

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Applications for orders. (See end of Document for details)

SCHEDULES

SCHEDULE 19

ORDERS CONFERRING COMPULSORY WORKS POWERS

Modifications etc. (not altering text)

- C1** Sch. 19 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)
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Applications for orders

- 1 (1) Where the [^{F1}appropriate agency] applies to either of the Ministers for a compulsory works order, it shall—
- (a) submit to that Minister a draft of the order applied for;
 - (b) publish a notice with respect to the application, at least once in each of two successive weeks, in one or more newspapers circulating in each relevant locality;
 - (c) not later than the date on which that notice is first published—
 - (i) serve a copy of the notice on each of the persons specified in relation to the application in sub-paragraph (3) below; and
 - (ii) in the case of a draft order which would authorise the stopping-up or diversion of a footpath^{F2}, bridleway or restricted byway], cause such a copy, together with a plan showing the general effect of the draft order so far as it relates to the footpath^{F2}, bridleway or restricted byway], to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted;
- and
- (d) publish a notice in the London Gazette which-
 - (i) states that the draft order has been submitted to that Minister;
 - (ii) names every local authority on whom a notice is required to be served under this paragraph;
 - (iii) specifies a place where a copy of the draft order and of any relevant map or plan may be inspected; and
 - (iv) gives the name of every newspaper in which the notice required by virtue of paragraph (b) above was published and the date of an issue containing the notice.
- (2) The notice required by virtue of sub-paragraph (1)(b) above to be published with respect to an application for an order by the [^{F1}appropriate agency] shall—

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- (a) state the general effect of the order applied for;
 - (b) in the case of an application made wholly or partly for the purpose of enabling any discharges of water to be made—
 - (i) contain particulars of the proposed discharges, stating the purposes of the discharges and specifying each place of discharge;
 - (ii) specify the places at which the water to be comprised in the proposed discharges is to be taken and the treatment (if any) which the draft order proposes to require the water, or any of it, to receive before being discharged under the order; and
 - (iii) state the effect which, in the opinion of the [^{F1}appropriate agency], the proposed discharges would have on the flow, level and quality of water in any inland waters or underground strata;
 - (c) specify a place where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice; and
 - (d) state that any person may within that period, by notice to the Minister applied to, object to the making of the order.
- (3) The persons mentioned in sub-paragraph (1)(c) above in relation to an application for a compulsory works order a draft of which has been submitted to either of the Ministers are—
- (a) every local authority whose area is or includes the whole or any part of a relevant locality and which is not [^{F3}an English county] council;
 - (b) every water undertaker whose area is or includes the whole or any part of such a locality;
 - (c) every navigation authority, harbour authority and conservancy authority which would be affected by, or has functions in relation to any inland waters which would be affected by, any provision proposed to be made by the order;
 - [^{F4}(d) every person who—
 - (i) is an owner, lessee, tenant (whatever the tenancy period) or occupier of any land in relation to which compulsory powers would become exercisable if the order were made in the terms of the draft order; or
 - (ii) who the water undertaker thinks is likely to be entitled to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 if the order is confirmed and the compulsory powers become exercisable, so far as he is known to the water undertaker after making diligent inquiry;]
 - (e) every person who has given notice to the [^{F1}appropriate agency] requiring it to notify him of applications for compulsory works orders and has paid such reasonable charge as the [^{F1}appropriate agency] may have required him to pay for being notified by virtue of this paragraph;
 - (f) such other persons as may be prescribed.
- (4) In this paragraph “relevant locality”, in relation to an application for an order, means—
- (a) any locality which would be affected by any provision proposed to be made by the order for the purpose of enabling any engineering or building operations to be carried out; and

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- (b) where provision is proposed to be made by the order for the purpose of enabling discharges of water to be made, each locality in which the place of any of the proposed discharges is situated or in which there appears to the ^{F1}appropriate agency] to be any inland waters or underground strata the flow, level or quality of water in which may be affected by any of the proposed discharges.

Textual Amendments

- F1** Words in Sch. 19 paras. 1-5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 311(e)** (with Sch. 7)
- F2** Words in Sch. 19 para. 1(1)(c)(ii) substituted (2.5.2006 for E., 11.5.2006 for W.) by [Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. I**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)
- F3** Words in Sch. 19 para. 1(3)(a) substituted (1.4.1996) by [1994 c. 19, s. 22\(5\)](#), **Sch. 11 Pt. I para. 3(11)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1) 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F4** Sch. 19 para. 1(3)(d) substituted (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 9(a)** (with art. 1(3))

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