Status: *Point in time view as at 01/10/2006.*
Changes to legislation: *There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Notice of draft order. (See end of Document for details)*

SCHEDULES

[F1SCHEDULE 6

ORDERS RELATING TO ABSTRACTION OF SMALL QUANTITIES AND COMPULSORY REGISTRATION OF PROTECTED RIGHTS

Textual Amendments

F1 Sch. 6 substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 14**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

Notice of draft order

1 (1) An application to the Secretary of State for an order under section 27A(1) or 39B(3) of this Act (an "order") shall be accompanied by a draft of the proposed order.

(2) Before submitting a draft order to the Secretary of State, the Agency shall publish a notice—

(a) stating the general effect of the draft order;

(b) specifying the place where a copy of the draft order, 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 to the Secretary of State, object to the making of the order.

(3) 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 area to which the draft order relates; 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.

(4) Not later than the date on which the notice is first published in pursuance of sub-paragraph (2) above, the Agency shall serve a copy of the notice on—

(a) every local authority (in its capacity as the local planning authority), joint planning board or National Park authority whose area consists of, includes or is included in the area to which the draft order relates;

(b) any relevant water undertaker;

(c) any internal drainage board—

(i) whose district consists of, includes or is included in the area to which the draft order relates;

(ii) from whose district water is discharged into any relevant source of supply; or

(iii) into whose district water is discharged from any relevant source of supply;

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(d) any navigation authority, harbour authority or conservancy authority having functions in relation to—
  (i) any relevant source of supply; or
  (ii) any related inland waters;

(e) if a relevant source of supply or 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;

(f) any person authorised by a licence under Part 1 of the Electricity Act 1989 to generate electricity who is (in that capacity) the holder of a licence to abstract water under Chapter 2 of Part 2 of this Act from—
  (i) any relevant source of supply; or
  (ii) any related inland waters;

(g) **[**[F2]Natural England**]**, if the area to which the order relates is or includes England, or part of it;

(h) the Countryside Council for Wales, if the area to which the order relates is or includes Wales, or part of it; and

(i) the Broads Authority (established under the Norfolk and Suffolk Broads Act 1988), if the area to which the order relates is or includes the Broads (as defined in that Act), or part of it.

(5) Where an application for an order is made, the Agency shall also publish a notice in the London Gazette—

(a) stating that the draft order has been submitted to the Secretary of State;

(b) naming the areas of each of the authorities or boards in respect of which a copy of the notice is required to be served under sub-paragraph (4)(a) above;

(c) specifying a place where a copy of the draft order and of any relevant map or plan may be inspected; and

(d) where the notice required by sub-paragraph (2) above is published in a newspaper, giving the name of the newspaper and the date of an issue containing the notice.

(6) In this paragraph—

(a) where a draft order makes provision generally (rather than for a specified geographical area), references to the area to which the order relates are to the whole area (whether England, Wales or both of them) in relation to which the order is applied;

(b) references to a National Park authority are to a National Park authority established under Part 3 of the 1995 Act;

(c) a "relevant source of supply", in relation to a draft order, means—
  (i) if the draft order relates only to particular sources of supply (or a class of them) in an area, any of those sources of supply (or any source of supply in that class) in that area;
  (ii) otherwise, any source of supply in the area to which the draft order relates;

(d) a "relevant water undertaker", in relation to a draft order, means a water undertaker which is the holder of a licence to abstract water under Chapter 2 of Part 2 of this Act from—
  (i) a relevant source of supply; or
  (ii) a source of supply which is related to a relevant source of supply;

(e) for the purposes of paragraph (d) above, a source of supply (the "related source") is related to a relevant source of supply if it appears to the Agency that, having regard to the extent to which the level or flow of water in the related source depends on the level or flow of the waters in the relevant source of supply, the ability of the water undertaker to abstract water from the related source in accordance with its licence may be substantially affected as a result of the draft order;

(f) "related inland waters" are inland waters the level or flow of which may, in the Agency's opinion, be affected by changes in the level or flow of the waters in a relevant source of supply.**]**

Textual Amendments

F2 Words in Sch. 6 para. 1(4)(g) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 133**; S.I. 2006/2541, art. 2 (with Sch.)

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