

SCHEDULES

SCHEDULE 21

WATER

Water abstraction and impounding

- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Act.
- (2) Where—
- (a) the nominated undertaker causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Act, and
 - (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of WRA 1991, but for sub-paragraph (1),
- the nominated undertaker must compensate the other person for the loss or damage.
- (3) Compensation under sub-paragraph (2) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of WRA 1991.
- (4) Section 48A(5) of WRA 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under—
- (a) this paragraph, or
 - (b) Part 5 of Schedule 33.