

HOW THE TEMPORARY BANS ORDER 2010 AFFECTS INDIVIDUAL WATER SUPPLY COMPANIES

There are 2 aspects to water use restrictions. The first is what water companies are able to do under their own powers – now called temporary use bans, but traditionally called hosepipe bans (now an inaccurate expression since they can go further than hosepipes). Temporary Use Bans provisions were updated through the Flood and Water Management Act 2010 to cover a much wider range of water uses. The flesh on the bones is contained within the Temporary Use Bans Order 2010 which provides clarifications on meanings and what is or is not to be included within a restriction on a particular use.

However, it is for the individual companies to determine what is covered by their own restrictions. They have absolute discretion over what they ban (from the uses included in the Water Industry Act) and complete flexibility over concessions and exemptions. Companies are working together to be as consistent as possible in their approach and I would suggest that you engage with the companies concerned over the detail of their restrictions.

The second stage of restrictions would come under drought orders. Drought orders enable companies to manage water sources in the environment, but may also include further restrictions on use. The uses of water that may be restricted through a drought order are set out in the Drought Direction 2011. If a company applied for a DO it would have to give notice (in papers, the London Gazette etc) and anybody could raise objections to the Secretary of State who would be likely then to call a public hearing. This enables all of the interests to be heard and given consideration. We only have one drought order at the moment, for South East Water, and it does not cover restrictions on use, only water management for the filling of a reservoir.

The link below is to our drought page on the internet and on that you will be able to find a link to both the Temporary Use Bans Order and the Drought Direction to see what may be included in restrictions.

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<http://www.defra.gov.uk/environment/quality/water/resources/drought/>