



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER III

DROUGHT

75 Provisions and duration of emergency drought order.

- (1) An emergency drought order made on the application of the [^{F1}Agency] may contain any of the provisions which could be included, by virtue of section 74(1) above, in an ordinary drought order made on the application of the [^{F1}Agency].
- (2) An emergency drought order made on the application of a water undertaker may contain any of the following provisions, that is to say—
 - (a) any provision which could be included, by virtue of subsection (2) of section 74 above, in an ordinary drought order made on the application of a water undertaker, except provision authorised by paragraph (b) of that subsection;
 - (b) provision authorising the water undertaker to prohibit or limit the use of water for such purposes as the water undertaker thinks fit;
 - (c) provision authorising the water undertaker—
 - (i) to supply water in its area, or in any place within its area, by means of stand-pipes or water tanks; and
 - (ii) to erect or set up and maintain stand-pipes or water tanks in any street in that area.
- (3) The period for which—
 - (a) an authorisation given by or under an emergency drought order;
 - (b) a prohibition or limitation imposed by or under any such order; or

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- (c) a suspension or modification effected by or under any such order, has effect shall expire before the end of the period of three months beginning with the day on which the order comes into force unless that period of three months is extended, in relation to that order, by virtue of the exercise by the Secretary of State of his power (subject to subsection (4) below) to amend the order.
- (4) The power of the Secretary of State to amend an emergency drought order shall not be exercised so as to extend the period of three months mentioned in subsection (3) above beyond the end of the period of five months beginning with the day on which that order came into force.
- (5) Where powers have been conferred by an emergency drought order on any person—
- (a) the Secretary of State may give to that person such directions as he considers necessary or expedient as to the manner in which, or the circumstances in which, any of those powers is or is not to be exercised;
 - (b) it shall be the duty of that person to comply with any such direction; and
 - (c) where that person is a water undertaker or sewerage undertaker, the duty to comply with any such direction shall be enforceable under section 18 of the ^{M1}Water Industry Act 1991 by the Secretary of State.
- (6) The giving of a direction under subsection (5) above in relation to any power shall not affect—
- (a) the validity of anything done in the exercise of that power before the giving of the direction; or
 - (b) any obligation or liability incurred before the giving of the direction.
- (7) Without prejudice to the following provisions of this Chapter, an emergency drought order may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

Annotations:

Amendments (Textual)

F1 Words in *s. 75* substituted (subject to other provisions of the amending act) (1.4.1996) by *1995 c. 25, s. 120, Sch. 22 para. 128* (with *ss. 7(6), 115, 117*); *S.I. 1996/186, art. 3*

Marginal Citations

M1 *1991 c. 56.*

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 73-75 words substituted by S.I. 2013/755 Sch. 2 para. 270(n)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by S.I. 2010/497 Sch. 3 para. 4(2)
- Act applied (with modifications) by S.I. 2005/421 Sch. 3 para. 5(2)
- Act applied (with modifications) by S.I. 2015/770 Sch. 3 para. 5(2)
- Act power to amend conferred by 2010 c. 29 s. 28
- Act power to apply conferred by 2010 c. 29 s. 38(8)-(10)
- Act power to apply conferred by 2010 c. 29 s. 39(12)-(14)
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 4
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20A inserted by 2003 c. 37 s. 28
- s. 20A words substituted by S.I. 2013/755 Sch. 2 para. 266(2)
- s. 20A(1) words inserted by S.I. 2013/755 Sch. 2 para. 266(3)
- s. 20B inserted by 2003 c. 37 s. 29(1)
- s. 20B words substituted by S.I. 2013/755 Sch. 2 para. 267
- s. 20C inserted by 2003 c. 37 s. 31(1)
- s. 20C words substituted by S.I. 2013/755 Sch. 2 para. 268(2)
- s. 20C(1) words inserted by S.I. 2013/755 Sch. 2 para. 268(3)
- s. 21(3)(za)(zb) inserted by S.I. 2013/755 Sch. 2 para. 269(3)(a)
- s. 21(10) added by 2003 c. 37 s. 8(2)(b)
- s. 24A inserted by 2003 c. 37 s. 1(1)
- s. 25(1) (1A) substituted for s. 25(1) by 2003 c. 37 s. 2(2)
- s. 25(1A)(a) words substituted by S.I. 2013/755 Sch. 2 para. 270(b)
- s. 25(9) added by 2003 c. 37 s. 2(5)
- s. 25A excluded by S.I. 2006/641 reg. 26
- s. 25A-25C inserted by 2003 c. 37 s. 30
- s. 25A words substituted by S.I. 2013/755 Sch. 2 para. 270(c)
- s. 25A(5)-(9) applied (with modifications) by 2003 c. 37 s. 4(3)(a)
- s. 25B excluded by S.I. 2006/641 reg. 26
- s. 25C excluded by S.I. 2006/641 reg. 26
- s. 25C words substituted by S.I. 2013/755 Sch. 2 para. 270(d)
- s. 25C(2) words substituted by S.I. 2015/664 Sch. 4 para. 24(4)
- s. 27 27A substituted for s. 27 by 2003 c. 37 s. 6(1)
- s. 27A words substituted by S.I. 2013/755 Sch. 2 para. 270(e)
- s. 29(1A) inserted by 2003 c. 37 s. 7(2)
- s. 29(2)-(2C) substituted for s. 29(2) by 2003 c. 37 s. 7(3)
- s. 33A inserted by 2003 c. 37 s. 9
- s. 33A-45 words substituted by S.I. 2013/755 Sch. 2 para. 270(g)
- s. 35(2)(3)(3A) substituted for s. 35(2)(3) by 2003 c. 37 s. 11(2)
- s. 36A excluded by S.I. 2006/641 Sch. 2 para. 8(2)
- s. 36A inserted by 2003 c. 37 s. 13(1)
- s. 37A inserted by 2003 c. 37 s. 14(2)
- s. 38(1A)-(1C) inserted by 2003 c. 37 s. 15(2)
- s. 38(4) added by 2003 c. 37 s. 14(3)(a)(ii)
- s. 39(1A) inserted by 2003 c. 37 s. 16(3)
- s. 39A inserted by 2003 c. 37 s. 17(1)

- s. 39B inserted by 2003 c. 37 s. 18
- s. 41(3) added by 2003 c. 37 s. 13(2)
- s. 42(4A) inserted by 2003 c. 37 s. 16(6)(b)
- s. 44(4A) inserted by 2003 c. 37 s. 16(7)(b)
- s. 45(2A) inserted by 2003 c. 37 s. 13(3)(b)
- s. 46(2A) inserted by 2003 c. 37 s. 19(3)
- s. 46(4) s. 46(5) (5A) substituted for s. 46(4)(5) by 2003 c. 37 s. 19(4)
- s. 46A applied (with modifications) by S.I. 2006/641 reg. 17
- s. 46A inserted by 2003 c. 37 s. 20
- s. 46A(2) words substituted by S.I. 2013/755 Sch. 2 para. 270(h)
- s. 48A inserted by 2003 c. 37 s. 24(1)
- s. 48A(1) excluded by 2008 c. 18 s. 46(1)
- s. 48A(1) excluded by 2017 c. 7 Sch. 21 para. 3(1)
- s. 48A(1) excluded by S.I. 2013/1967 art. 40(2)
- s. 48A(1) excluded by S.I. 2014/3102 art. 17(2)
- s. 48A(1) excluded by S.I. 2015/2044 art. 36(2)
- s. 48A(5) excluded by 2008 c. 18 s. 46(4)
- s. 48A(5) excluded by S.I. 2013/1967 art. 40(5)
- s. 48A(5) excluded by S.I. 2014/3102 art. 17(5)
- s. 48A(5) restricted by 2017 c. 7 Sch. 21 para. 3(4)
- s. 51(1A)-(1G) inserted by 2003 c. 37 s. 21(3)
- s. 51(2A) inserted by 2003 c. 37 Sch. 7 para. 4
- s. 52(1A) inserted by 2003 c. 37 s. 22(2)
- s. 59A applied (with modifications) by S.I. 2006/641 reg. 21
- s. 59A-59D and cross-heading inserted by 2003 c. 37 s. 23(1)
- s. 59A-59C words substituted by S.I. 2013/755 Sch. 2 para. 270(j)
- s. 59C applied (with modifications) by S.I. 2006/641 reg. 22
- s. 61(4A) (4B) inserted by 2003 c. 37 s. 25(3)
- s. 61A inserted by 2003 c. 37 s. 26
- s. 67(8)(b)(i) words inserted by 2003 c. 37 s. 2(8)
- s. 72(2A) inserted by 2008 c. 17 Sch. 8 para. 60(3)
- s. 72(2A) words inserted by 2011 c. 20 Sch. 19 para. 30
- s. 79(4) (5) added by 2003 c. 37 s. 64(2)
- s. 79A(8A) (8B) inserted by 2003 c. 37 s. 64(3)(b)
- s. 84(2)(aa) inserted by S.I. 2013/755 Sch. 2 para. 273(3)(c)
- s. 85(7) inserted by S.I. 2007/3538 Sch. 21 para. 21(3)
- s. 85(7) substituted by S.I. 2009/1799 Sch. 2 para. 2
- s. 91(9) inserted by S.I. 2007/3538 Sch. 21 para. 21(5)
- s. 93(1A) inserted by S.I. 2009/3104 reg. 3(3)
- s. 93(2A)-(2C) inserted by S.I. 2009/3104 reg. 3(5)
- s. 93(4A) inserted by S.I. 2009/3104 reg. 3(10)
- s. 93(5)-(7) substituted for s. 93(5) by S.I. 2009/3104 reg. 3(11)
- s. 109(7) (8) inserted by 2009 c. 23 s. 82(2)
- s. 114(2)(a)(v) words substituted by 2003 c. 37 s. 8(7)
- s. 116(1) s. 116 renumbered as s. 116(1) by 2009 c. 23 Sch. 16 para. 22(a)
- s. 116(2) inserted by 2009 c. 23 Sch. 16 para. 22(b)
- s. 118(1)(c) inserted by S.I. 2013/755 Sch. 2 para. 275(2)(e)
- s. 118(7) added by 2010 c. 29 Sch. 2 para. 43(8)
- s. 118(7) words inserted by 2016 anaw 3 Sch. 2 para. 20(2)(a)
- s. 118(7) words inserted by 2016 anaw 3 Sch. 2 para. 20(2)(b)
- s. 154(7)(8) inserted by S.I. 2013/755 Sch. 2 para. 278(6)
- s. 157(7) inserted by S.I. 2013/755 Sch. 2 para. 281(4)
- s. 159(1A) inserted by 2010 c. 29 Sch. 2 para. 45
- s. 160(1A) inserted by 2010 c. 29 Sch. 2 para. 46
- s. 161-161AB and cross-heading substituted for s. 161 161A by S.I. 2009/3104 reg. 5
- s. 161AB(1) words substituted by S.I. 2010/675 Sch. 26 Pt. 1 para. 8(8)(b)
- s. 161AB(4) repealed by S.I. 2010/675 Sch. 26 Pt. 1 para. 8(2)(n) Sch. 28

- s. 161ZC(1) words substituted by S.I. 2010/675 Sch. 26 Pt. 1 para. 8(8)(a)
- s. 161ZC(5) repealed by S.I. 2010/675 Sch. 26 Pt. 1 para. 8(2)(m) Sch. 28
- s. 165(1)-(1D) substituted for s. 165(1) by 2010 c. 29 Sch. 2 para. 47(2)
- s. 165(1A) words substituted by S.I. 2013/755 Sch. 2 para. 284(2)
- s. 167A inserted by S.I. 2013/755 Sch. 2 para. 287
- s. 167A(3)(a) repealed by S.I. 2016/475 reg. 30
- s. 168(9) inserted by S.I. 2013/755 Sch. 2 para. 288(3)
- s. 169(3A)(3B) inserted by S.I. 2013/755 Sch. 2 para. 289(4)
- s. 169(5) inserted by S.I. 2013/755 Sch. 2 para. 289(6)
- s. 171(6) inserted by S.I. 2013/755 Sch. 2 para. 291(5)
- s. 172(5) inserted by S.I. 2013/755 Sch. 2 para. 292(6)
- s. 186(1A) inserted by S.I. 2013/755 Sch. 2 para. 297(3)
- s. 191B(6)-(6B) substituted for s. 191B(6) by S.I. 2010/675 Sch. 26 Pt. 1 para. 8(9)
- s. 193-194E and cross-heading substituted for s. 193 194 by 2014 c. 21 s. 59(2)
- s. 199(2)(2A)(3) substituted for s. 199(2)(3) by 2003 c. 37 s. 8(5)(a)
- s. 199A inserted by 2003 c. 37 s. 8(6)
- s. 203(1A) inserted by 2003 c. 37 Sch. 8 para. 53(2)(a)
- s. 203(1A) words substituted by 2014 c. 21 Sch. 7 para. 125(2)(a)
- s. 203(1A) words substituted by 2014 c. 21 Sch. 7 para. 125(2)(b)
- s. 203(1A) words substituted by 2014 c. 21 Sch. 7 para. 125(2)(c)
- s. 203(2A) inserted by 2003 c. 37 Sch. 8 para. 53(2)(b)
- s. 203(2A) word substituted by 2014 c. 21 Sch. 7 para. 125(3)(b)
- s. 203(2A) words substituted by 2014 c. 21 Sch. 7 para. 125(3)(a)
- s. 203(5)(b) words substituted by 2014 c. 21 Sch. 7 para. 125(6)
- s. 203(8) inserted by 2003 c. 37 Sch. 8 para. 53(2)(f)
- s. 203(8) words substituted by 2014 c. 21 Sch. 7 para. 125(7)(a)
- s. 203(8) words substituted by 2014 c. 21 Sch. 7 para. 125(7)(b)
- s. 204(2)(ca) inserted by 2010 c. 29 Sch. 2 para. 48
- s. 204(2)(ga) inserted by 2013 c. 32 Sch. 12 para. 65
- s. 204(3)(a)(ib) inserted by S.I. 2013/755 Sch. 2 para. 300(3)
- s. 204(8) inserted by S.I. 2017/80 Sch. para. 6
- s. 210(3) inserted by 2009 c. 23 s. 225(1)
- s. 211(3)(a) (b) substituted for words by 2009 c. 23 s. 226
- s. 211(3)(b) words substituted by S.I. 2015/664 Sch. 4 para. 24(6)
- s. 221(1)(a)(ii) words repealed by 2003 c. 37 s. 69(4) Sch. 9 Pt. 3
- s. 221(1)(b) word inserted by 2014 c. 21 Sch. 10 para. 13(a)
- s. 221(1)(b)(iii) and word repealed by 2014 c. 21 Sch. 10 para. 13(b)
- s. 221(1A) inserted by S.I. 2013/755 Sch. 2 para. 304(10)
- s. 222(11) added by 2003 c. 37 Sch. 7 para. 13
- Sch. 2 para. 8(3)-(5) inserted by S.I. 2003/2867 Sch. para. 17
- Sch. 6 para. 1(6)(ba) inserted by 2015 anaw 4 Sch. 2 para. 16(b)
- Sch. 8 para. 2(7) added by 2003 c. 37 s. 65
- Sch. 8 para. 2(7) words inserted by S.I. 2013/755 Sch. 2 para. 310(3)(a)
- Sch. 8 para. 2(7) words inserted by S.I. 2013/755 Sch. 2 para. 310(3)(b)
- Sch. 10 para. 11(6)-(6C) substituted for Sch. 10 para. 11(6) by 2003 c. 37 s. 87(5)
- Sch. 25 para. 5(3A) (3B) inserted by 2009 c. 23 s. 84(2)
- Sch. 25 para. 6(1A) inserted by 2009 c. 23 s. 224(3)
- Sch. 25 para. 6(2)(aa) inserted by 2009 c. 23 s. 224(4)
- Sch. 25 para. 6(5A) (5B) inserted by 2009 c. 23 s. 224(9)
- Sch. 25 para. 5(1A)-(1D) and words substituted for Sch. 25 para. 5(1)(a)(b) by 2010 c. 29 Sch. 2 para. 49
- Sch. 25 para. 5(4)(a)-(c) substituted for words by 2009 c. 23 Sch. 11 para. 3
- Sch. 27 inserted by 2009 c. 23 s. 225(2)
- Sch. 27 para. 1 words substituted by S.I. 2013/755 Sch. 2 para. 315(d)
- Sch. 27 para. 3-5 words substituted by S.I. 2013/755 Sch. 2 para. 315(d)
- Sch. 27 para. 7-9 words substituted by S.I. 2013/755 Sch. 2 para. 315(d)

Commencement Orders yet to be applied to the Water Resources Act 1991**Commencement Orders bringing legislation that affects this Act into force:**

- S.I. 2003/766 art. 2 Sch. commences (2002 c. 40)
- S.I. 2003/1397 art. 2(1) Sch. commences (2002 c. 40)
- S.I. 2003/1725 art. 2(1) commences (2002 c. 9)
- S.I. 2003/1900 art. 2 Sch. 1 2 commences (2003 c. 21)
- S.I. 2003/2681 art. 2 commences (2003 c. 20)
- S.I. 2003/3142 art. 2-4 Sch. 1 2 commences (2003 c. 21)
- S.I. 2004/641 art. 2-5 commences (2003 c. 37)
- S.I. 2004/827 art. 2-4 commences (2003 c. 20)
- S.I. 2004/910 art. 2 commences (2003 c. 37)
- S.I. 2004/2184 art. 2 commences (2004 c. 20)
- S.I. 2004/2304 art. 2 commences (2004 c. 21)
- S.I. 2004/2528 art. 2-3 commences (2003 c. 37)
- S.I. 2004/2916 art. 2 commences (2003 c. 37)
- S.I. 2004/2917 art. 2 commences (2004 c. 21)
- S.I. 2005/968 art. 2 3 commences (2003 c. 37)
- S.I. 2005/1444 art. 2 commences (2005 c. 14)
- S.I. 2005/2714 art. 2-4 commences (2003 c. 37)
- S.I. 2006/984 art. 2 commences (2003 c. 37)
- S.I. 2006/2541 art. 2 commences (2006 c. 16)
- S.I. 2008/3068 art. 2-5 commences (2008 c. 17)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2009/3345 art. 2 Sch. commences (2009 c. 23)
- S.I. 2010/298 art. 2 Sch. commences (2009 c. 23)
- S.I. 2010/862 art. 2 3 commences (2008 c. 17)
- S.I. 2010/2169 art. 4 Sch. commences (2010 c. 29)
- S.I. 2011/95 art. 2 commences (2010 c. 29)
- S.I. 2011/556 art. 1-3 commences (2009 c. 23)
- S.I. 2011/694 art. 3 4 commences (2010 c. 29)
- S.I. 2011/1770 art. 3 commences (2010 c. 29)
- S.I. 2011/2204 art. 3 4 commences (2010 c. 29)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.I. 2011/2856 art. 3 Commencement Order
- 2006 No. 2 Instrument made by Archbishops commences (2006 No. 1)