



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

2 Restrictions on impounding

(1) Section 25 of the WRA (restrictions on impounding) is amended as provided in subsections (2) to (5).

(2) For subsection (1) there is substituted—

“(1) Subject to the following provisions of this Chapter and to any drought order or drought permit under Chapter 3 of this Part, no person shall—

- (a) begin, or cause or permit any other person to begin, to construct or alter any impounding works at any point in any inland waters which are not discrete waters; or
- (b) cause or permit the flow of any inland waters which are not discrete waters to be obstructed or impeded at any point by means of impounding works,

unless (in either case) the conditions mentioned in subsection (1A) below are satisfied.

(1A) The conditions are—

- (a) a licence under this Chapter granted by the Agency to obstruct or impede the flow of those inland waters at that point by means of impounding works is in force;
- (b) the impounding works will not (or, as the case may be, do not) obstruct or impede the flow of the inland waters except to the extent, and in the manner, authorised by the licence; and

Status: This is the original version (as it was originally enacted).

- (c) any other conditions or requirements imposed by the provisions, as for the time being in force, of the licence (whether as to the provision of compensation water or otherwise) are complied with.”
- (3) In subsection (2), the words “, in circumstances not constituting such a contravention,” are omitted.
- (4) In subsection (5), for “shall not apply to the construction or alteration of any impounding works” there is substituted “shall not apply in respect of any impounding works”.
- (5) After subsection (8) there is added—
 - “(9) In relation to impounding works, references to alteration include the removal or partial removal of those works, and cognate expressions shall be construed accordingly.”
- (6) A licence which—
 - (a) has been granted in respect of particular impounding works, for the purposes of section 25 of the WRA, before the coming into force of subsection (2), and
 - (b) is in force,
 is to be taken to satisfy the condition referred to in section 25(1A)(a) of that Act, as inserted by subsection (2), in respect of those impounding works.
- (7) In section 64 of the WRA (abstraction and impounding by the Agency), for subsection (1)(b) there is substituted—
 - “(b) in relation to—
 - (i) the construction or alteration by the Agency of impounding works; and
 - (ii) the obstruction or impeding by the Agency of the flow of inland waters by means of impounding works.”
- (8) In section 67 of the WRA (ecclesiastical property), in the definition of “the relevant land” in subsection (8), in paragraph (b)(i), after “impounding works” there is inserted “is, or”.
- (9) In section 72 of the WRA (interpretation of Chapter 2), in subsection (1), in the definition of “the restriction on impounding works”, for “25(1)” there is substituted “25(1)(a) and (b)”.
- (10) Subject to section 3 of this Act, the amendments of the WRA made by this section apply (as regards any act or omission after this section comes into force) with respect to impounding works whenever constructed.