STATUTORY INSTRUMENTS

1985 No. 1472

WATER, ENGLAND AND WALES

Welsh Water Authority (Brenig Reservoir) (Variation) Order 1985

Made - - - 30*th August* 1985

Coming into Operation 31*st August* 1985

Whereas, following an application by the Dee and Clwyd River Authority, it appeared to the Secretary of State for Wales to be appropriate to make a order namely, the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972(**a**), under section 67 of the Water Resources Act 1963(**b**), section 36 of the Compulsory Purchase Act 1965(**c**) and section 1 of the Water Resources Act 1971(**d**), with a view to facilitating the performance by the Dee and Clwyd River Authority of certain of their new functions, authorising the discharge of water into the river Brenig;

And whereas by sections 9 and 34(2) of, and Part II of Schedule 6 to, the Water Act 1973(**e**) the functions formerly exercisable by the said Dee and Clwyd River Authority have become exercisable by the Welsh Water Authority;

And whereas, pursuant to an application made by the Welsh Water Authority, it appears to the Secretary of State for Wales that it is appropriate to make an order under section 1 of the said 1971 Act, with a view to facilitating the performance by the Welsh Water Authority of certain of its new functions, varying the provisions previously made as to the authorisation of the discharge of water into the said river Brenig:

Now, therefore, the Secretary of State for Wales, in exercise of powers conferred by sections 1 and 2(4)(*b*) of the Water Resources Act 1971 and now vested in him(**f**) and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement.

1.—(1) This order may be cited as the Welsh Water Authority (Brenig Reservoir) (Variation) Order 1985 and shall come into operation on 31st August 1985.

(2) This order shall be included among the enactments which may be cited together as the Welsh Water Authority Orders 1976 to 1985.

(**a**) S.I. 1972/1936. (**b**) 1963 c.38. (**c**) 1965 c.56.
(**d**) 1971 c.34. (**e**) 1973 c.37.
(**f**) by section 2(2) of the said 1971 Act, the expression "the Minister" is to have the same meaning as in the Water Resources Act 1963; by section 135(1) of the said 1963 Act "the Minister" is to be construed in accordance with section 1 of that Act; section 1 of the 1963 Act was substituted by S.I. 1965/319, article 5 and Schedule 3, paragraph 2; the term "the Secretary of State" was further defined by S.I. 1970/1681, article 5(1) and Schedule 3, paragraph 9(1).

2. The proviso in article 7(1)(*a*) of the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972 shall be varied by the substitution therefor of the following —

"Provided that the Authority shall so discharge water at a rate of not less than 4.5 megalitres per day as measured at a gauge on an approved site;".

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article 7
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Order 1

L. E. Taylor,
A Director "B",
Welsh Office.

Signed by authority of
the Secretary of State.
30th August 1985.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

Article 7(1)(*a*) of the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972 (applied to the Welsh Water Authority by virtue of section 34(2) of, and Part II of Schedule 6 to, the Water Act 1973) requires the Welsh Water Authority to discharge from the Brenig Reservoir into the River Brenig not less than 11.4 megalitres of compensation water per day during the months from April to September in each year and not less than 6.8 megalitres per day during the months from October to March in each year.

A licence authorising abstraction of water from the Brenig Reservoir subject to a condition to that effect, held by the Water Authority under the provisions of the Water Resources Act 1963 has now been varied so that the amount of compensation water required to be discharged from the Brenig Reservoir into the River Brenig differs from the amount specified in the said article 7(1)(*a*) of the 1972 Order.

This order accordingly amends article 7(1)(*a*) of the 1972 Order to take account of the amount of compensation water required to be discharged from the Brenig Reservoir into the River Brenig under the provisions of the variation of licence before referred to.

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