



Water Act 1989

1989 CHAPTER 15

PART III

THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

CHAPTER II

WATER RESOURCES

Drought etc.

133 Provisions supplemental to powers conferred by sections 131 and 132

- (1) Any drought order which—
- (a) authorises the taking of water from a source from which water is supplied to an inland navigation; or
 - (b) suspends or modifies—
 - (i) a restriction as respects the taking of water from a source from which water is supplied to an inland navigation; or
 - (ii) an obligation to discharge compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation,may include provision for prohibiting or imposing limitations on the taking of water from the inland navigation or for the suspension or modification of any obligation to which a navigation authority are subject as respects the discharge of water from the inland navigation.
- (2) A prohibition or limitation by or under a drought order on the taking of water from any source may be imposed so as to have effect in relation to a source from which a person to whom the prohibition or limitation applies has a right to take water whether by virtue of an enactment or instrument, an agreement or the ownership of land.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Where a drought order made on the application of a water undertaker confers power on the Authority—
- (a) to prohibit or limit the taking of water from any source; or
 - (b) to suspend or vary, or attach conditions to, any consent for the discharge of any effluent,
- the Authority shall exercise that power in such manner as will ensure, so far as reasonably practicable, that the supplies of water available to the water undertaker are not seriously affected.
- (4) Where—
- (a) any drought order confers power on the Authority to suspend or vary, or attach conditions to, any consent for the discharge of any effluent; and
 - (b) the Authority exercises that power so as to restrict the discharge of effluent by a sewerage undertaker,
- the sewerage undertaker may so modify any consents or agreements relating to the discharge by other persons of trade effluent as to enable it to comply with any requirements or conditions imposed on it by or under the order with respect to discharges from sewers or works of the undertaker.
- (5) A drought order may authorise the Authority or a water undertaker, subject to any conditions and restrictions specified in the order, to execute any works required for the performance of any duty or the exercise of any power which is imposed or conferred by or under the order and—
- (a) may authorise the Authority or that undertaker for that purpose to enter upon any land specified in the order and to occupy and use the land to such extent and in such manner as may be requisite for the execution and maintenance of the works; and
 - (b) may apply in relation to the execution of the works such of the provisions of Part IV of this Act as appear to the Secretary of State to be appropriate, subject to such modifications as may be specified in the order.
- (6) The Secretary of State shall include in any drought order authorising the Authority or a water undertaker to enter any land provisions requiring the Authority or that undertaker to give to the occupier of the land and to such other persons concerned with the land as may be specified in the order not less than twenty-four hours' notice of any intended entry.
- (7) A drought order may—
- (a) make provision corresponding to sections 178 and 179 below in relation to any provisions of the order authorising any person to enter any land;
 - (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (c) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (8) Nothing in any drought order shall affect the right of the Authority, a water undertaker or a sewerage undertaker, in the event of an interruption or diminution of the supply of water, to recover any fixed or minimum charge which might have been recovered from any person by the Authority or that undertaker if there had been no such interruption or diminution.