



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

25 Restrictions on impounding.

[^{F1}(1) Subject to the following provisions of this Chapter and to any drought order or drought permit under Chapter 3 of this Part, no person shall—

- (a) begin, or cause or permit any other person to begin, to construct or alter any impounding works at any point in any inland waters which are not discrete waters; or
- (b) cause or permit the flow of any inland waters which are not discrete waters to be obstructed or impeded at any point by means of impounding works,

unless (in either case) the conditions mentioned in subsection (1A) below are satisfied.

(1A) The conditions are—

- (a) a licence under this Chapter granted by the [^{F2}appropriate agency] to obstruct or impede the flow of those inland waters at that point by means of impounding works is in force;
- (b) the impounding works will not (or, as the case may be, do not) obstruct or impede the flow of the inland waters except to the extent, and in the manner, authorised by the licence; and
- (c) any other conditions or requirements imposed by the provisions, as for the time being in force, of the licence (whether as to the provision of compensation water or otherwise) are complied with.]

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 25. (See end of Document for details)

- (2) A person shall be guilty of an offence if—
- (a) he contravenes subsection (1) above; or
 - (b) he is for the purposes of this section the holder of a licence under this Chapter and ^{F3}... does not comply with a condition or requirement imposed by the provisions, as for the time being in force, of that licence.
- (3) A person who is guilty of an offence under this section shall be liable [^{F4}on summary conviction, or on conviction on indictment, to a fine].
- (4) Subject to subsection (5) below, the restrictions imposed by this section shall have effect notwithstanding anything in any enactment contained in any Act passed before the passing of the ^{M1}Water Resources Act 1963 on 31st July 1963 or in any statutory provision made or issued, whether before or after the passing of that Act, by virtue of such an enactment.
- (5) Subject to subsection (6) below, the restriction on impounding works [^{F5}shall not apply in respect of any impounding works], if—
- (a) the construction or alteration of those works; or
 - (b) the obstruction or impeding of the flow of the inland waters resulting from the construction or alteration of the works,
- is authorised (in whatsoever terms, and whether expressly or by implication) by virtue of any such statutory provision as at the coming into force of this Act was an alternative statutory provision for the purposes of section 36(2) of the Water Resources Act 1963.
- (6) The provisions of this Chapter shall have effect in accordance with subsection (7) below where by virtue of any such provision as is mentioned in subsection (5) above and is for the time being in force—
- (a) any water undertaker or sewerage undertaker to which rights under that provision have been transferred in accordance with a scheme under Schedule 2 to the ^{M2}Water Act 1989 or Schedule 2 to the ^{M3}Water Industry Act 1991; or
 - (b) any other person,
- is authorised (in whatsoever terms, and whether expressly or by implication) to obstruct or impede the flow of any inland waters by means of impounding works (whether those works have already been constructed or not).
- (7) Where subsection (6) above applies, the provisions of this Chapter shall have effect (with the necessary modifications), where the reference is to the revocation or variation of a licence under this Chapter, as if—
- (a) any reference in those provisions to a licence under this Chapter included a reference to the authorisation mentioned in that subsection; and
 - (b) any reference to the holder of such a licence included a reference to the undertaker or other person so mentioned.
- (8) In this Chapter “impounding works” means either of the following, that is to say—
- (a) any dam, weir or other works in any inland waters by which water may be impounded;
 - (b) any works for diverting the flow of any inland waters in connection with the construction or alteration of any dam, weir or other works falling within paragraph (a) above.
- [^{F6}(9) In relation to impounding works, references to alteration include the removal or partial removal of those works, and cognate expressions shall be construed accordingly.]

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 25. (See end of Document for details)

Textual Amendments

- F1** S. 25(1)(1A) substituted for s. 25(1) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 2(2)**, 105(3) (with s. 2(10)); [S.I. 2006/984](#), [art. 2\(b\)](#) (with [Sch. para. 2](#))
- F2** Words in s. 25(1A)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), **Sch. 2 para. 270(b)** (with [Sch. 7](#))
- F3** Words in s. 25(2) repealed (1.4.2006) by [Water Act 2003 \(c. 37\)](#), [ss. 2\(3\)](#), 105(3), **Sch. 9 Pt. 1** (with s. 2(10)); [S.I. 2006/984](#), [art. 2\(b\)\(s\)\(ii\)](#) (with [Sch. para. 2](#))
- F4** Words in s. 25(3) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), [reg. 1\(1\)](#), **Sch. 4 para. 24(3)** (with [reg. 5\(1\)](#))
- F5** Words in s. 25(5) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 2(4)**, 105(3) (with s. 2(10)); [S.I. 2006/984](#), [art. 2\(b\)](#) (with [Sch. para. 2](#))
- F6** S. 25(9) added (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 2(5)**, 105(3) (with s. 2(10)); [S.I. 2006/984](#), [art. 2\(b\)](#) (with [Sch. para. 2](#))

Modifications etc. (not altering text)

- C1** S. 25 excluded (15.1.2010) by [The Eels \(England and Wales\) Regulations 2009 \(S.I. 2009/3344\)](#), [regs. 1\(b\)](#), **21(1)** (with [reg. 1\(d\)](#))
- C2** S. 25 excluded (30.6.2015) by [The Swansea Bay Tidal Generating Station Order 2015 \(S.I. 2015/1386\)](#), [arts. 1](#), **46** (with [arts. 51](#), 53)
- C3** S. 25 excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), [s. 70\(1\)](#), **Sch. 21 para. 2**
- C4** S. 25 excluded (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), [arts. 1](#), **20(2)** (with [arts. 55-57](#), [Sch. 8 para. 13](#))
- C5** S. 25 excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), [s. 64\(1\)](#), **Sch. 21 para. 2**
- C6** S. 25 excluded (25.3.2022) by [The Bridgwater Tidal Barrier Order 2022 \(S.I. 2022/299\)](#), [arts. 1](#), **20(2)** (with [art. 55](#))
- C7** S. 25(1)(b) modified (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 3**, 105(3); [S.I. 2006/984](#), [art. 2\(c\)](#) (with [Sch. para. 2](#))

Marginal Citations

- M1** 1963 c. 38.
M2 1989 c. 15.
M3 1991 c. 56.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 25.