



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Water resources management schemes

28 Water resources management schemes: other abstractors

After section 20 of the WRA there is inserted—

“20A Water resources management schemes: other abstractors

- (1) The Agency may enter into and maintain such arrangements with holders of abstraction licences other than water undertakers for securing the proper management or operation of—
 - (a) the waters from which they have the right by virtue of their licences to abstract water; and
 - (b) any reservoirs, apparatus or other works which are used for the purposes of or in connection with their abstractions and which belong to them, are operated by them or are otherwise under their control,as the Agency from time to time considers appropriate for the purpose of carrying out its functions under section 6(2) of the 1995 Act.
- (2) Without prejudice to the power of the Agency and any holder of an abstraction licence to include any such provision as may be agreed between them in arrangements under this section, such arrangements may—
 - (a) make provision by virtue of subsection (1)(a) above with respect to the construction or installation of any reservoirs, apparatus or other works which the holder of the licence will use for the purposes of or in connection with his abstraction;
 - (b) contain provision requiring payments to be made by the Agency to the holder of the licence; and

Status: This is the original version (as it was originally enacted).

(c) require the reference to and determination by the Secretary of State or the Water Services Regulation Authority of questions arising under the arrangements.

(3) The Agency shall send a copy of any arrangements entered into by it under this section to the Secretary of State.

(4) In this section, references to abstraction licences are to licences under Chapter 2 of this Part to abstract water.”

29 Water resources management schemes: referral to Secretary of State

(1) After section 20A of the WRA (inserted by section 28) there is inserted—

“20B Water resources management schemes: referral to Secretary of State

- (1) This section applies where—
- (a) the Agency has sought to enter into arrangements acceptable to it under section 20 or 20A above, but is satisfied that the other party is unwilling to enter into such arrangements or to do so on terms appearing to the Agency to be reasonable; or
 - (b) having entered into such arrangements, the Agency has sought to renew or vary them but is satisfied that the other party is unwilling to do so or to do so on terms appearing to the Agency to be reasonable.
- (2) Where this section applies, the Agency may refer to the Secretary of State the question (as the case may be)—
- (a) whether such arrangements should be entered into, and if so, on what terms; or
 - (b) whether the arrangements should be renewed or varied (as the case may be), and if so, on what terms.
- (3) If the Secretary of State determines that arrangements should be entered into or (as the case may be) renewed or varied, such arrangements on the terms determined by the Secretary of State shall be enforceable—
- (a) by civil proceedings by the Secretary of State for an injunction or for any other appropriate relief; and
 - (b) where the other party is a water undertaker, also under section 18 of the Water Industry Act 1991 (enforcement orders) by the Secretary of State.
- (4) The functions of the Secretary of State under subsection (2) above shall be treated for the purposes of section 114 of the 1995 Act (delegation or reference of appeals) as if they were functions to which paragraph (a) of subsection (1) of that section applied.”