

Explanatory Memorandum to The Water Resources (Abstraction and Impounding) (Amendment) Regulations 2008

This Explanatory Memorandum has been prepared by the Department of Environment, Sustainability and Housing and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

- (i) **Description**

These regulations amend the Water Resources (Abstraction and Impounding) Regulations 2006 correcting some minor errors and omissions.
- (ii) **Matters of special interest to the Subordinate Legislation Committee**

These amendment Regulations are to be made on a composite basis with the Defra Minister of State.
- (iii) **Legislative Background**

The powers enabling this Instrument to be made are contained in sections 37(4) and (6) (including as applied by section 51(3)), 51(1C)(b) and (1D), 189,219(2)(d),(e) and (f) and section 221 (1) of the Water Resources Act 1991. The powers to make regulations under the provisions of the Water Resources Act 1991 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999. Those powers are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
- (iv) **Purpose and intended effect of the legislation**

The original (2006) Regulations were reported by the Joint Committee on Statutory Instruments (JCSI) for an error in a cross-reference. These amendment Regulations correct that error, make another correction and rectify omissions, in particular, when the Agency must place information on its public register of licences. The formula in the original regulations did not work correctly in respect of certain scenarios.
- (v) **Implementation**

It is intended that these Regulations be made on a composite basis with the Defra Minister of State and come into force on 29 February 2008.
- (vi) **Consultation**

No specific consultation has been carried out for these amendments.
- (vii) **Regulatory Impact Assessment**

A full RIA was produced for the principal 2006 regulations. No further impact assessment has been prepared for these amending regulations since there are no material changes.