



Water Act 1989

1989 CHAPTER 15

PART III

THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

CHAPTER II

WATER RESOURCES

Drought etc.

132 Emergency drought orders

- (1) If the Secretary of State—
- (a) is satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water in any area exists or is threatened; and
 - (b) is further satisfied that the deficiency is such as to be likely to impair the economic or social well-being of persons in the area,
- then, subject to the following provisions of this section and section 133 below, he may by order made by statutory instrument make such provision authorised by this section as appears to him to be expedient with a view to meeting the deficiency.
- (2) The power to make an order under this section in relation to any area shall not be exercisable except where an application is made to the Secretary of State—
- (a) by the Authority; or
 - (b) by a water undertaker which supplies water to premises in that area.
- (3) An order made under this section on the application of the Authority may contain any of the provisions which could be included, by virtue of subsection (3) of section 131 above, in an order under that section.
- (4) An order made under this section on the application of a water undertaker may contain any of the following provisions, that is to say—

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- (a) any provision which could be included, by virtue of subsection (4) of section 131 above, in an order under that section, except provision authorised by paragraph (b) of that subsection;
 - (b) provision authorising the water undertaker to prohibit or limit the use of water for such purposes as the water undertaker thinks fit;
 - (c) provision authorising the water undertaker to supply water in its area or in any place within its area by means of stand-pipes or water tanks, and to erect or set up and maintain stand-pipes or water tanks in any street in that area.
- (5) The following provisions apply where an order under this section contains a provision authorising a water undertaker to prohibit or limit the use of water, that is to say—
- (a) the power may be exercised in relation to consumers generally, a class of consumer or a particular consumer;
 - (b) the water undertaker shall take such steps as it thinks appropriate for bringing the prohibition or limitation to the attention of the persons to whom the prohibition or limitation will apply and, in particular, shall (as the undertaker thinks appropriate)—
 - (i) cause notice of the prohibition or limitation to be published in one or more local newspapers circulating within that part of the water undertaker's area which would be affected by the provision of the order; or
 - (ii) send notice of the prohibition or limitation to the persons to whom the prohibition or limitation will apply;
 - (c) the prohibition or limitation shall not come into operation until the expiration of the period of seventy-two hours beginning with the day on which the notice is published or, as the case may be, sent to the person in question.
- (6) Where powers have been conferred by an order under this section on any person—
- (a) the Secretary of State may give to that person such directions as he considers necessary or expedient as to the manner in which, or the circumstances in which, any of those powers is or is not to be exercised;
 - (b) it shall be the duty of that person to comply with any such direction; and
 - (c) where that person is a water undertaker or sewerage undertaker, the duty to comply with any such direction shall be enforceable under section 20 above by the Secretary of State.
- (7) The giving of a direction under subsection (6) above in relation to any power shall not affect the validity of anything done in the exercise of that power before the giving of the direction or any obligation or liability incurred before the giving of the direction.
- (8) Any works to be carried out under the authority of an order under this section shall be included in the definition of emergency works in section 39(1) of the Public Utilities Street Works Act 1950.
- (9) Schedule 14 to this Act shall have effect with respect to the procedure on an application for an order under this section and with respect to the payment of compensation where such an order has been made.
- (10) The period for which—
- (a) an authorisation given by or under an order under this section;
 - (b) a prohibition or limitation imposed by or under any such order; or
 - (c) a suspension or modification effected by or under any such order,

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has effect shall expire before the end of the period of three months beginning with the day on which the order comes into operation unless that period of three months is extended, in relation to that order, by virtue of the exercise by the Secretary of State of his power to amend the order; and that power shall not be exercised so as to extend that period of three months beyond the end of the period of five months beginning with that day.