

This Statutory Instrument has been made in consequence of a defect SI 2006/641 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2008 No. 165

WATER RESOURCES, ENGLAND AND WALES

The Water Resources (Abstraction and Impounding) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>26th January 2008</i>
<i>Laid before Parliament</i>		<i>31st January 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>31st January 2008</i>
<i>Coming into force</i>	- -	<i>29th February 2008</i>

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations in exercise of the powers conferred by sections 37(4) and (6) (including as applied by section 51(3)), 51(1C)(b) and (1D), 189, 219(2)(d), (e) and (f) and 221(1) of the Water Resources Act 1991⁽¹⁾ and now vested in them⁽²⁾:

Citation, commencement

1. These Regulations may be cited as the Water Resources (Abstraction and Impounding) (Amendment) Regulations 2008 and come into force on 29th February 2008.

Amendments

2.—(1) The following provisions of the Water Resources (Abstraction and Impounding) Regulations 2006⁽³⁾ are amended.

(2) In paragraph (3) of regulation 6 (advertisement of an application), for “the date referred to in sub-paragraph (a)” substitute “the date referred to in paragraph (2)”.

(1) 1991 c. 57.

(2) In relation to Wales, the powers to make regulations under the provisions of the Water Resources Act 1991 have been transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (the entry relating to the Water Resources Act 1991 in Schedule 1 to that Order has been amended by section 100(4) of the Water Act 2003 (c.37) (“the WA”) and, by virtue of section 100(6) of the WA, references to the Water Resources Act 1991 in that Schedule are treated as references to that Act as amended by the WA). Those powers are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.38).

(3) 2006/641.

(3) In paragraph (3)(b) of regulation 12 (time limits for bringing appeals), for “regulation 10(3) or (4) (as the case may be)” substitute “regulation 10(4)”.

(4) In regulation 34 (register of abstraction and impounding licences)—

(a) for paragraph (2) substitute—

“(2) The Agency must—

(a) within 14 days beginning on—

(i) in relation to the information in paragraph (1)(a)(i), the relevant date, or

(ii) in relation to any other information mentioned in paragraph (1), the date on which the particulars in question become available to the Agency,

enter the appropriate particulars referred to in paragraph (1) on the register; and

(b) keep records on the register showing the date on which those entries are made.”; and

(b) for paragraph (4) substitute—

“(4) In a case where a matter in relation to a valid application falls to be determined under section 191A, information which the Secretary of State determines should be included on the register must be entered on to the register by the date 14 days after the day on which the Agency receives notice of that determination.

(5) In a case where a matter in relation to a valid application falls to be determined under section 191B, information which is not determined to be commercially confidential must be entered on to the register—

(a) by the date 14 days after the end of the period within which notice of appeal against that determination may be served; or

(b) if notice of appeal is so served, by the date 14 days after the day on which the Agency receives notice of the determination or withdrawal of the appeal.

(6) The Agency may keep the register, or any part of it, electronically.”.

24th January 2008

26th January 2008

Jane Davidson
Minister for Environment, Sustainability and
Housing,
One of the Welsh Ministers
Phil Woolas
Minister of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Resources (Abstraction and Impounding) Regulations 2006 (S.I. 2006/641) so as to correct a cross reference (regulation 2(2)), remove an unnecessary reference (regulation 2(3)), and correct an error and an omission in relation to deadlines for entering certain information on to the Register of abstraction and impounding licences (regulation 2(4)).

A full Regulatory Impact Assessment was produced in connection with the Water Resources (Abstraction and Impounding) Regulations 2006. A copy of this can be obtained from the Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL and from Water Branch, Environment Protection and Quality Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ. A further regulatory impact assessment has not been produced for these Regulations as they do not create any additional impact on the private or voluntary sectors.

Changes to legislation:

There are currently no known outstanding effects for the The Water Resources (Abstraction and Impounding) (Amendment) Regulations 2008.