

## SCHEDULE 21

### Consequential amendments

## PART 1

### Public General Acts

#### **Water Resources Act 1991**

- 21.**—(1) The Water Resources Act 1991(1) is amended as follows.
- (2) In sections 85(1), 91(2G)(a), 161(1), 161A(1) and 203(6)(b) omit the word “solid”.
- (3) After section 85(6) insert—
- “(7) For the purposes of subsection (1) “waste”, in the term “waste matter” includes anything that is waste for the purposes of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste(2), and that is not excluded from the scope of that Directive by Article 2(1) of that Directive.”.
- (4) In section 88—
- (a) omit subsection (1)(aa);
- (b) for subsection (1)(c), substitute—
- “(c) a permit granted under the Environmental Permitting (England and Wales) Regulations 2007, except insofar as it authorises a Part B activity within the meaning of those Regulations;”;
- (c) omit subsection (3);
- (d) in subsection (4)—
- (i) omit the definition of “disposal licence”;
- (ii) omit the definition of “waste management licence” and the word “and” immediately preceding it.
- (5) In section 91, after subsection (8), insert—
- “(9) In this section, “waste” has the meaning given in section 85(7).”.
- (6) In section 161B, for subsection (6), substitute—
- “(6) Without prejudice to the generality of the regulations that may be made by virtue of subsection (5), regulations by virtue of that subsection may—
- (a) provide for the basis on which any amount to be paid by way of compensation under this section is to be assessed;
- (b) without prejudice to the generality of paragraph (a) above, provide for compensation under this section to be payable in respect of—
- (i) any effect of any rights being granted, or
- (ii) any consequence of the exercise of any rights which have been granted;

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(1) 1991, c. 57. Section 88(1) was amended by S.I.2000/1973. Sections 91, 161 and 203 were amended by the Environment Act 1995 (c. 25) section 120 and Schedule 22. Section 161 was also amended by section 60 of that Act. Section 203 was also amended by the Water Act 2003 (c. 37), section 101 and Schedule 8. Sections 91(2G), 161A and 161B were inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22.

(2) OJNo. L 114, 27.4.2006, p9.

**Status:** This is the original version (as it was originally made).

- (c) provide for the times at which any entitlement to compensation under this section is to arise or at which any such compensation is to become payable;
- (d) provide for the persons or bodies by whom, and the manner in which, any dispute—
  - (i) as to whether any, and (if so) how much and when, compensation under this section is payable, or
  - (ii) as to the person to or by whom it shall be paid, is to be determined;
- (e) provide for when or how applications may be made for compensation under this section;
- (f) without prejudice to the generality of paragraph (d) above, provide for when or how applications may be made for the determination of any such disputes as are mentioned in that paragraph;
- (g) without prejudice to the generality of paragraphs (e) and (f) above, prescribe the form in which any such applications as are mentioned in those paragraphs are to be made;
- (h) make provision similar to any provision made by paragraph 8 of Schedule 19;
- (i) make different provision for different cases, including different provision in relation to different persons or circumstances;
- (j) include such incidental, supplemental, consequential or transitional provision as the Secretary of State considers appropriate.”.