



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER I

GENERAL MANAGEMENT FUNCTIONS

19 General management of resources by the Authority

- (1) It shall be the duty of the Authority to take all such action as it may from time to time consider, in accordance (if any have been given for the purposes of this section) with the directions of the Secretary of State, to be necessary or expedient for the purpose—
 - (a) of conserving, redistributing or otherwise augmenting water resources in England and Wales; and
 - (b) of securing the proper use of water resources in England and Wales.
- (2) Nothing in this section shall be construed as relieving any water undertaker of the obligation to develop water resources for the purpose of performing any duty imposed on it by virtue of section 37 of the Water Industry Act 1991 (general duty to maintain water supply system).

20 Water resources management schemes

- (1) It shall be the duty of the Authority so far as reasonably practicable to enter into and maintain such arrangements with water undertakers for securing the proper management or operation of—
 - (a) the waters which are available to be used by water undertakers for the purposes of, or in connection with, the carrying out of their functions; and
 - (b) any reservoirs, apparatus or other works which belong to, are operated by or are otherwise under the control of water undertakers for the purposes of, or in connection with, the carrying out of their functions,

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as the Authority from time to time considers appropriate for the purpose of carrying out its functions under section 19(1) above.

- (2) Without prejudice to the power of the Authority and any water undertaker to include any such provision as may be agreed between them in arrangements under this section, such arrangements may—
 - (a) make provision by virtue of subsection (1)(a) above with respect to the construction or installation of any reservoirs, apparatus or other works which will be used by the undertaker in the carrying out of its functions;
 - (b) contain provision requiring payments to be made by the Authority to the undertaker; and
 - (c) require the reference to and determination by the Secretary of State or the Director General of Water Services of questions arising under the arrangements.
- (3) The Authority shall send a copy of any arrangements entered into by it under this section to the Secretary of State; and the obligations of a water undertaker by virtue of any such arrangements shall be enforceable under section 18 of the Water Industry Act 1991 (enforcement orders) by the Secretary of State.

21 Minimum acceptable flows

- (1) The Authority may, if it thinks it appropriate to do so, submit a draft statement to the Secretary of State containing, in relation to any inland waters that are not discrete waters—
 - (a) provision for determining the minimum acceptable flow for those waters; or
 - (b) where any provision for determining such a flow is for the time being in force in relation to those waters, provision for amending that provision or for replacing it with different provision for determining the minimum acceptable flow for those waters.
- (2) The provision contained in any statement for determining the minimum acceptable flow for any inland waters shall, in relation to the inland waters to which it relates, set out—
 - (a) the control points at which the flow in the waters is to be measured;
 - (b) the method of measurement which is to be used at each control point; and
 - (c) the flow which is to be the minimum acceptable flow at each control point or, where appropriate, the flows which are to be the minimum acceptable flows at each such point for the different times or periods specified in the statement.
- (3) Before preparing so much of any draft statement under this section as relates to any particular inland waters, the Authority shall consult—
 - (a) any water undertaker having the right to abstract water from those waters;
 - (b) any other water undertaker having the right to abstract water from any related underground strata;
 - (c) the drainage board for any internal drainage district from which water is discharged into those waters or in which any part of those waters is situated;
 - (d) any navigation authority, harbour authority or conservancy authority having functions in relation to those waters or any related inland waters;
 - (e) if those waters or any related inland waters are tidal waters in relation to which there is no such navigation authority, harbour authority or conservancy authority, the Secretary of State for Transport; and

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- (f) any person authorised by a licence under Part I of the Electricity Act 1989 to generate electricity.
- (4) In determining the flow to be specified in relation to any inland waters under subsection (2)(c) above, the Authority shall have regard—
- (a) to the flow of water in the inland waters from time to time;
 - (b) in the light of its duties under sections 2(2), 16 and 17 above, to the character of the inland waters and their surroundings; and
 - (c) to any water quality objectives established under Chapter I of Part III of this Act in relation to the inland waters or any other inland waters which may be affected by the flow in the inland waters in question.
- (5) The flow specified in relation to any inland waters under subsection (2)(c) above shall be not less than the minimum which, in the opinion of the Authority, is needed for safeguarding the public health and for meeting (in respect of both quantity and quality of water)—
- (a) the requirements of existing lawful uses of the inland waters, whether for agriculture, industry, water supply or other purposes; and
 - (b) the requirements, in relation to both those waters and other inland waters whose flow may be affected by changes in the flow of those waters, of navigation, fisheries or land drainage.
- (6) The provisions of Schedule 5 to this Act shall have effect with respect to draft statements under this section and with respect to the approval of statements submitted as draft statements.
- (7) The approval under Schedule 5 to this Act of a draft statement under this section shall bring into force, on the date specified in that approval, so much of that statement, as approved, as contains provision for determining, amending or replacing the minimum acceptable flow for any inland waters.
- (8) For the purposes of subsection (3) above—
- (a) underground strata are related underground strata in relation to any inland waters if—
 - (i) a water undertaker has a right to abstract water from the strata; and
 - (ii) it appears to the Authority, having regard to the extent to which the level of water in the strata depends on the flow of those waters, that the exercise of that right may be substantially affected by so much of the draft statement in question as relates to those waters;
 - (b) inland waters are related inland waters in relation to any other inland waters, where it appears to the Authority that changes in the flow of the other waters may affect the flow of the first-mentioned inland waters.
- (9) For the purposes of subsection (5) above the Authority shall be entitled (but shall not be bound) to treat as lawful any existing use of any inland waters unless—
- (a) by a decision given in any legal proceedings, it has been held to be unlawful; and
 - (b) that decision has not been quashed or reversed;
- and in that subsection the reference to land drainage includes a reference to defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems.

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22 Directions to the Authority to consider minimum acceptable flow

- (1) If the Authority is directed by the Secretary of State to consider whether the minimum acceptable flow for any particular inland waters ought to be determined or reviewed, the Authority shall consider that matter as soon as reasonably practicable after being directed to do so.
- (2) After considering any matter under subsection (1) above the Authority shall submit to the Secretary of State with respect to the inland waters in question either—
 - (a) such a draft statement as is mentioned in subsection (1) of section 21 above; or
 - (b) a draft statement that no minimum acceptable flow ought to be determined for those waters or, as the case may require, that the minimum acceptable flow for those waters does not need to be changed.and subsections (6) and (7) of that section shall apply in relation to a draft statement under this subsection as they apply in relation to a draft statement under that section.
- (3) Without prejudice to the generality of paragraph 4 of Schedule 5 to this Act, the power of the Secretary of State under that paragraph to alter a draft statement before approving it shall include power to substitute a statement containing or amending any such provision as is mentioned in subsection (2) of section 21 above for such a draft statement as is mentioned in subsection (2)(b) of this section.

23 Minimum acceptable level or volume of inland waters

- (1) Where it appears to the Authority, in the case of any particular inland waters, that it would be appropriate to measure the level or the volume (either instead of or in addition to the flow) the Authority may determine that sections 21 and 22 above shall apply in relation to those inland waters as if any reference to the flow were or, as the case may be, included a reference to the level or to the volume.
- (2) Where the Authority makes a determination under subsection (1) above with respect to any inland waters, any draft statement prepared for the purposes of section 21 or 22 above, in so far as it relates to those waters, shall state—
 - (a) whether the level or the volume is to be measured; and
 - (b) whether it is to be measured instead of, or in addition to, the flow.
- (3) Chapter II of this Part shall apply in relation to any inland waters with respect to which a determination has been made under subsection (1) above as if any reference in that Chapter to the flow were, or (as the case may be) included, a reference to the level or, as the case may be, the volume.