



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER I

UNDERTAKERS' POWERS

Compulsory works orders

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- (1) Where a water undertaker is proposing, for the purposes of, or in connection with, the carrying out of any of its functions—
 - (a) to carry out any engineering or building operations; or
 - (b) to discharge water into any inland waters or underground strata,the undertaker may apply to the Secretary of State for an order under this section (“a compulsory works order”).
- (2) Subject to the following provisions of this section, the Secretary of State may, on an application under subsection (1) above, by order made by statutory instrument—
 - (a) confer such compulsory powers; and
 - (b) grant such authority,as he considers necessary or expedient for the purpose of enabling any engineering or building operations or discharges of water to be carried out or made for the purposes of, or in connection with, the carrying out of the functions with respect to which the application was made.
- (3) Schedule 11 to this Act shall have effect with respect to applications for compulsory works orders and with respect to such orders.

Status: This is the original version (as it was originally enacted).

- (4) Subject to the provisions of Schedule 11 to this Act, a compulsory works order may—
- (a) without prejudice to section 155 above, confer power to acquire compulsorily any land, including—
 - (i) power to acquire interests in and rights over land by the creation of new rights and interests; and
 - (ii) power, by the compulsory acquisition by any water undertaker of any rights over land which is to be or has been acquired by that undertaker, to extinguish any such rights;
 - (b) apply for the purposes of the order, either with or without modifications, any of the relevant provisions of this Part of this Act which do not apply for those purposes apart from by virtue of this paragraph;
 - (c) make any authority granted by the order subject to such conditions as may be specified in the order;
 - (d) amend or repeal any local statutory provision;
 - (e) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (5) Without prejudice to any duty imposed by virtue of section 191 below, where—
- (a) the Secretary of State makes a compulsory works order authorising a water undertaker to carry out works for or in connection with the construction or operation of a reservoir or conferring compulsory powers for that purpose on such an undertaker; and
 - (b) it appears to him that the works to be carried out may permanently affect the area in which they are situated and are not primarily intended to benefit the inhabitants of that area,
- he may include in the order provision with respect to facilities for recreation or other leisure-time occupation for the benefit of those inhabitants.
- (6) Nothing in any compulsory works order shall exempt any water undertaker from any restriction imposed by Chapter II of Part II of the Water Resources Act 1991 (abstraction and impounding of water).
- (7) It is hereby declared that a compulsory works order may grant authority for discharges of water by a water undertaker where the undertaker has no power to take water, or to require discharges to be made, from the inland waters or other source from which the discharges authorised by the order are intended to be made; but nothing in so much of any such order as grants authority for any discharges of water shall have the effect of conferring any such power.
- (8) In this section the reference to the relevant provisions of this Part is a reference to the provisions of this Part except sections 172 and 173, the provisions of Chapter II and any provision of this Part which is one of the relevant sewerage provisions.