



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Reservoirs

78 National security

- (1) In section 2 of the Reservoirs Act 1975 (c. 23) (registration of reservoirs and enforcement of Act, etc), after subsection (2) there is inserted—

“(2A) If it appears to the Secretary of State that the inclusion of any information in the register maintained under subsection (2) above by the Environment Agency would be contrary to the interests of national security, he may direct the Agency not to include that information in the register.”

- (2) After section 12A of that Act (which is inserted by section 77 of this Act) there is inserted—

“12B Flood plans and national security

- (1) If it appears to the Secretary of State that in the interests of national security any person or class of persons referred to in any one or more of paragraphs (a) to (e) of section 12A(3) above should not be consulted about a proposed direction, he may treat that subsection as not referring to that person or to that class of person.
- (2) In relation to any reservoir (whether a large raised reservoir or not, as the case may be) the Secretary of State may, by written notice served on the undertakers, require them not to publish, or not to publish except as specified in the notice—
- (a) a flood plan prepared by them pursuant to a notice given under section 12A above;

Changes to legislation: Water Act 2003, Section 78 is up to date with all changes known to be in force on or before 24 May 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

(b) any corresponding plan prepared by them other than pursuant to such a notice,
and a notice under this subsection may also require the undertakers to withhold access to any such plan from any person except as specified in the notice.”

Commencement Information

- I1** S. 78 in force at 1.10.2004 for E. by S.I. 2004/2528, **art. 2(n)** (with Sch. para. 8)
I2 S. 78 in force at 11.11.2004 for W. by S.I. 2004/2916, **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\(3\)](#)