



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Restrictions on abstraction and impounding

7 Rights to abstract for drainage purposes, etc

(1) Section 29 of the WRA (rights to abstract for drainage purposes etc) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) The restriction on abstraction shall not apply to any abstraction of water from inland waters within the district of an internal drainage board if—

- (a) the abstraction is carried out by or on behalf of that board in connection with its functions;
- (b) the water abstracted is transferred to another area of inland waters within the board’s district without intervening use; and
- (c) the sole or main purpose of the transfer is to augment that other area of inland waters.”

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

“(2) The restriction on abstraction shall not apply to any abstraction of water from a source of supply in so far as the abstraction (where it does not fall within subsection (1) or (1A) above) is an emergency abstraction and the person abstracting the water complies with subsection (2B) below.

(2A) An abstraction of water is an emergency abstraction if, in the opinion of the abstractor, an emergency has arisen which makes the abstraction necessary to prevent immediate danger of interference with any mining, quarrying, engineering, building or other operations (whether underground or on the surface) or, in relation to such operations, to prevent an immediate risk—

Changes to legislation: Water Act 2003, Section 7 is up to date with all changes known to be in force on or before 30 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) to a human being of death, personal injury or harm to health;
 - (b) of serious damage to works resulting from any such operations; or
 - (c) of serious damage to the environment.
- (2B) In the case of any emergency abstraction, the person abstracting the water shall before the end of the period of five days beginning with the date on which the abstraction started give notice to the [F1appropriate agency] of—
- (a) the abstraction and of the source of supply in question; and
 - (b) the reasons for the abstractor’s opinion that an emergency had arisen and that the abstraction was necessary.
- (2C) The [F1appropriate agency] may give notice to the person referred to in subsection (2B) above that in the [F2appropriate agency's] opinion an emergency had not arisen, or that the abstraction is not, or is no longer, necessary for any of the reasons set out in subsection (2A) above; and, if the [F1appropriate agency] does so, the restriction on abstraction shall apply to the abstraction from the time when the notice is served (and, if applicable, the restriction imposed by section 24(2) above shall apply accordingly).”
- (4) Subsection (3) is omitted.
- (5) For subsection (5) there is substituted—
- “(5) In this section, “land drainage”—
- (a) includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea; but
 - (b) does not include warping, irrigation (including spray irrigation), or transferring water from one source of supply to another (whether with or without intervening use) solely or mainly in order to augment the latter.”

Textual Amendments

- F1** Words in s. 7(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 417(2)(a)** (with Sch. 7)
- F2** Words in s. 7(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 417(2)(b)** (with Sch. 7)
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Commencement Information

- I1** S. 7 in force at 1.1.2018 by [S.I. 2017/1043](#), **art. 2(b)**

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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\(3\)](#)