



Environment Act 2021

2021 CHAPTER 30

PART 5

WATER

Plans and proposals

PROSPECTIVE

78 Water resources management plans, drought plans and joint proposals

- (1) Chapter 1 of Part 3 of the Water Industry Act 1991 (general duties of water undertakers) is amended as follows.
- (2) In section 37A (water resources management plans)—
 - (a) in the heading omit “: preparation and review”;
 - (b) in subsection (3)(b) omit from “(also” to the end;
 - (c) in subsection (4)—
 - (i) at the beginning insert “Section 39F contains provision about”;
 - (ii) omit “is set out in section 37B below”;
 - (d) in subsection (6) omit the words after paragraph (c);
 - (e) omit subsection (8);
 - (f) omit subsection (10).
- (3) Omit sections 37B and 37C (water resources management plans: publication and provision of information).
- (4) In section 37D (water resources management plans: supplementary)—
 - (a) in subsection (1), in the words before paragraph (a), for “, 37AA or 37B” substitute “or 37AA”;
 - (b) in subsection (3)—
 - (i) in paragraph (a) for “to 37C” substitute “and 37AA”;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 78. (See end of Document for details)

(ii) omit paragraph (b) (and the “and” before it).

(5) In section 39B (drought plans)—

- (a) in the heading omit “: preparation and review”;
- (b) in subsection (4)(b) omit from “(also” to the end;
- (c) for subsection (5) substitute—

“(5) Section 39F makes provision about the procedure for preparing and publishing a drought plan (or revised plan).”;

- (d) in subsection (6)—
 - (i) in paragraph (c) omit from “in accordance” to the end;
 - (ii) omit the words after paragraph (c);
- (e) omit subsection (7);
- (f) in subsection (9), in the words before paragraph (a), omit from “(including” to “above”.

(6) Omit section 39C (drought plans: provision of information).

(7) After section 39D insert—

“39E Joint proposals

- (1) The Minister may give a direction to two or more water undertakers to prepare and publish a joint proposal.
- (2) A joint proposal is a proposal that identifies measures that may be taken jointly by the undertakers for the purpose of improving the management and development of water resources.
- (3) A joint proposal must not contain measures that (if taken) would result in any water undertaker being unable to meet its obligations under this Part.
- (4) A direction under this section may, in particular, require that—
 - (a) a joint proposal takes a specified form;
 - (b) a joint proposal addresses a specified matter;
 - (c) a joint proposal be prepared—
 - (i) in relation to a specified area;
 - (ii) by reference to specified criteria;
 - (iii) on the basis of a specified assumption.
- (5) Directions under this section are to be given by an instrument in writing.
- (6) Each water undertaker to whom a direction applies must comply with the direction.
- (7) The duties of a water undertaker under this section are enforceable by the Minister under section 18.
- (8) In this section “the Minister” means—
 - (a) the Secretary of State, in relation to water undertakers whose areas are wholly or mainly in England, and
 - (b) the Welsh Ministers, in relation to water undertakers whose areas are wholly or mainly in Wales.

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- (9) In this section “specified” means specified in a direction under this section.

39F Plans and joint proposals: regulations about procedure

- (1) The Minister may by regulations make provision about the procedure for preparing and publishing—
- (a) a water resources management plan,
 - (b) a drought plan, and
 - (c) a joint proposal,
- including any revised plans or proposals.
- (2) The regulations may provide for the sharing of information and, in particular, may require a water supply licensee to share such information with a water undertaker as may be reasonably requested.
- (3) The regulations may make provision about consultation to be carried out by water undertakers, including provision about—
- (a) the persons to be consulted,
 - (b) the frequency and timing of any consultation, and
 - (c) the publication of statements relating to any consultation.
- (4) The regulations may make provision about the preparation and circulation of drafts, including provision for the Minister to require changes to a draft plan or proposal.
- (5) The regulations may make provision for the purposes of ensuring that persons likely to be affected by the plan or proposal have a reasonable opportunity to make representations to the Minister.
- (6) The regulations may make provision about how representations (and any comments on them by a water undertaker) are to be dealt with, and in respect of a plan mentioned in subsection (1)(a) or (b), the regulations may provide for—
- (a) the Minister to cause an inquiry or other hearing to be held in connection with the plan, and
 - (b) section 250(2) to (5) of the Local Government Act 1972 (local inquiries: evidence and costs) to apply to such an inquiry or hearing (with or without modifications).
- (7) The regulations may make provision about commercially confidential information and its publication.
- (8) In this section “the Minister” means—
- (a) the Secretary of State, in relation to water undertakers whose areas are wholly or mainly in England, and
 - (b) the Welsh Ministers, in relation to water undertakers whose areas are wholly or mainly in Wales.

39G Regulations under section 39F: directions

- (1) Regulations made under section 39F may confer on the Minister power to make provision by directions.

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- (2) Those directions are to be given by an instrument in writing.
- (3) They may be—
 - (a) general directions applying to all water undertakers, or
 - (b) directions applying only to one or more water undertakers specified in the directions.
- (4) Each water undertaker to whom a direction applies must comply with the direction.
- (5) The duties of a water undertaker under this section are enforceable by the Minister under section 18.
- (6) In this section “the Minister” has the same meaning as in section 39F.

39H Regulations under section 39F: supplementary

- (1) Regulations under section 39F are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under section 39F is subject to annulment in pursuance of a resolution of—
 - (a) either House of Parliament, in the case of regulations made by the Secretary of State;
 - (b) Senedd Cymru, in the case of regulations made by the Welsh Ministers.
- (3) Subsection (4) applies in relation to a statutory instrument containing both—
 - (a) regulations made by the Secretary of State under section 39F, and
 - (b) regulations made by the Welsh Ministers under section 39F.
- (4) If in accordance with subsection (2)(a) or (b) (negative resolution procedure) —
 - (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument containing regulations made by the Secretary of State be annulled, or
 - (b) Senedd Cymru resolves that an instrument containing regulations made by the Welsh Ministers be annulled,

the instrument is to have no further effect and Her Majesty may by Order in Council revoke the instrument.
- (5) Section 213(2) to (2B) applies to regulations made by the Welsh Ministers under section 39F as it applies to regulations made by the Secretary of State.”

Commencement Information

II S. 78 not in force at Royal Assent, see [s. 147\(3\)\(4\)](#)

Status:

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Changes to legislation:

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