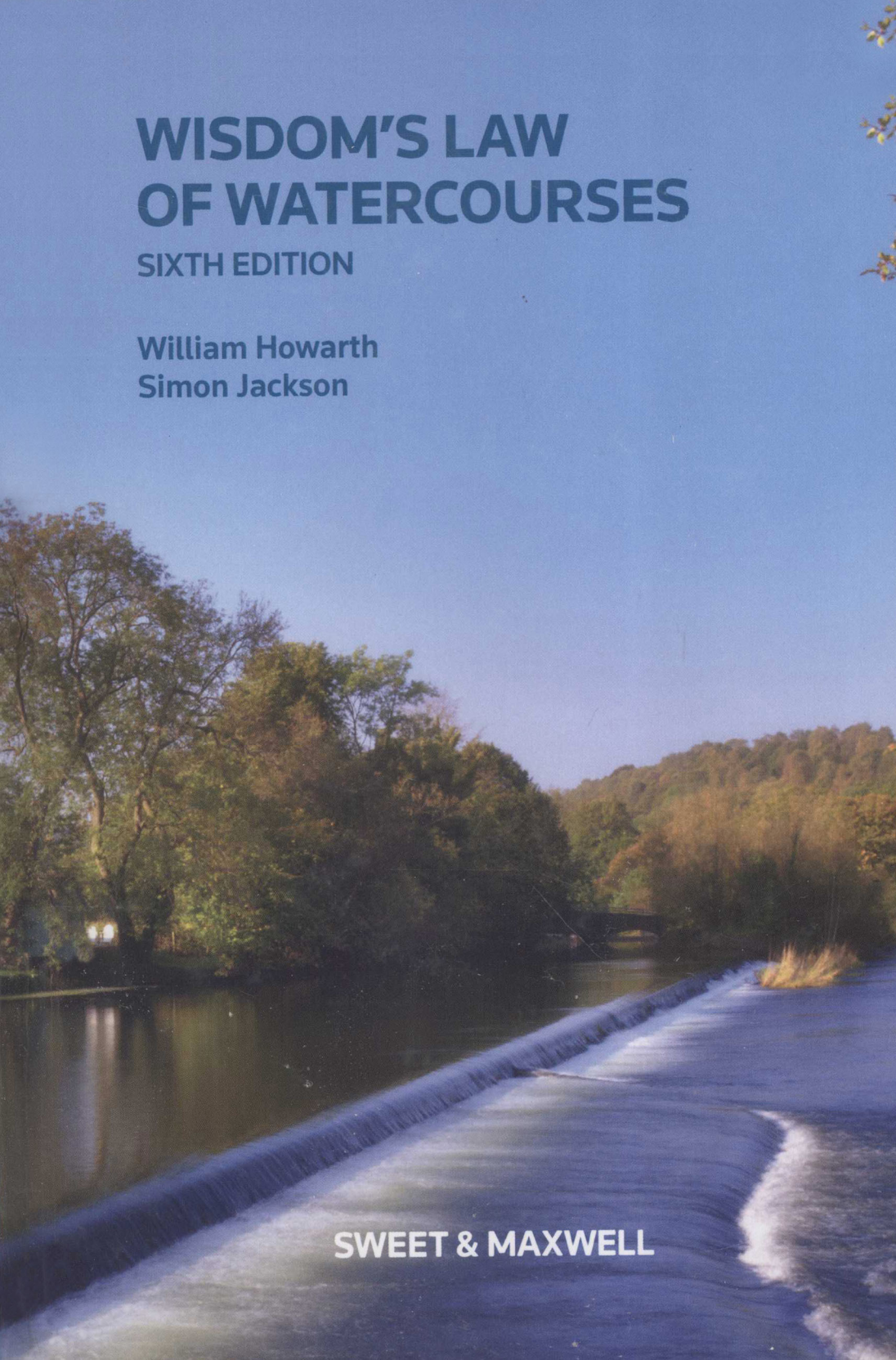


WISDOM'S LAW OF WATERCOURSES

SIXTH EDITION

**William Howarth
Simon Jackson**

SWEET & MAXWELL

A scenic photograph of a river with a weir, surrounded by lush green trees and a clear blue sky. The river flows from the background towards the foreground, where it cascades over a low weir. The water is a deep blue, and the surrounding trees are a vibrant green. The sky is a clear, pale blue. The overall scene is peaceful and natural.

Wisdom's Law of Watercourses

Authors

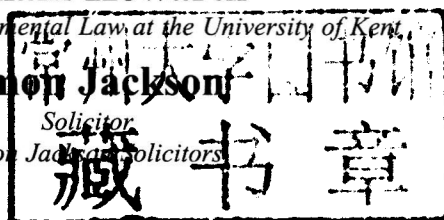
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Wisdom's Law of Watercourses

Preface

Since the first edition, published in 1962, A.S. Wisdom's work on the law of watercourses has been highly regarded by both legal practitioners and land management professionals dealing with the distinctive range of rights and duties that arise in relation to streams, rivers, estuaries and related kinds of water. The new edition strives to remain faithful to Wisdom's original aim of summarising the law relating to watercourses "within a reasonably confined but comprehensive compass", and retains much of the familiarity of structure which past readers have found valuable.

However, momentous changes in the law have taken place over recent years, since the last edition in 1992, and extensive revision of the work has been necessary to accommodate these changes. Perhaps most notably, the establishment of the Environment Agency, under the Environment Act 1995, has replaced the former National Rivers Authority by an environmental regulator with a more holistic remit and an obligation to regulate water in a way that is more closely integrated with other kinds of environmental regulation. Specific enactments have introduced major changes of approach in relation to different aspects of water management. The Water Act 2003 has reformed the way that water resources are managed, the Flood and Water Management Act 2010 has introduced a new approach towards flood risk and reservoir safety, and the Environmental Permitting Regulations 2010 have integrated water pollution regulation with environmental regulation more generally. Alongside these specific measures, the law relating to watercourses has seen a significant shift of emphasis towards nature conservation and a progressive harmonisation of water management regulation across the European Union. The last two developments have necessitated coverage in entirely new chapters. Whilst the case law developments may have been less radical, important issues have been addressed in the decisions in *Lovett v Fairclough* on the acquisition of fishing rights, the *Cambridge Water* case, *Leakey v National Trust* and subsequent cases relating to liability for natural hazards on land, the *Will's Trustees* case on the acquisition of public rights of navigation and cases relating to the protection of habitats culminating in the *Wightlink* case.

Despite all these substantial changes, it is the hope of the authors that the new edition serves the original purposes that Wisdom envisaged and will bring fully up to date a work that has proved invaluable to past readers.

William Howarth would like to acknowledge the help of his colleagues at the University of Kent for their helpful engagement in discussions on a spectrum of

issues that have enriched his thinking about diverse aspects of law, and to thank Carol Sturgeon for her constant support, constructive criticism and maintenance of his work-life balance.

Simon Jackson would like to thank his co-author for inviting him to share responsibility for this new edition and for his support as well as his wife Susan for listening patiently when the need arose. Thanks are also due to Adrian Taylor and Paul Lidgett of the Environment Agency for helpful comments.

Both authors would like to thank the publishers for their professionalism in converting the manuscript into the final published work.

The law is stated on the basis of sources available to the authors on April 6, 2011

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