



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

10 Orders under section 33 of the WRA, etc

- (1) The appropriate authority may by order revoke—
 - (a) any order made under section 33 of the WRA (power to provide for further rights to abstract),
 - (b) any order made under any local or private Act which provides for any exception from—
 - (i) the restriction on abstraction (within the meaning of Chapter 2 of Part 2 of the WRA), or
 - (ii) that restriction and the one imposed by section 24(2) of the WRA, or for an exception which has the effect of such an exception.
- (2) An order of a kind referred to in paragraph (a) or (b) of subsection (1) is referred to below in this section as an “exception order”.
- (3) In this section, “the appropriate authority” means—
 - (a) in relation to the revocation of an exception order which relates to inland waters or underground strata which are wholly in England, the Secretary of State,
 - (b) in relation to the revocation of an exception order which relates to inland waters or underground strata which are wholly in Wales, the Assembly,
 - (c) in relation to the revocation of an exception order which relates to inland waters or underground strata which are partly in England and partly in Wales—
 - (i) the Secretary of State, in relation to the English part,

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- (ii) the Assembly, in relation to the Welsh part,
 and references in this section (however expressed) to the revocation of an exception order are to be construed accordingly.
- (4) Subject to subsection (3)(c), an order under this section may revoke the exception order either wholly, or only in relation to—
- (a) any one or more areas of inland waters specified in the order under this section or any class of inland waters so specified, or
 - (b) any underground strata described in the order under this section in any way mentioned in section 33(2)(b) of the WRA or any other way.
- (5) An order under this section may make provision, subject to any conditions or limitations specified in the order—
- (a) for the restriction on abstraction (and, in the case of abstractions from underground strata, the other restrictions in section 24 of the WRA) to continue not to apply to an abstraction despite the revocation of the exception order,
 - (b) for a person to continue to be taken to have a right to abstract water, for the purposes of Chapter 2 of Part 2 of the WRA, to the same extent he was taken to do so under the exception order,
 - (c) for the payment by the [^{F1}appropriate agency] of compensation, in cases specified in the order, to any person who suffers loss or damage as a result of the revocation of the exception order.
- (6) If an order under this section provides as mentioned in subsection (5)(a), the order must also say whether or not the exemption so provided for is to be counted cumulatively with any other exemption which a person has by virtue of section 27 or 33A of the WRA.
- (7) If an order made under subsection (1)(b) revokes the exception order wholly, or wholly so far as it is not already revoked, the order under subsection (1)(b) may also repeal so much of the local or private Act as constitutes the power to make the exception order.
- (8) The procedure provided for by section 33 of and Schedule 6 to the WRA, or (as the case may be) any corresponding procedure provided for by the local or private Act in question, does not apply in relation to an order under this section.
- (9) The power of the Assembly to make an order by virtue of subsection (3)(b) or (c)(ii) of this section is to be treated as if it were a relevant transferred environmental function for the purposes of paragraph 6 of Schedule 3 to the Government of Wales Act 1998 (c. 38) (intervention in case of functions relating to water).
- (10) No order may be made under this section before the coming into force of section 6 of this Act.
- (11) Section 33 of the WRA shall cease to have effect; but (subject to the provisions of this section) any order under section 33 of the WRA which was in force immediately before its repeal shall continue in force despite the repeal.
- (12) In this section, “inland waters” and “underground strata” have the meanings given in section 221(1) of the WRA.

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Textual Amendments

- F1** Words in s. 10(5)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 418](#) (with Sch. 7)
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Commencement Information

- I1** S. 10(1)-(10) (12) in force at 1.4.2005 by [S.I. 2005/968](#), [art. 2\(b\)](#)
- I2** S. 10(11) in force at 1.4.2004 by [S.I. 2004/641](#), [art. 3\(c\)](#) (with Sch. 3 para. 7)

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

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

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)