



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Rights to abstract or impound

[^{F1}27A Variation of small quantity threshold

- (1) The Secretary of State may by order made by statutory instrument provide that section 27(1) above is to have effect in relation to—
 - (a) a geographical area; or
 - (b) a class of inland waters; or
 - (c) a class of underground strata; or
 - (d) a class of inland waters or of underground strata within a geographical area, (in each case as specified in the order) as if for “twenty cubic metres” there were substituted another quantity specified in the order.
- (2) The Secretary of State shall not make such an order except upon the application of the [^{F2}appropriate agency]; but he may direct the [^{F2}appropriate agency] to make such an application.
- (3) Such an order may—
 - (a) make different provision in relation to the different paragraphs in subsection (1) above; and
 - (b) make different provision for different areas, waters or underground strata.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 27A. (See end of Document for details)

- (4) Schedule 6 to this Act shall have effect with respect to applications for orders under subsection (1) above and with respect to the making of such orders.
- (5) An order under subsection (1) above which specifies a greater quantity than the one which previously had effect in relation to the area, waters or strata in question may make provision for a licence to abstract water granted under this Chapter—
- (a) which is for the time being in force; but
 - (b) which by virtue of the order has become wholly or partly unnecessary, to cease to have effect, or to cease to have effect to the extent specified in the order.
- (6) An order under subsection (1) above may include provision for or in relation to the payment by the [^{F2}appropriate agency] of compensation, in cases specified in the order, to a person who—
- (a) immediately before the making of an order under subsection (1) above, had been in a position to carry out an abstraction to which, by virtue of section 27(1) above, the restriction on abstraction did not apply;
 - (b) following the making of that order, requires a licence under this Chapter in order to carry out that abstraction; and
 - (c) has suffered loss or damage as a result of his having been—
 - (i) refused such a licence in respect of that abstraction; or
 - (ii) granted such a licence, but in respect of an abstraction of more limited extent than the one he had been in a position to carry out.
- (7) Paragraphs (e) and (f) of section 219(2) below apply in relation to orders under subsection (1) above as they apply to regulations made under this Act.
- (8) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Ss 27, 27A substituted (1.4.2004 for the insertion of s. 27A, 1.4.2005 in so far as not already in force) for s. 27 by [Water Act 2003 \(c. 37\)](#), **ss. 6(1), 105(3)**; S.I. 2004/641, art. 3(a) (with [Sch. 3 paras. 17](#)); S.I. 2005/968, art. 2(a)
- F2** Words in s. 27A substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 270(e)** (with [Sch. 7](#))

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 27A.