
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Resources Act 1991 (“the Act”) by making some changes to the power to designate Water Protection Zones (“WPZ”) together with the powers to undertake anti-pollution works and serve notices to undertake such works. The purpose being to ensure that England and Wales are able properly to comply with the obligations imposed by Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy. The Regulations amend the Act in the following ways—

- amending section 93 by—
 - extending controls on activities to include to those which cause harm to controlled waters in addition to activities which risk or cause pollution, and
 - requiring that the Secretary of State in England or the Welsh Ministers in Wales, be satisfied that it is necessary to regulate activities which the Secretary of State or the Welsh Ministers consider are likely to result in the pollution of, or harm to, controlled waters before making a WPZ order, and
 - revoking section 93(2) to remove the exception in relation to nitrates and revoking sections 94, 95, 96(2) and Schedule 12 in consequence;
- substituting new sections 161 to 161AB for sections 161 to 161A for the purpose of—
 - extending controls on activities to include those which cause harm to controlled waters, and
 - enabling the Environment Agency to carry out works where the condition of any hydromorphological quality element of any controlled waters is unsatisfactory;
- making consequential amendments to the [Anti-Pollution Works Regulations 1999/1006](#).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009.