
STATUTORY INSTRUMENTS

2017 No. 1329

The Boston Barrier Order 2017

PART 2

WORKS PROVISIONS

Supplementary powers and provisions

Water abstraction and impounding

20.—(1) The restriction imposed by section 24(1)(1) (restrictions on abstraction) of the Water Resources Act 1991 does not apply in relation to the abstraction of water for the purposes of, or in connection with, the construction of the authorised works.

(2) Section 25 (restrictions on impounding)(2) of the Water Resources Act 1991 does not apply in relation to anything done in the exercise of the powers conferred by this Order with respect to the authorised works.

(3) Section 48A(1) (civil remedies for loss or damage due to water abstraction)(3) of the Water Resources Act 1991 does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Order.

(4) Where—

- (a) the Agency causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Order; and
- (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of the Water Resources Act 1991, but for paragraph (3), the Agency must compensate the other person for the loss or damage.

(5) Compensation under paragraph (4) is to be assessed on the same basis as damages for the breach of the duty under section 48A(1) of the Water Resources Act 1991.

(6) Section 48A(5) of the Water Resources Act 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under this article.

(7) In this article, “abstraction” has the same meaning as in the Water Resources Act 1991.

(1) Section 24(1) was amended by [S.I. 1996/593](#).

(2) Section 25 was amended by section 2 of the Water Act 2003 and [S.I. 2013/755](#).

(3) Section 48A was inserted by section 24(1) of the Water Act 2003 ([c. 37](#)).