



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Rights to abstract or impound

29 Rights to abstract for drainage purposes etc.

(1) The restriction on abstraction shall not apply to any abstraction of water from a source of supply in the course of, or resulting from, any operations for purposes of land drainage.

[^{F1}(1A) The restriction on abstraction shall not apply to any abstraction of water from inland waters within the district of an internal drainage board if—

- (a) the abstraction is carried out by or on behalf of that board in connection with its functions;
- (b) the water abstracted is transferred to another area of inland waters within the board's district without intervening use; and
- (c) the sole or main purpose of the transfer is to augment that other area of inland waters.]

[^{F2}(2) The restriction on abstraction shall not apply to any abstraction of water from a source of supply in so far as the abstraction (where it does not fall within subsection (1) or (1A) above) is an emergency abstraction and the person abstracting the water complies with subsection (2B) below.

(2A) An abstraction of water is an emergency abstraction if, in the opinion of the abstractor, an emergency has arisen which makes the abstraction necessary to prevent immediate

Changes to legislation: Water Resources Act 1991, Section 29 is up to date with all changes known to be in force on or before 19 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

danger of interference with any mining, quarrying, engineering, building or other operations (whether underground or on the surface) or, in relation to such operations, to prevent an immediate risk—

- (a) to a human being of death, personal injury or harm to health;
- (b) of serious damage to works resulting from any such operations; or
- (c) of serious damage to the environment.

(2B) In the case of any emergency abstraction, the person abstracting the water shall before the end of the period of five days beginning with the date on which the abstraction started give notice to the appropriate agency of—

- (a) the abstraction and of the source of supply in question; and
- (b) the reasons for the abstractor’s opinion that an emergency had arisen and that the abstraction was necessary.

(2C) The appropriate agency may give notice to the person referred to in subsection (2B) above that in the appropriate agency's opinion an emergency had not arisen, or that the abstraction is not, or is no longer, necessary for any of the reasons set out in subsection (2A) above; and, if the appropriate agency does so, the restriction on abstraction shall apply to the abstraction from the time when the notice is served (and, if applicable, the restriction imposed by section 24(2) above shall apply accordingly).]

^{F3}(3)

(4) In the case of any abstraction of water from underground strata which falls within subsection (1) or (2) above, the restriction imposed by section 24(2) above shall not apply—

- (a) to the construction or extension of any well, borehole or other work; or
- (b) to the installation or modification of machinery or other apparatus,

if the well, borehole or other work is constructed or extended, or the machinery or apparatus is installed or modified, for the purpose of abstracting the water.

[^{F4}(5) In this section, “land drainage”—

- (a) includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea; but
- (b) does not include warping, irrigation (including spray irrigation), or transferring water from one source of supply to another (whether with or without intervening use) solely or mainly in order to augment the latter.]

Textual Amendments

- F1** S. 29(1A) inserted (1.1.2018) by [Water Act 2003 \(c. 37\)](#), **ss. 7(2)**, 105(3); S.I. 2017/1043, art. 2(b)
- F2** S. 29(2)-(2C) substituted for s. 29(2) (1.1.2018) by [Water Act 2003 \(c. 37\)](#), **ss. 7(3)**, 105(3); S.I. 2017/1043, art. 2(b) (as amended (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 417(2)(a) (with Sch. 7))
- F3** S. 29(3) repealed (1.1.2018) by [Water Act 2003 \(c. 37\)](#), **ss. 7(4)**, 105(3), **Sch. 9 Pt. 1**; S.I. 2017/1043, art. 2(b)(h)
- F4** S. 29(5) substituted (1.1.2018) by [Water Act 2003 \(c. 37\)](#), **ss. 7(5)**, 105(3); S.I. 2017/1043, art. 2(b)

Changes to legislation:

Water Resources Act 1991, Section 29 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 29 modified by [S.I. 2006/641 reg. 15](#) (This amendment comes into force on the date on which section 7(3) of the Water Act 2003 (c. 37) comes into force, see reg. 1(2). That provision is not yet in force)