the particulars to be included in the register of consents which a river authority is required to keep under section 75 of the Act in respect of certain discharges into underground strata, and the forms of notices required for the purposes of section 78(1) and (2), which relate to borings which do not require a licence under Part IV of the Act. By virtue of amendments of the Act in Schedule 3 to the Secretary of State for Wales and the Minister of Land and Natural Resources Order 1965 (S.I. 1965/319) appeals to which the regulations relate will in certain circumstances lie to the Secretary of State, and regulation 2 provides for references to the Minister to be construed accordingly.