



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

24 Restrictions on abstraction.

- (1) Subject to the following provisions of this Chapter and to any drought order [^{F1}or drought permit] under Chapter III of this Part, no person shall—
 - (a) abstract water from any source of supply; or
 - (b) cause or permit any other person so to abstract any water,except in pursuance of a licence under this Chapter granted by the [^{F2}appropriate agency] and in accordance with the provisions of that licence.
- (2) Where by virtue of subsection (1) above the abstraction of water contained in any underground strata is prohibited except in pursuance of a licence under this Chapter, no person shall begin, or cause or permit any other person to begin—
 - (a) to construct any well, borehole or other work by which water may be abstracted from those strata;
 - (b) to extend any such well, borehole or other work; or
 - (c) to instal or modify any machinery or apparatus by which additional quantities of water may be abstracted from those strata by means of a well, borehole or other work,unless the conditions specified in subsection (3) below are satisfied.
- (3) The conditions mentioned in subsection (2) above are—

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- (a) that the abstraction of the water or, as the case may be, of the additional quantities of water is authorised by a licence under this Chapter; and
 - (b) that—
 - (i) the well, borehole or work, as constructed or extended; or
 - (ii) the machinery or apparatus, as installed or modified,
 fulfils the requirements of that licence as to the means by which water is authorised to be abstracted.
- (4) A person shall be guilty of an offence if—
- (a) he contravenes subsection (1) or (2) above; or
 - (b) he is for the purposes of this section the holder of a licence under this Chapter and, in circumstances not constituting such a contravention, does not comply with a condition or requirement imposed by the provisions, as for the time being in force, of that licence.
- (5) A person who is guilty of an offence under this section shall be liable [^{F3}on summary conviction, or on conviction on indictment, to a fine].
- (6) 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.

Textual Amendments

- F1** By S.I. 1996/593, reg. 3, **Sch. 2 para. 8** it is provided that the words “or drought permit” be substituted (1.4.1996) for the words following “drought order”
- F2** Words in ss. 23, 24 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(a)** (with Sch. 7)
- F3** Words in s. 24(5) 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(2)** (with reg. 5(1))

Modifications etc. (not altering text)

- C1** S. 24 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. 24 excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **3(1)(b)** (with arts. 4, 37)
- C3** S. 24 excluded (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **3(1)(m)**
- C4** S. 24 excluded (13.3.2024) by [The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 \(S.I. 2024/230\)](#), arts. 1, **6** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)
- C5** S. 24(1) restricted (16.3.1992) by [Aire and Calder Navigation Act 1992 \(c. iv\)](#), s. **17(2)**
- C6** S. 24(1) restricted (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 14 para. 15**
- C7** S. 24(1) excluded (21.8.2013) by [The Croxley Rail Link Order 2013 \(S.I. 2013/1967\)](#), arts. 1, **40(1)**
- C8** S. 24(1) excluded (15.12.2014) by [The London Underground \(Northern Line Extension\) Order 2014 \(S.I. 2014/3102\)](#), arts. 1, **17(1)** (with Sch. 8 para. 45)
- C9** S. 24(1) restricted (12.1.2016) by [The London Underground \(Bank Station Capacity Upgrade\) Order 2015 \(S.I. 2015/2044\)](#), arts. 1, **36(1)**
- C10** S. 24(1) restricted (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 1**
- C11** S. 24(1) excluded (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), arts. 1, **20(1)** (with arts. 55-57, Sch. 8 para. 13)

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- C12** S. 24(1) restricted (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\), s. 64\(1\), Sch. 21 para. 1](#)
- C13** S. 24(1) excluded (25.3.2022) by [The Bridgwater Tidal Barrier Order 2022 \(S.I. 2022/299\), arts. 1, 20\(1\) \(with art. 55\)](#)
- C14** S. 24(2) applied (1.1.2018) by [The Water Abstraction and Impounding \(Exemptions\) Regulations 2017 \(S.I. 2017/1044\), regs. 1, 4\(6\)](#)
- C15** S. 24(2) excluded (1.1.2018) by [The Water Abstraction and Impounding \(Exemptions\) Regulations 2017 \(S.I. 2017/1044\), regs. 1, 9\(1\)](#)

Marginal Citations

- M1** 1963 c. 38.

[^{F4}24A Abstraction licences

- (1) Each licence to abstract water shall be of one of the following three types—
- (a) a licence to abstract water from one source of supply over a period of twenty-eight days or more for any purpose (a “full licence”);
 - (b) a licence to abstract water from one source of supply over a period of twenty-eight days or more for the purpose of—
 - (i) transferring water to another source of supply; or
 - (ii) transferring water to the same source of supply, but at another point, in the course of dewatering activities in connection with mining, quarrying, engineering, building or other operations (whether underground or on the surface),in either case without intervening use (a “transfer licence”);
 - (c) a licence to abstract water from one source of supply over a period of less than twenty-eight days (a “temporary licence”).
- (2) In this Act, a reference (however expressed) to a licence to abstract water is to be taken as a reference to all types of licence, unless it is clear that a different meaning is intended.]

Textual Amendments

- F4** S. 24A inserted (1.4.2006) by [Water Act 2003 \(c. 37\), ss. 1\(1\), 105\(3\); S.I. 2006/984, art. 2\(a\) \(with Sch. paras. 1, 2\)](#)

25 Restrictions on impounding.

- [^{F5}(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—

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- (a) a licence under this Chapter granted by the [^{F6}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.]
- (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 ^{F7}... 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 [^{F8}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 ^{M2}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 [^{F9}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 ^{M3}Water Act 1989 or Schedule 2 to the ^{M4}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.

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- (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.

[^{F10}(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.]

Textual Amendments

- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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))
- F9** 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)
- F10** 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)

- C16** 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))
- C17** 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)
- C18** S. 25 excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 2**
- C19** 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)
- C20** S. 25 excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 21 para. 2**
- C21** S. 25 excluded (25.3.2022) by [The Bridgwater Tidal Barrier Order 2022 \(S.I. 2022/299\)](#), arts. 1, **20(2)** (with art. 55)
- C22** 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

- M2** 1963 c. 38.
M3 1989 c. 15.
M4 1991 c. 56.

[^{F11}25A Enforcement notices

- (1) Subject to the following provisions of this section, where it appears to the [^{F12}appropriate agency] that a person is—

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- (a) in breach of section 24(1) or (2) or section 25(1) above; or
 - (b) for the purposes of section 24 or 25 above a holder of a licence under this Chapter and has not complied with a condition or requirement imposed by the provisions, as for the time being in force, of that licence,
- the [F12appropriate agency] shall be entitled to serve an enforcement notice on him if the condition in subsection (2) below is satisfied.
- (2) The condition is that it appears to the [F12appropriate agency] that the breach or failure to comply is causing or is likely to cause significant damage to the environment.
 - (3) An enforcement notice is a notice requiring the person on whom it is served—
 - (a) to cease his breach of section 24(1) or (2) or section 25(1) above, or to comply with the condition or requirement in question; and
 - (b) to carry out any works or operations specified in the notice.
 - (4) The works or operations which may be specified are works or operations which it appears to the [F12appropriate agency] are appropriate for the purpose of remedying or mitigating the effects of the breach or failure to comply, and may include—
 - (a) works or operations for the purpose, so far as it is reasonably practicable to do so, of restoring any affected waters, including any flora and fauna dependent on them, to their state immediately before the breach or failure to comply; and
 - (b) in the case of a breach of section 25(1) above, the removal of any unauthorised impounding works or the reversal of any unauthorised alteration to impounding works.
 - (5) An enforcement notice must specify the periods within which the person on whom it is served must do each of the things specified in the notice.
 - (6) Before serving an enforcement notice on any person, the [F12appropriate agency] shall take reasonable steps to consult that person about the works or operations which are to be specified in the notice.
 - (7) The Secretary of State may by regulations make provision for or in connection with—
 - (a) the form or content of enforcement notices;
 - (b) requirements for consultation, before the service of an enforcement notice, with persons other than the person upon whom the notice is to be served;
 - (c) steps to be taken for the purposes of any consultation required under subsection (6) above or regulations made by virtue of paragraph (b) above;
 - (d) any other steps of a procedural nature which are to be taken in connection with, or in consequence of, the service of an enforcement notice.
 - (8) An enforcement notice is not invalid, or invalidly served, merely because of a failure to comply with subsection (6) above or with regulations made by virtue of subsection (7) (b) above.
 - (9) The Secretary of State may, if he thinks fit in relation to any person, give directions to the [F12appropriate agency] as to whether or how it should exercise its powers under this section.
 - (10) In proceedings for any offence under section 24 or 25 above against a person upon whom an enforcement notice has been served, the following are not to be taken as evidence that he has committed the offence—
 - (a) the fact that an enforcement notice has been served on him;
 - (b) the fact that he does not appeal against it;

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- (c) the fact that on an appeal against it the notice is confirmed (whether with or without modifications).

Textual Amendments

- F11** Ss. 25A-25C inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 30**, 105(3); S.I. 2006/984, art. 2(o)
F12 Words in s. 25A 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(c)** (with Sch. 7)

Modifications etc. (not altering text)

- C23** S. 25A excluded (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **26**
C24 Ss. 25A(5)-(9) applied (with modifications) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 4(3)(a)**, 105(3); S.I. 2006/984, art. 2(d)

25B Rights of entry and appeals

Sections 161B and 161C below (including any power to make regulations) shall apply in relation to enforcement notices as they apply in relation to works notices under section 161A below.

Textual Amendments

- F11** Ss. 25A-25C inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 30**, 105(3); S.I. 2006/984, art. 2(o)

Modifications etc. (not altering text)

- C25** S. 25B excluded (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **26**

25C Consequences of not complying with an enforcement notice

- (1) If a person on whom the [^{F13}appropriate agency] serves an enforcement notice fails to comply with any of its requirements, he shall be guilty of an offence.
- (2) A person who commits an offence under subsection (1) above shall be liable [^{F14}on summary conviction, or on conviction on indictment, to a fine].
- (3) If a person on whom an enforcement notice has been served fails to comply with any of its requirements, the [^{F13}appropriate agency] may do what that person was required to do and may recover from him any costs or expenses reasonably incurred by the [^{F13}appropriate agency] in doing it.
- (4) If the [^{F13}appropriate agency] is of the opinion that proceedings for an offence under subsection (1) above would afford an ineffectual remedy against a person who has failed to comply with the requirements of an enforcement notice, the [^{F13}appropriate agency] may take proceedings in the High Court for the purpose of securing compliance with the notice.]

Textual Amendments

- F11** Ss. 25A-25C inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 30**, 105(3); S.I. 2006/984, art. 2(o)

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- F13** Words in s. 25C 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(d)** (with Sch. 7)
- F14** Words in s. 25C(2) 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(4)** (with reg. 5(1))

Modifications etc. (not altering text)

- C26** S. 25C excluded (1.4.2006) by Water Resources (Abstraction and Impounding) Regulations 2006 (S.I. 2006/641), regs. 1(2), **26**

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