STATUTORY INSTRUMENTS

2017 No. 1043 (C. 96)

WATER RESOURCES

The Water Act 2003 (Commencement No. 12) Order 2017

Made - - - - 30th October 2017

The Secretary of State makes this Order in exercise of the powers conferred by section 105(3) to (6) of the Water Act 2003(**1**) and after consulting the Welsh Ministers in accordance with section 105(5) and (6) of that Act(**2**).

Citation

1. This Order may be cited as the Water Act 2003 (Commencement No. 12) Order 2017.

Provisions coming into force

2. The following provisions of the Water Act 2003 come into force on 1st January 2018—

(a) section 5 (rights of navigation, harbour and conservancy authorities);

(b) section 7 (rights to abstract for drainage purposes, etc);

(c) section 8 (amendments relating to section 7) so far as not already in force;

(d) section 32 (visiting forces);

(e) section 73 (border rivers);

(f) in section 101 (minor and consequential amendments and repeals) as follows—

(i) subsection (1) so far as it relates to the provisions in paragraph (g);

(ii) subsection (2) so far as it relates to the provisions in paragraph (h);

(g) Part 1 of Schedule 7 (minor and consequential amendments: abstraction and impounding) so far as not already in force;

(h) Part 1 of Schedule 9 (repeals and revocation) so far as not already in force.

(**1**) 2003 c. 37.

(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), therefore the requirement to consult the National Assembly for Wales in section 105(5) and (6) is now a requirement to consult the Welsh Ministers.

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

30th October 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings various provisions of the Water Act 2003 (c. 37) into force on 1st January 2018.

Sections 5, 7, and 32 limit or remove certain exemptions from the restriction on abstracting water in the Water Resources Act 1991 (c. 57). Those exemptions relate to rights of navigation, harbour and conservancy authorities, rights to abstract for drainage purposes and visiting forces. Sections 8(2) and 101 make consequential amendments to the Water Resources Act 1991.

Section 73 extends to Scotland and amends section 6 of the Environment Act 1995 (c. 25) (general provisions with respect to water) to include within the scope of the Environment Agency's functions referred to in that section so much of the specified border rivers as are in England.

A Regulatory Impact Assessment was produced in connection with the Water Act 2003. This sets out the impact of removing exemptions from the restriction on abstraction to which this Order relates. A further impact assessment was produced in respect of new authorisations for water abstraction in October 2017 on the costs to business, the voluntary sector and the public sector. Copies of both impact assessments can be obtained from the Water Resources Management Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and are published on www.legislation.gov.uk alongside the Water Abstraction and Impounding (Exemptions) Regulations 2017 and the Water Abstraction (Transitional Provisions) Regulations 2017. No separate impact assessment has been produced for this instrument.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Water Act 2003 have been brought into force by a commencement order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 4	1.4.2006	2006/984
Section 6 (partially)	1.4.2004	2004/641
Section 6 (remainder)	1.4.2005	2005/968
Section 8 (partially)	1.4.2006	2006/984
Section 9	1.4.2004	2004/641
Section 10 (partially)	1.4.2004	2004/641
Section 10 (remainder)	1.4.2005	2005/968
Sections 11 to 14	1.4.2006	2006/984
Section 15	1.4.2004	2004/641
Section 16 (partially)	1.4.2004	2004/641
Section 16 (partially)	1.4.2005	2005/968
Section 17	1.4.2005	2005/968

Provision	*Date of Commencement*	*S.I. No.*
Section 18	1.4.2004	2004/641
Section 19 (partially)	1.4.2004	2004/641
Section 19 (remainder)	1.4.2006	2006/984
Section 20	1.4.2004	2004/641
Sections 21 to 23	1.4.2006	2006/984
Section 24	1.4.2005	2004/641
Section 25 (partially)	1.4.2004	2004/641
Section 25 (remainder)	1.4.2006	2006/984
Section 26	1.10.2004	2004/2528
Section 27	1.4.2004	2004/641
Sections 28 and 29	1.10.2004	2004/2528
Section 30	1.4.2006	2006/984
Section 31	1.10.2004	2004/2528
Section 33	1.4.2006	2006/984
Section 34 (partially)	1.4.2006	2005/2714
Section 35 (partially)	1.8.2005	2005/968
Section 35 (partially)	1.10.2005	2005/2714
Section 35 (remainder)	1.4.2006	2005/2714
Section 36 (partially)	1.4.2005	2005/968
Section 36 (partially)	1.4.2006	2005/2714
Section 37	1.4.2004	2004/641
Section 38 (partially)	1.10.2004	2004/2528
Section 38 (remainder)	1.10.2005	2005/2714
Sections 39 to 42	1.4.2005	2005/968
Sections 43 to 47	1.10.2005	2005/2714
Section 48 (partially)	1.10.2004	2004/2528
Section 48 (remainder)	1.4.2005	2005/968
Sections 49 and 50	1.10.2004	2004/2528
Section 51	1.4.2005	2005/968
Section 52	1.4.2006	2005/2714
Section 53	1.4.2004	2004/641
Sections 54 and 55	1.10.2004	2004/2528
Section 56 (partially)	1.4.2004	2004/641
Section 56 (partially)	1.8.2005	2005/968