

Changes to legislation: Water Industry Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

ORDERS CONFERRING COMPULSORY WORKS POWERS

Modifications etc. (not altering text)

- C1** Sch. 11 applied (with modifications) (4.6.1996) by [S.I. 1996/1243, art. 18, Sch. 5 Pt. II para. 6\(1\)](#)
Sch. 11: functions for certain purposes exercised concurrently with the Secretary of State (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)
- C1** Sch. 11 applied (with modifications) (24.3.2005) by [The New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\), art. 16, Sch. 3 para. 5\(1\)](#)
- C1** Sch. 11 applied (with modifications) (2.5.2006 for E. and 11.5.2006 for W. in accordance with reg. 1) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\), reg. 2, Sch. Pt. 1](#)
- C1** Sch. 11 applied (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\), art. 1, Sch. 3 para. 4\(1\)](#)
- C1** Sch. 11 applied (with modifications) (1.7.2015) by [The National Park Authorities \(England\) Order 2015 \(S.I. 2015/770\), art. 1, Sch. 3 para. 5\(1\)](#)

Applications for orders

- 1 (1) Where a water undertaker applies to the Secretary of State for a compulsory works order, it shall—
- (a) submit to the Secretary of State 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 or bridleway, cause such a copy, together with a plan showing the general effect of the draft order so far as it relates to the footpath or bridleway, 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 the Secretary of State;
 - (ii) names every local authority on whom a notice is required to be served under this paragraph;

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- (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 a water undertaker shall—
- (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 undertaker, 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 Secretary of State 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 the Secretary of State are—
- (a) [^{F1}the Environment Agency][^{F2}, if the whole or any part of a relevant locality is in England];
 - [^{F3}(aa) the NRW, if the whole or any part of a relevant locality is in Wales;]
 - (b) every local authority whose area is or includes the whole or any part of a relevant locality;
 - (c) every water undertaker, not being the applicant, whose area is or includes the whole or any part of such a locality;
 - (d) 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}(e) every person—
 - (i) who 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;]

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- (f) every person who has given notice to the water undertaker requiring it to notify him of applications for compulsory works orders and has paid such reasonable charge as the undertaker may have required him to pay for being notified by virtue of this paragraph;
 - (g) such other persons as may be prescribed.
- (4) In this paragraph “relevant locality”, in relation to an application for an order a draft of which is submitted to the Secretary of State by a water undertaker, 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
 - (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 that undertaker 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. 11 para. 1(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 126** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in Sch. 11 para. 1(3)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 262(2)** (with Sch. 7)
- F3** Sch. 11 para. 1(3)(aa) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 262(3)** (with Sch. 7)
- F4** Sch. 11 para. 1(3)(e) substituted (24.5.2007) by The Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 8(a)** (with art. 1(3))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)
- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)

– s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)