



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER III

DROUGHT

78 Works under drought orders.

- (1) A drought order may authorise the [^{F1}appropriate agency] or a water undertaker, subject to any conditions and restrictions specified in the order, to carry out any works required for the performance of any duty or the exercise of any power which is imposed or conferred by or under the order.
- (2) A drought order authorising the [^{F1}appropriate agency] or a water undertaker to carry out any works—
 - (a) may authorise the [^{F1}appropriate agency] or that undertaker for that purpose to enter upon any land specified in the order and to occupy and use the land to such extent and in such manner as may be requisite for the carrying out and maintenance of the works; and
 - (b) may apply in relation to the carrying out of the works such of the provisions of Part VII of this Act or Part VI of the ^{M1}Water Industry Act 1991 as appear to the Secretary of State to be appropriate, subject to such modifications as may be specified in the order.
- (3) The Secretary of State shall include in any drought order authorising the [^{F1}appropriate agency] or a water undertaker to enter any land provisions requiring the [^{F1}appropriate agency] or that undertaker to give to the occupier of the land and to such other persons concerned with the land as may be specified in the order not less than twenty-four hours' notice of any intended entry.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 78. (See end of Document for details)

- (4) Subject to subsection (3) above, a drought order may make any such provision in relation to provisions of the order authorising any person to enter any land as corresponds to provision having effect by virtue of section 173 below or to provision contained in Part II of Schedule 6 to the Water Industry Act 1991.
- (5) Any works to be carried out under the authority of an emergency drought order shall be included in the definition of emergency works in section 52 of the New Roads and Street Works Act 1991.
- (6) Until the coming into force of section 52 of the ^{M2}New Roads and Street Works Act 1991, subsection (5) above shall have effect as if the reference to that section were a reference to section 39(1) of the ^{M3}Public Utilities Street Works Act 1950; but nothing in this section shall be taken to prejudice the power of the Secretary of State under that Act of 1991 to make an order bringing that section 52 into force on different days for different purposes (including the purposes of this section).

Textual Amendments

- F1** Words in ss. 77-79 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(o)** (with Sch. 7)
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Marginal Citations

- M1** 1991 c. 56.
M2 1991 c. 22.
M3 1950 c. 39.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 78.