

## SCHEDULES

### SCHEDULE 5

#### PROCEDURE RELATING TO STATEMENTS ON MINIMUM ACCEPTABLE FLOW

##### *Notice of proposed statement*

- 2 (1) Before submitting the draft statement to the Secretary of State, the [<sup>F1</sup>appropriate agency] shall publish a notice—
- (a) stating the general effect of the draft statement;
  - (b) specifying the place where a copy of the draft statement, and of any relevant map or plan, may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice; and
  - (c) stating that any person may within that period, by notice in writing to the Secretary of State, object to the approval of the statement.
- (2) A notice under this paragraph shall be published either—
- (a) at least once in each of two successive weeks, in one or more newspapers circulating in the locality in which the inland waters to which the draft statement relates are situated; or
  - (b) in any other manner which, in any particular case, may be certified by the Secretary of State to be expedient in that case.
- (3) Not later than the date on which the notice is first published in pursuance of subparagraph (2) above, the [<sup>F1</sup>appropriate agency] shall serve a copy of the notice on—
- (a) every local authority or joint planning board whose area comprises any inland waters to which the draft statement relates;
  - (b) any water undertaker having the right to abstract water from any such inland waters;
  - (c) any other water undertaker which was consulted in relation to the draft statement in pursuance of section 21(3)(b) of this Act;
  - (d) the drainage board for any internal drainage district which comprises any such inland waters or from which water is discharged into any such inland waters;
  - (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any such waters or any related inland waters;
  - (f) if any such waters or any related inland waters are tidal waters in relation to which there is no such navigation authority, harbour authority or conservancy authority, [<sup>F2</sup>the Secretary of State for Transport];
  - (g) any person authorised by a licence under Part I of the <sup>M1</sup>Electricity Act 1989 to generate electricity [<sup>F3</sup>who has a right to abstract water from any such waters or related inland waters].; and
  - (h) every person who—

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 2. (See end of Document for details)*

- (i) has given notice to the [F1 appropriate agency] requesting it to notify him of action taken in connection with the determination of a minimum acceptable flow for any inland waters to which the draft statement relates; and
- (ii) if the [F1 appropriate agency] have required him to pay a reasonable charge for being so notified, has paid that charge.
- (4) The [F1 appropriate agency] shall also publish a notice in the London Gazette—
- (a) stating that the draft statement has been submitted to the Secretary of State;
  - (b) naming the areas in respect of which a copy of a notice is required to be served under sub-paragraph (3)(a) above;
  - (c) specifying a place where a copy of the draft statement and of any relevant map or plan may be inspected; and
  - (d) where the notice required by sub-paragraph (1) above is published in a newspaper, giving the name of the newspaper and the date of an issue containing the notice.
- (5) In this paragraph “related inland waters” has the same meaning as for the purposes of subsection (3) of section 21 of this Act is given by subsection (8) of that section.

#### **Textual Amendments**

- F1** Words in Sch. 5 paras. 2-5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 307** (with Sch. 7)
- F2** Words in Sch. 5 para. 2(3)(f) substituted (25.11.2002) by [S.I. 2002/2626](#), art. 20, **Sch. 2 para. 18(3)**
- F3** Words in Sch. 5 para. 2(3)(g) added (1.4.1996) by [1995 c. 25](#), s. 120(1), **Sch. 22 para. 180** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), art. 3

#### **Modifications etc. (not altering text)**

- C1** Sch. 5 para. 2(3)(a) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), art. 18, **Sch. 5 Pt. II para. 6(2)(b)**

#### **Marginal Citations**

- M1** [1989 c. 29](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 2.