



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER III

DROUGHT

74 Provisions and duration of ordinary drought order.

- (1) An ordinary drought order made on the application of the [F¹appropriate agency] may contain any of the following provisions, that is to say—
- (a) provision authorising the [F¹appropriate agency] (or persons authorised to do so by the [F¹appropriate agency]) to take water from any source specified in the order subject to any conditions or restrictions so specified;
 - (b) provision authorising the [F¹appropriate agency] (or persons authorised to do so by the [F¹appropriate agency]) to discharge water to any place specified in the order subject to any conditions or restrictions so specified;
 - (c) provision authorising the [F¹appropriate agency] to prohibit or limit the taking by any person (including a water undertaker) of water from a source specified in the order if the [F¹appropriate agency] is satisfied that the taking of water from that source seriously affects the supplies available to the [F¹appropriate agency], any water undertaker or any other person;
 - (d) provision suspending or modifying, subject to any conditions specified in the order, any restriction or obligation to which the [F¹appropriate agency], any water undertaker or sewerage undertaker or any other person is subject as respects—
 - (i) the taking of water from any source;
 - (ii) the discharge of water;
 - (iii) the supply of water (whether in point of quantity, pressure, quality, means of supply or otherwise); or

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- (iv) the filtration or other treatment of water;
 - (e) provision authorising the [^{F1}appropriate agency] to suspend or vary, or attach conditions to, any [^{F2}environmental permit] specified in the order for the discharge of any effluent by any person, including any sewerage undertaker or water undertaker.
- (2) An ordinary drought order made on the application of a water undertaker may contain any of the following provisions, that is to say—
- (a) provision authorising the water undertaker to take water from any source specified in the order subject to any conditions or restrictions so specified;
 - (b) provision authorising the water undertaker to prohibit or limit the use of water for any purpose specified in the order, being a purpose for the time being set out in a direction given by the Secretary of State to water undertakers generally as a purpose which may be specified by virtue of this paragraph in any ordinary drought order;
 - (c) provision authorising the water undertaker to discharge water to any place specified in the order subject to any conditions or restrictions so specified;
 - (d) provision authorising the [^{F1}appropriate agency] to prohibit or limit the taking by any person of water from a source specified in the order if the [^{F1}appropriate agency] is satisfied that the taking of water from that source seriously affects the supplies available to the water undertaker;
 - (e) provision prohibiting or limiting the taking by the [^{F1}appropriate agency] of water from a source specified in the order if the taking of water from that source is determined, in accordance with provision made by the order, seriously to affect the supplies available to the water undertaker;
 - (f) provision suspending or modifying, subject to any conditions specified in the order, any restriction or obligation to which the water undertaker or any sewerage undertaker or other person is subject as respects—
 - (i) the taking of water from any source;
 - (ii) the discharge of water;
 - (iii) the supply of water (whether in point of quantity, pressure, quality, means of supply or otherwise); or
 - (iv) the filtration or other treatment of water;
 - (g) provision authorising the [^{F1}appropriate agency] to suspend or vary, or attach conditions to, any [^{F3}environmental permit] specified in the order for the discharge of any effluent by any person, including the company which applied for the order (whether in the capacity in which it made the application, in its capacity as a sewerage undertaker or in any other capacity).
- (3) The period for which—
- (a) an authorisation given by or under an ordinary drought order;
 - (b) a prohibition or limitation imposed by or under any such order; or
 - (c) a suspension or modification effected by or under any such order,
- has effect shall expire before the end of the period of six months beginning with the day on which the order comes into force, unless that period of six months is extended, in relation to that order, by virtue of the exercise by the Secretary of State of his power (subject to subsection (4) below) to amend the order.
- (4) The power of the Secretary of State to amend an ordinary drought order shall not be exercised so as to extend the period of six months mentioned in subsection (3) above

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beyond the end of the period of one year beginning with the day on which that order came into force.

- (5) Without prejudice to the following provisions of this Chapter, an ordinary drought order may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

Textual Amendments

- F1** Words in ss. 73-75 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(n)** (with Sch. 7)
- F2** Words in s. 74(1)(e) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(3)(a)** (with reg. 1(2), Sch. 4)
- F3** Words in s. 74(2)(g) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(3)(a)** (with reg. 1(2), Sch. 4)

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