



# 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 [<sup>F1</sup>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 [<sup>F1</sup>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 <sup>M1</sup>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 (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 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 words substituted by S.I. 2013/755 Sch. 2 para. 267
- 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. 25(1A)(a) words substituted by S.I. 2013/755 Sch. 2 para. 270(b)
- s. 25A words substituted by S.I. 2013/755 Sch. 2 para. 270(c)
- 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. 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-45 words substituted by S.I. 2013/755 Sch. 2 para. 270(g)
- s. 46A(2) words substituted by S.I. 2013/755 Sch. 2 para. 270(h)
- s. 48A(1) applied by S.I. 2017/1329 art. 20(5)
- 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(1) excluded by S.I. 2017/1329 art. 20(3)
- 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) excluded by S.I. 2017/1329 art. 20(6)
- s. 48A(5) restricted by 2017 c. 7 Sch. 21 para. 3(4)
- s. 59A-59C words substituted by S.I. 2013/755 Sch. 2 para. 270(j)
- s. 72(2A) words inserted by 2011 c. 20 Sch. 19 para. 30
- s. 84(2)(aa) inserted by S.I. 2013/755 Sch. 2 para. 273(3)(c)
- s. 109(7) (8) inserted by 2009 c. 23 s. 82(2)
- 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. 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. 193-194E and cross-heading substituted for s. 193 194 by 2014 c. 21 s. 59(2)
- 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) 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) 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. 211(3)(b) words substituted by S.I. 2015/664 Sch. 4 para. 24(6)
- 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)
- Sch. 6 para. 1(6)(ba) inserted by 2015 anaw 4 Sch. 2 para. 16(b)
- 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. 25 para. 5(3A) (3B) inserted by 2009 c. 23 s. 84(2)
- 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. 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. 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