



# Water Act 2003

## 2003 CHAPTER 37

### PART 1

#### ABSTRACTION AND IMPOUNDING

##### *Restrictions on abstraction and impounding*

#### **6 Rights to abstract small quantities**

(1) For section 27 of the WRA (rights to abstract small quantities) there is substituted—

##### **“27 Rights to abstract small quantities**

- (1) The restriction on abstraction shall not apply to any abstraction of a quantity of water not exceeding twenty cubic metres in any period of twenty-four hours, if the abstraction does not form part of a continuous operation, or of a series of operations, by which a quantity of water which, in aggregate, is more than twenty cubic metres is abstracted during the period.
- (2) In the case of any abstraction of water from underground strata which falls within subsection (1) above, the restriction imposed by section 24(2) above shall not apply—
  - (a) to the construction or extension of any well, borehole or other work;  
or
  - (b) to the installation or modification of machinery or other apparatus, if the well, borehole or other work is constructed or extended, or the machinery or apparatus is installed or modified, for the purpose of abstracting the water.
- (3) Where a person is authorised by a licence under this Chapter to carry on a particular abstraction operation (or series of operations), this section does not permit him to carry it on beyond the authorisation conferred by the licence.

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*Status: This is the original version (as it was originally enacted).*

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### **27A Variation of small quantity threshold**

- (1) The Secretary of State may by order made by statutory instrument provide that section 27(1) above is to have effect in relation to—
  - (a) a geographical area; or
  - (b) a class of inland waters; or
  - (c) a class of underground strata; or
  - (d) a class of inland waters or of underground strata within a geographical area,  
(in each case as specified in the order) as if for “twenty cubic metres” there were substituted another quantity specified in the order.
- (2) The Secretary of State shall not make such an order except upon the application of the Agency; but he may direct the Agency to make such an application.
- (3) Such an order may—
  - (a) make different provision in relation to the different paragraphs in subsection (1) above; and
  - (b) make different provision for different areas, waters or underground strata.
- (4) Schedule 6 to this Act shall have effect with respect to applications for orders under subsection (1) above and with respect to the making of such orders.
- (5) An order under subsection (1) above which specifies a greater quantity than the one which previously had effect in relation to the area, waters or strata in question may make provision for a licence to abstract water granted under this Chapter—
  - (a) which is for the time being in force; but
  - (b) which by virtue of the order has become wholly or partly unnecessary, to cease to have effect, or to cease to have effect to the extent specified in the order.
- (6) An order under subsection (1) above may include provision for or in relation to the payment by the Agency of compensation, in cases specified in the order, to a person who—
  - (a) immediately before the making of an order under subsection (1) above, had been in a position to carry out an abstraction to which, by virtue of section 27(1) above, the restriction on abstraction did not apply;
  - (b) following the making of that order, requires a licence under this Chapter in order to carry out that abstraction; and
  - (c) has suffered loss or damage as a result of his having been—
    - (i) refused such a licence in respect of that abstraction; or
    - (ii) granted such a licence, but in respect of an abstraction of more limited extent than the one he had been in a position to carry out.
- (7) Paragraphs (e) and (f) of section 219(2) below apply in relation to orders under subsection (1) above as they apply to regulations made under this Act.

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

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- (8) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Section 28 of the WRA shall cease to have effect.