



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Form, contents and effect of licences

[^{F1}48A Civil remedies for loss or damage due to water abstraction

- (1) Subject to subsection (7) below and to section 79 (including that section as applied by section 79A(9)) below, a person who abstracts water from any inland waters or underground strata (an “abstractor”) shall not by that abstraction cause loss or damage to another person.
- (2) A person who suffers such loss or damage (a “relevant person”) may bring a claim against the abstractor.
- (3) Such a claim shall be treated as one in tort for breach of statutory duty.
- (4) In proceedings in respect of a claim under this section, the court may not grant an injunction against the abstractor if that would risk interrupting the supply of water to the public, or would put public health or safety at risk.
- (5) Except as provided in this section, no claim may be made in civil proceedings by a person (whether or not a relevant person) against an abstractor in respect of loss or damage caused by his abstraction of water.
- (6) Nothing in this section prevents or affects a claim for negligence or breach of contract.

Status: Point in time view as at 05/09/2017. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 48A. (See end of Document for details)

- (7) This section does not apply, and no claim may be brought under this section, where the loss or damage is caused by an abstractor acting in pursuance of a licence under this Chapter and is loss or damage—
- (a) in respect of which a person is entitled to bring a claim under section 60 below (or would be so entitled if there were a breach of the duty referred to in that section);
 - (b) in respect of which a person would have been entitled to bring a claim under section 60 below but for an express provision (including, for example, section 39(1A) above and section 59C(6) below) disapplying that duty; or
 - (c) constituting grounds on which a person is entitled to apply to the Secretary of State under section 55 below (or would be so entitled but for subsection (2) of that section) for the revocation or variation of that licence,
- but without prejudice to the application of section 48 above.]

Textual Amendments

- F1** S. 48A inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), **ss. 24(1)**, 105(3) (with s. 24(3)(a)); [S.I. 2004/641](#), art. 5 (with Sch. 3 paras. 4, 7)

Modifications etc. (not altering text)

- C1** S. 48A(1) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 46(1)**
- C2** S. 48A(1) excluded (21.8.2013) by [The Croxley Rail Link Order 2013 \(S.I. 2013/1967\)](#), arts. 1, **40(2)**
- C3** S. 48A(1) excluded (15.12.2014) by [The London Underground \(Northern Line Extension\) Order 2014 \(S.I. 2014/3102\)](#), arts. 1, **17(2)** (with Sch. 8 para. 45)
- C4** S. 48A(1) excluded (12.1.2016) by [The London Underground \(Bank Station Capacity Upgrade\) Order 2015 \(S.I. 2015/2044\)](#), arts. 1, **36(2)**
- C5** S. 48A(1) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 3(1)**
- C6** S. 48A(1) excluded (5.9.2017) by [The London Overground \(Barking Riverside Extension\) Order 2017 \(S.I. 2017/830\)](#), arts. 1, **15(2)** (with Sch. 8 para. 20)
- C7** S. 48A(1) applied (5.9.2017) by [The London Overground \(Barking Riverside Extension\) Order 2017 \(S.I. 2017/830\)](#), arts. 1, **15(4)** (with Sch. 8 para. 20)
- C8** S. 48A(5) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 46(4)**
- C9** S. 48A(5) excluded (21.8.2013) by [The Croxley Rail Link Order 2013 \(S.I. 2013/1967\)](#), arts. 1, **40(5)**
- C10** S. 48A(5) excluded (15.12.2014) by [The London Underground \(Northern Line Extension\) Order 2014 \(S.I. 2014/3102\)](#), arts. 1, **17(5)** (with Sch. 8 para. 45)
- C11** S. 48A(5) restricted (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 3(4)**
- C12** S. 48A(5) excluded (5.9.2017) by [The London Overground \(Barking Riverside Extension\) Order 2017 \(S.I. 2017/830\)](#), arts. 1, **15(5)** (with Sch. 8 para. 20)

Status:

Point in time view as at 05/09/2017. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 48A.