



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VIII **E+W**

#### INFORMATION PROVISIONS

##### *Annual report and publication of information*

<sup>F1</sup>187 ..... **E+W**

#### Textual Amendments

**F1** S. 187 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 168, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3 (with art. 4)

<sup>F2</sup>188 **Duty of the Agency and NRBW to publish information** **E+W**

- (1) The Agency must—
  - (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England; and
  - (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside England.
- (2) The NRBW must—
  - (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in Wales; and
  - (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside Wales.]

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

#### Textual Amendments

- F2** S. 188 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 298** (with Sch. 7)

*Registers etc. to be kept by the [F3 appropriate agency]*

#### Textual Amendments

- F3** Words in s. 189 cross-heading substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)

### 189 Register of abstraction and impounding licences. **E+W**

- (1) The [F4 appropriate agency] shall keep, in such manner as may be prescribed, registers containing such information as may be prescribed with respect—
- (a) to applications made for the grant, revocation or variation of licences under Chapter II of Part II of this Act, including information as to the way in which such applications have been dealt with; and
  - (b) to persons becoming the holders of such licences by virtue of [F5 section 59A, 59B or 59C above].
- (2) Every register kept by the [F4 appropriate agency] under this section shall also contain such information as may be prescribed with respect—
- (a) to applications made in accordance with regulations under section 64 above; and
  - (b) to licences granted or deemed to be granted, and licences revoked or varied, in accordance with regulations made under that section.
- (3) Subject to any regulations under this section, the information which the [F4 appropriate agency] is required to keep in registers under this section shall continue to include the information which immediately before 1st September 1989 was contained in a register kept by a water authority under section 53 of the <sup>M1</sup>Water Resources Act 1963.
- (4) The contents of every register kept under this section shall be available, at such place as may be prescribed, for inspection by the public at all reasonable hours.

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F5** Words in s. 189(1)(b) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 23(3)**, 105(3); S.I. 2006/984, art. 2(m) (with Sch. para. 3)

#### Modifications etc. (not altering text)

- C1** S. 189 modified (1.4.2005) by [The Water Act 2003 \(Commencement No. 4, Transitional Provisions and Savings\) Order 2005 \(S.I. 2005/968\)](#), art. 4(1)(3), Sch. 1 paras. 7(10), 8(3), **9**

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**Marginal Citations**

**M1** 1963 c. 38.

**190 Pollution control register. E+W**

(1) It shall be the duty of the [F4appropriate agency] to maintain, in accordance with regulations made by the Secretary of State, registers containing prescribed particulars of [F6or relating to]—

(a) any notices of water quality objectives or other notices served under section 83 above;

F7(b) .....

F8(c) .....

F9(d) .....

(e) the following, that is to say—

(i) samples of water or effluent taken by the [F4appropriate agency] for the purposes of any of the water pollution provisions of this Act;

(ii) information produced by analyses of those samples;

(iii) such information with respect to samples of water or effluent taken by any other person, and the analyses of those samples, as is acquired by the [F4appropriate agency] from any person under arrangements made by the [F4appropriate agency] for the purposes of any of those provisions; and

(iv) the steps taken in consequence of any such information as is mentioned in any of sub-paragraphs (i) to (iii) above;

F10  
....

F10(f) .....

F11(g) .....

F12(h) .....

F13(j) .....

F14(k) .....

[F15(l) directions given by the Secretary of State in relation to the [F4appropriate agency's] functions under the water pollution provisions of this Act;

F16(m) .....

F17(n) .....

(o) works notices under section 161A above;

(p) appeals under section 161C above;

(q) convictions for offences under section 161D above;

(r) such other matters relating to the quality of water or the pollution of water as may be prescribed by the Secretary of State.

(1A) Where information of any description is excluded from any register by virtue of section 191B below, a statement shall be entered in the register indicating the existence of information of that description.]

(2) It shall be the duty of the [F4appropriate agency]—

(a) to secure that the contents of registers maintained by the [F4appropriate agency] under this section are available, at all reasonable times, for inspection by the public free of charge; and

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- (b) to afford members of the public reasonable facilities for obtaining from the [F<sup>4</sup>appropriate agency], on payment of reasonable charges, copies of entries in any of the registers.

[F<sup>18</sup>and, for the purposes of this subsection, places may be prescribed by the Secretary of State at which any such registers or facilities as are mentioned in paragraph (a) or (b) above are to be available or afforded to the public in pursuance of the paragraph in question.]

- (3) Section 101 above shall have effect in relation to any regulations under this section as it has effect in relation to any subordinate legislation under Part III of this Act.

- [F<sup>19</sup>(4) The Secretary of State may give to the [F<sup>4</sup>appropriate agency] directions requiring the removal from any register maintained by it under this section of any specified information which is not prescribed for inclusion under subsection (1) above or which, by virtue of section 191A or 191B below, ought to have been excluded from the register.]

F<sup>20</sup>(5) .....

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F6** Words in s. 190(1) inserted (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 169(2)** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)
- F7** S. 190(1)(b) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F8** S. 190(1)(c) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F9** S. 190(1)(d) repealed (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)\(3\)](#), Sch. 22 para. 169(3), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)
- F10** S. 190(1)(f) and word preceding it repealed (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)\(3\)](#), Sch. 22 para. 169(4), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)
- F11** S. 190(1)(g) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F12** S. 190(1)(h) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F13** S. 190(1)(j) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F14** S. 190(1)(k) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F15** S. 190(1)(g)-(r)(1A) added (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 169(4)** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)
- F16** S. 190(1)(m) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)
- F17** S. 190(1)(n) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 8(2)(o), **Sch. 28** (with reg. 1(2), Sch. 4)

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- F18** Words in s. 190(2) added (21.11.1996 for certain purposes and 31.12.1996 otherwise) by 1995 c. 25, s. 120(1), **Sch. 22 para. 169(5)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **arts. 2, 3** (subject to saving provisions in art. 4)
- F19** S. 190(4)(5) added (21.11.1996 for certain purposes and 31.12.1996 otherwise) by 1995 c. 25, s. 120(1), **Sch. 22 para. 169(6)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **arts. 2, 3** (subject to saving provisions in art. 4)
- F20** S. 190(5) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010](#) (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 8(2)(o)**, **Sch. 28** (with reg. 1(2), Sch. 4)

**Modifications etc. (not altering text)**

- C2** S. 190 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).
- C3** S. 190 modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011](#) (S.I. 2011/2043), reg. 1(b), **Sch. 1**)

**191 Register for the purposes of works discharges. E+W**

- (1) The [<sup>F4</sup>appropriate agency] shall keep a register of persons and premises for the purposes of section 164 above.
- (2) The [<sup>F4</sup>appropriate agency] shall enter the name and address of a person in that register in respect of any premises which abut on any watercourse if that person has requested to be so registered and is either—
- (a) the owner or occupier of those premises; or
  - (b) an officer of an association of owners or occupiers of premises which abut on that watercourse and include those premises.
- (3) If the [<sup>F4</sup>appropriate agency] contravenes, without reasonable excuse, any of the requirements of this section, it shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

**Textual Amendments**

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)

**[<sup>F21</sup>191A Exclusion from registers of information affecting national security. E+W**

- (1) No information shall be included in a register kept or maintained by the [<sup>F4</sup>appropriate agency] under any provision of this Act if and so long as, in the opinion of the Secretary of State, the inclusion in such a register of that information, or information of that description, would be contrary to the interests of national security.
- (2) The Secretary of State may, for the purpose of securing the exclusion from registers of information to which subsection (1) above applies, give to the [<sup>F4</sup>appropriate agency] directions—
- (a) specifying information, or descriptions of information, to be excluded from their registers; or
  - (b) specifying descriptions of information to be referred to the Secretary of State for his determination;

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and no information referred to the Secretary of State in pursuance of paragraph (b) above shall be included in any such register until the Secretary of State determines that it should be so included.

- (3) The [F4appropriate agency] shall notify the Secretary of State of any information it excludes from a register in pursuance of directions under subsection (2) above.
- (4) A person may, as respects any information which appears to him to be information to which subsection (1) above may apply, give a notice to the Secretary of State specifying the information and indicating its apparent nature; and, if he does so—
  - (a) he shall notify the [F4appropriate agency] that he has done so; and
  - (b) no information so notified to the Secretary of State shall be included in any such register until the Secretary of State has determined that it should be so included.]

**Textual Amendments**

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F21** S. 191A inserted (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 170** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)

**Modifications etc. (not altering text)**

- C4** S. 191A applied (with modifications) (1.4.1999) by [S.I. 1998/2746](#), **reg. 14(3)**

**[F22]191B Exclusion from registers of certain confidential information. E+W**

- (1) No information relating to the affairs of any individual or business shall, without the consent of that individual or the person for the time being carrying on that business, be included in a register kept or maintained by the [F4appropriate agency] under any provision of this Act, if and so long as the information—
  - (a) is, in relation to him, commercially confidential; and
  - (b) is not required to be included in the register in pursuance of directions under subsection (7) below;

but information is not commercially confidential for the purposes of this section unless it is determined under this section to be so by the [F4appropriate agency] or, on appeal, by the Secretary of State.

- (2) Where information is furnished to the [F4appropriate agency] for the purpose of—
  - <sup>F23</sup>(a) .....
  - <sup>F24</sup>(b) .....
  - (c) complying with a notice under section 202 below,
 then, if the person furnishing it applies to the [F4appropriate agency] to have the information excluded from any register kept or maintained by the [F4appropriate agency] under any provision of this Act, on the ground that it is commercially confidential (as regards himself or another person), the [F4appropriate agency] shall determine whether the information is or is not commercially confidential.

- (3) A determination under subsection (2) above must be made within the period of fourteen days beginning with the date of the application and if the [F4appropriate

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agency] fails to make a determination within that period it shall be treated as having determined that the information is commercially confidential.

(4) Where it appears to the [<sup>F4</sup>appropriate agency] that any information (other than information furnished in circumstances within subsection (2) above) which has been obtained by the [<sup>F4</sup>appropriate agency] under or by virtue of any provision of any enactment might be commercially confidential, the [<sup>F4</sup>appropriate agency] shall—

- (a) give to the person to whom or whose business it relates notice that that information is required to be included in a register kept or maintained by the [<sup>F4</sup>appropriate agency] under any provision of this Act, unless excluded under this section; and
- (b) give him a reasonable opportunity—
  - (i) of objecting to the inclusion of the information on the ground that it is commercially confidential; and
  - (ii) of making representations to the [<sup>F4</sup>appropriate agency] for the purpose of justifying any such objection;

and, if any representations are made, the [<sup>F4</sup>appropriate agency] shall, having taken the representations into account, determine whether the information is or is not commercially confidential.

(5) Where, under subsection (2) or (4) above, the [<sup>F4</sup>appropriate agency] determines that information is not commercially confidential—

- (a) the information shall not be entered on the register until the end of the period of twenty-one days beginning with the date on which the determination is notified to the person concerned; and
- (b) that person may appeal to the Secretary of State against the decision;

and, where an appeal is brought in respect of any information, the information shall not be entered on the register until the end of the period of seven days following the day on which the appeal is finally determined or withdrawn.

[<sup>F25</sup>(6) Section 114 of the 1995 Act (delegation or reference to appeals etc) applies to any appeal brought under subsection (5).

(6A) If either party to the appeal so requests, or the Secretary of State or Welsh Ministers so decide, an appeal shall be or continue in the form of a hearing (which must be held in private).

(6B) The Secretary of State may by regulations make provision as to appeals under subsection (5) to the Secretary of State, and the Welsh Ministers may by regulations make provision as to appeals under that subsection to them; and the regulations may, in particular, may make provision as to—

- (a) the period within which and the manner in which appeals are to be brought; and
- (b) the manner in which appeals are to be considered.]

(7) The Secretary of State may give to the [<sup>F4</sup>appropriate agency] directions as to specified information, or descriptions of information, which the public interest requires to be included in registers kept or maintained by the [<sup>F4</sup>appropriate agency] under any provision of this Act notwithstanding that the information may be commercially confidential.

(8) Information excluded from a register shall be treated as ceasing to be commercially confidential for the purposes of this section at the expiry of the period of four years

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beginning with the date of the determination by virtue of which it was excluded; but the person who furnished it may apply to the [F<sup>4</sup>appropriate agency] for the information to remain excluded from the register on the ground that it is still commercially confidential and the [F<sup>4</sup>appropriate agency] shall determine whether or not that is the case.

- (9) Subsections (5) and (6) above shall apply in relation to a determination under subsection (8) above as they apply in relation to a determination under subsection (2) or (4) above.
- (10) The Secretary of State may by regulations substitute (whether in all cases or in such classes or descriptions of case as may be specified in the regulations) for the period for the time being specified in subsection (3) above such other period as he considers appropriate.
- (11) Information is, for the purposes of any determination under this section, commercially confidential, in relation to any individual or person, if its being contained in the register would prejudice to an unreasonable degree the commercial interests of that individual or person.

F<sup>26</sup>(12) . . . . . ]

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F22** S. 191B inserted (21.11.1996 for certain purposes and 31.12.1996 otherwise) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 170** (with ss. 7(6), 115, 117); [S.I. 1996/2909](#), **arts. 2, 3** (subject to saving provisions in art. 4)
- F23** S. 191B(2)(a) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(2)(p)**, **Sch. 28** (with reg. 1(2), Sch. 4)
- F24** S. 191B(2)(b) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(2)(p)**, **Sch. 28** (with reg. 1(2), Sch. 4)
- F25** Ss. 191B(6)-(6B) substituted for s. 191B(6) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(9)** (with reg. 1(2), Sch. 4)
- F26** S. 191B(12) repealed (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(2)(p)**, **Sch. 28** (with reg. 1(2), Sch. 4)

#### Modifications etc. (not altering text)

- C5** S. 191B applied (with modifications) (1.4.1999) by [S.I. 1998/2746](#), **reg. 14(3)**
- C6** S. 191B(5): power to delegate functions conferred (1.4.1996) by [1995 c. 25, s. 114\(2\)\(a\)\(v\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3** (with art. 4)

## 192 Maps of fresh-water limits. **E+W**

- (1) The Secretary of State—
- (a) shall deposit maps with the [F<sup>4</sup>appropriate agency] showing what appear to him to be the fresh-water limits of every relevant river or watercourse; and
  - (b) may from time to time, if he considers it appropriate to do so by reason of any change of what appears to him to be the fresh-water limit of any river or watercourse, deposit a map showing a revised limit for that river or watercourse.



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- (2) It shall be the duty of the [<sup>F4</sup>appropriate agency] to keep any maps deposited with it under subsection (1) above available, at all reasonable times, for inspection by the public free of charge.
- (3) In this section “relevant river or watercourse” has the same meaning as in section 104 above.

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 299](#) (with Sch. 7)

### 193 Main river maps. **E+W**

- (1) Subject to section 194 below, the [<sup>F4</sup>appropriate agency] shall—
  - (a) keep the main river map for the area of a regional flood defence committee at the principal office of the [<sup>F4</sup>appropriate agency] for that area; and
  - (b) provide reasonable facilities for inspecting that map and taking copies of and extracts from it;

and any local authority whose area is wholly or partly within the area of a regional flood defence committee shall, on application to the [<sup>F4</sup>appropriate agency], be entitled to be furnished with copies of the main river map for the area of that committee on payment of such sum as may be agreed between the [<sup>F4</sup>appropriate agency] and that local authority.

- (2) For the purposes of this Act a main river map is a map relating to the area of a regional flood defence committee which—
  - (a) shows by a distinctive colour the extent to which any watercourse in that area is to be treated as a main river, or part of a main river, for the purposes of this Act; and
  - (b) indicates (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 137 above;

and, subject to section 194 below, references in this Act to a main river map, in relation to the area of a regional flood defence committee, include so much of any map as, by virtue of paragraph 38 of Schedule 26 to the Water Act 1989, has effect as such a map at the coming into force of this Act.

- (3) A main river map—
  - (a) shall be conclusive evidence for all purposes as to what is a main river; and
  - (b) shall be taken for the purposes of the <sup>M2</sup>Documentary Evidence Act 1868, as it applies to either of the Ministers, to be a document within the meaning of that Act and to have been issued by that Minister.
- (4) In this section and section 194 below “watercourse” has the same meaning as in Part IV of this Act.

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 299](#) (with Sch. 7)

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### Marginal Citations

M2 1868 c. 37.

## 194 Amendment of main river maps. **E+W**

- (1) Either of the Ministers may at any time send the [<sup>F4</sup>appropriate agency] one or more new maps to be substituted for the whole or part of a main river map and containing a statement to that effect.
- (2) A statement contained in a map in pursuance of subsection (1) above shall specify the date on which the substitution is to take effect and the substitution shall take effect in accordance with the statement.
- (3) Where—
  - (a) the area of a regional flood defence committee is altered so as to affect any of the particulars shown on the main river map for that area; or
  - (b) one of the Ministers confirms a scheme under section 137 above; or
  - (c) the [<sup>F4</sup>appropriate agency] applies to one of the Ministers for the variation of a main river map, so far as it shows the extent to which any watercourse is to be treated as a main river or part of a main river,

the Ministers shall each be under a duty to ensure that such action as he considers appropriate is taken under subsection (4) below.
- (4) The action referred to in subsection (3) above is action by one of the Ministers—
  - (a) requiring the [<sup>F4</sup>appropriate agency] to send him any part of the main river map in question, altering it and sending it back to the ; or
  - (b) preparing a new main river map and sending it to the [<sup>F4</sup>appropriate agency] ; or
  - (c) notifying the [<sup>F4</sup>appropriate agency] that he does not intend to vary the main river map in question.
- (5) Before one of the Ministers alters a map or prepares a new map by virtue of subsection (3)(c) above, he shall—
  - (a) give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected; and
  - (b) consider any objections made to him within the time and in the manner specified in that notice;

and he may then alter or prepare the map either in accordance with the proposals contained in the notice or otherwise.

### Textual Amendments

**F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 299](#) (with Sch. 7)

### Modifications etc. (not altering text)

**C7** S. 194(5) excluded (16.3.1992) by [Aire and Calder Navigation Act 1992 \(c. iv\)](#), s. 15(3)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

## 195 Maps of waterworks. **E+W**

- (1) Subject to subsections (4) and (5) below, it shall be the duty of the [<sup>F4</sup>appropriate agency] to keep records of the location of—
  - (a) every resource main or discharge pipe which is for the time being vested in the [<sup>F4</sup>appropriate agency]; and
  - (b) any other underground works which are for the time being vested in the [<sup>F4</sup>appropriate agency].
- (2) It shall be the duty of the [<sup>F4</sup>appropriate agency] to secure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the [<sup>F4</sup>appropriate agency].
- (3) Any information which is required under this section to be made available by the [<sup>F4</sup>appropriate agency] for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) Nothing in this section shall require the [<sup>F4</sup>appropriate agency], at any time before 1st September 1999, to keep records of—
  - (a) any pipe which was laid before 1st September 1989; or
  - (b) any underground works which were completed before 1st September 1989, unless those particulars were shown on 31st August 1989 on a map kept by a water authority or statutory water company under section 12 of Schedule 3 to the <sup>M3</sup>Water Act 1945 (maps of underground works).
- (6) The reference in subsection (5) above to section 12 of Schedule 3 to the Water Act 1945 shall have effect, without prejudice to section 20(2) of the <sup>M4</sup>Interpretation Act 1978 (references to enactments to include references to enactments as amended, extended or applied), as including a reference to that section as applied, with or without modifications, by any local statutory provision.
- (7) In this section—

“discharge pipe” and “resource main” have the same meanings as in Part VII of this Act;

“underground works” does not include a service pipe within the meaning of the <sup>M5</sup>Water Industry Act 1991.

### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 299](#) (with Sch. 7)

### Marginal Citations

- M3** 1945 c. 42.  
**M4** 1978 c. 30.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

M5 1991 c. 56.

*Provision and acquisition of information etc.*

<sup>F27</sup>196 ..... **E+W**

**Textual Amendments**

**F27** S. 196 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 171, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3 (with art. 4)

**197 Provision of information about water flow etc. **E+W****

- (1) It shall be the duty of the [<sup>F4</sup>appropriate agency] —
- (a) to provide a water undertaker with all such information to which this section applies as is in the possession of the [<sup>F4</sup>appropriate agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions; and
  - (b) to provide reasonable facilities to all persons—
    - (i) for the inspection of the contents of any records kept by the [<sup>F4</sup>appropriate agency] and containing information to which this section applies; and
    - (ii) for the taking of copies of, or of extracts from, any such records.
- (2) It shall be the duty of every water undertaker to provide the [<sup>F4</sup>appropriate agency] with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the [<sup>F4</sup>appropriate agency] for purposes connected with the carrying out of any of its functions.
- (3) Where records of the flow, level or volume of any inland waters, other than discrete waters, are kept by a person other than a water undertaker, the [<sup>F4</sup>appropriate agency] shall have the right at all reasonable times—
- (a) to inspect the contents of any of those records; and
  - (b) to take copies of, or of extracts from, the contents of any of those records;
- and any person who, without reasonable excuse, refuses or fails to permit the [<sup>F4</sup>appropriate agency] to exercise its right under this subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) Information provided to a water undertaker or to the [<sup>F4</sup>appropriate agency] under subsection (1) or (2) above shall be provided in such form and in such manner and at such times as the undertaker or, as the case may be, the [<sup>F4</sup>appropriate agency] may reasonably require; and the duties of the [<sup>F4</sup>appropriate agency] under subsection (1) above shall extend to information provided to or obtained by the [<sup>F4</sup>appropriate agency] under subsection (2) or (3) above.
- (5) Information or facilities provided under subsection (1) or (2) above to the [<sup>F4</sup>appropriate agency], to a water undertaker, to a local authority or joint planning board, or to an internal drainage board, shall be provided free of charge; and facilities provided under subsection (1) above to other persons may be provided on terms

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

requiring the payment by persons making use of the facilities of such reasonable charges as they may determine.

- (6) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the <sup>M6</sup>Water Industry Act 1991 by the Secretary of State.
- (7) This section applies to information about the flow, level or volume of any inland waters or any water contained in underground strata, about rainfall or any fall of snow, hail or sleet or about the evaporation of any water.

#### Textual Amendments

- F4** Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 299](#) (with [Sch. 7](#))

#### Marginal Citations

- M6** 1991 c. 56.

## 198 Information about underground water. **E+W**

- (1) Any person who, for the purpose of searching for or abstracting water, proposes to sink a well or borehole intended to reach a depth of more than fifty feet below the surface shall, before he begins to do so, give notice to the Natural Environment Research Council of his intention to do so.
- (2) Any person sinking any such well or borehole as is mentioned in subsection (1) above shall—
  - (a) keep a journal of the progress of the work and, on completion or abandonment of the work, send a complete copy of the journal to the Natural Environment Research Council;
  - (b) send to that Council particulars of any test made before completion or abandonment of the work of the flow of water;
  - (c) allow any person authorised by that Council for the purpose, on production of some duly authenticated document showing his authority, at all reasonable times to exercise any of the rights specified in subsection (5) below.
- (3) The journal required to be kept under this section shall include measurements of—
  - (a) the strata passed through; and
  - (b) the levels at which water is struck and subsequently rests.
- (4) The particulars required to be sent to the Natural Environment Research Council under subsection (2)(b) above shall specify—
  - (a) the rate of flow throughout the test;
  - (b) the duration of the test;
  - (c) where practicable, the water levels during the test and afterwards until the water returns to its natural level; and
  - (d) where the well or borehole is sunk in connection with an existing pumping station, the rate of pumping at the existing works during the test.
- (5) The rights mentioned in subsection (2)(c) above are the rights, subject to section 205 below—
  - (a) to have free access to the well or borehole;

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- (b) to inspect the well or borehole and the material extracted from it;
  - (c) to take specimens of any such material and of water abstracted from the well or borehole; and
  - (d) to inspect and take copies of or extracts from the journal required to be kept under this section.
- (6) Where the person sinking a well or borehole on any land is not the occupier of the land, the obligation imposed on that person by virtue of subsection (2)(c) above shall be the obligation of the occupier as well.
- (7) Where—
- (a) any person contracts to sink any well or borehole on land belonging to or occupied by another; and
  - (b) the carrying out of the work is under the control of the contractor,
- the contractor and no other person shall be deemed for the purposes of this section to be the person sinking the well or borehole.
- (8) Any person who fails to comply with any obligation imposed on him by this section shall be guilty of an offence and liable, on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) where the offence continues after conviction, to a further fine of £20 for every day during which it so continues.

## 199 Notice etc. of mining operations which may affect water conservation. E+W

- (1) Where a person proposes to construct or extend a boring for the purpose of searching for or extracting minerals, he shall, before he begins to construct or extend the boring, give to the [<sup>F28</sup>appropriate agency] a notice of his intention in the prescribed form.
- [<sup>F29</sup>(2) Where a notice under subsection (1) above is given to the [<sup>F28</sup>appropriate agency] by any person, the [<sup>F28</sup>appropriate agency] may (subject to section 199A below) by notice to that person require him, in connection with the construction, extension or use of the work to which that person's notice relates, to take such reasonable measures for conserving water as are specified in the notice.
- (2A) The measures that may be specified in a notice under subsection (2) above shall be measures which, in the opinion of the [<sup>F28</sup>appropriate agency], will not interfere with the winning of minerals.
- (3) Section 70 above shall apply to the restrictions imposed by this section as it applies to the restrictions imposed by sections 24 and 25 above.]
- (4) Any person who contravenes subsection (1) above or fails to comply with a [<sup>F30</sup>notice under] subsection (2) above shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

### Textual Amendments

**F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 299](#) (with Sch. 7)

**F29** S. 199(2)(2A)(3) substituted for s. 199(2)(3) (1.4.2006) by [Water Act 2003 \(c. 37\), ss. 8\(5\)\(a\), 105\(3\); S.I. 2006/984, art. 2\(e\)](#) (with Sch. paras. 4, 5)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

**F30** Words in s. 199(4) substituted (1.4.2006) by [Water Act 2003 \(c. 37\), ss. 8\(5\)\(b\), 105\(3\)](#); S.I. 2006/984, art. 2(e) (with [Sch. paras. 4, 5](#))

[<sup>F31</sup>**199A Appeals against conservation notices under section 199** **E+W**]

- (1) The person on whom a notice under section 199(2) above (“a conservation notice”) is served may, by notice to the Secretary of State, appeal to him against the conservation notice on either or both of the following grounds, that is to say—
  - (a) that the measures required by the conservation notice are not reasonable;
  - (b) that those measures would interfere with the winning of minerals.
- (2) Any notice of appeal against a conservation notice shall be served within such period (not being less than twenty-eight days from the date of service of the conservation notice) and in such manner as may be prescribed.
- (3) Before determining an appeal against a conservation notice, the Secretary of State may, if he thinks fit—
  - (a) cause a local inquiry to be held; or
  - (b) afford to the appellant and the [<sup>F28</sup>appropriate agency] an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose;and the Secretary of State shall act as mentioned in paragraph (a) or (b) above if a request is made by the appellant or the [<sup>F28</sup>appropriate agency] to be heard with respect to an appeal.
- (4) On an appeal against a conservation notice the Secretary of State may confirm, quash or vary the notice as he may consider appropriate.
- (5) The decision of the Secretary of State on any appeal against a conservation notice shall be final.
- (6) The Secretary of State may by regulations make provision as to the manner in which appeals against conservation notices are to be dealt with, including provision requiring the giving of notices of, and information relating to, the making of such appeals or decisions on any such appeals.
- (7) Section 69 above applies to a decision of the Secretary of State on any appeal to him under this section as it applies to a decision of his on an appeal to him under Chapter 2 of Part 2, taking the reference in subsection (2)(b) of that section to that Chapter as a reference to this section.
- (8) This section is subject to section 114 of the 1995 Act (delegation or reference of appeals).]

**Textual Amendments**

**F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 299](#) (with [Sch. 7](#))

**F31** S. 199A inserted (1.4.2006) by [Water Act 2003 \(c. 37\), ss. 8\(6\), 105\(3\)](#); S.I. 2006/984, art. 2(e) (with [Sch. paras. 4, 5](#))

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

## 200 Gauges and records kept by other persons. **E+W**

- (1) Subject to subsection (3) below, any person other than the [<sup>F28</sup>appropriate agency], who proposes to install a gauge for measuring and recording the flow, level or volume of any inland waters other than discrete waters—
  - (a) shall give notice to the [<sup>F28</sup>appropriate agency] of his proposal to install the gauge; and
  - (b) shall not begin the work of installing it before the end of the period of three months beginning with the date of service of the notice or such shorter period as the [<sup>F28</sup>appropriate agency] may in any particular case allow.
- (2) Not more than one month after any such work as is mentioned in paragraph (b) of subsection (1) above is completed, the person required to give notice under that subsection shall give notice to the [<sup>F28</sup>appropriate agency] stating where the records obtained by means of the gauge are to be kept.
- (3) Subsections (1) and (2) above shall not apply—
  - (a) to any gauge installed for the sole purpose of indicating the level of any inland waters for the benefit of persons who fish in them; or
  - (b) to any gauge which is removed at or before the end of the period of twenty-eight days beginning with the date on which it is installed.
- (4) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

### Textual Amendments

**F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with [Sch. 7](#))

## [<sup>F32</sup>201 Power to require information with respect to abstraction. **E+W**

- (1) Subject to subsection (2) below, the Secretary of State or the [<sup>F28</sup>appropriate agency] may serve on any person a notice requiring that person to furnish him or, as the case may be, it, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Secretary of State or by the [<sup>F28</sup>appropriate agency] for the purpose of carrying out any of his or, as the case may be, its water resources functions.
- (2) The Secretary of State shall have power by regulations to make provision for restricting the information which may be required under subsection (1) above and for determining the form in which the information is to be so required.
- (3) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this section shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.
- (4) References in this section to the water resources functions of the Secretary of State or of the [<sup>F28</sup>appropriate agency] are references to the functions of the Secretary of State or of the [<sup>F28</sup>appropriate agency] under Part 2 of this Act or under any provisions



*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

not contained in that Part which are related water resources provisions in relation to Chapter 2 of that Part.]

#### Textual Amendments

**F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 299](#) (with Sch. 7)

**F32** S. 201 substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 70, 105\(3\)](#); [S.I. 2005/968](#), [art. 2\(k\)](#)

#### Modifications etc. (not altering text)

**C8** S. 201 applied (1.4.2006) by [Water Act 2003 \(c. 37\)](#), [ss. 33\(3\)\(c\)](#), [105\(3\)](#); [S.I. 2006/984](#), [art. 2\(p\)](#)

## 202 Information and assistance required in connection with the control of pollution. **E+W**

- (1) It shall be the duty of the [<sup>F28</sup>appropriate agency], if and so far as it is requested to do so by either of the Ministers, to give him all such advice and assistance as appears to it to be appropriate for facilitating the carrying out by him of his functions under the water pollution provisions of this Act.
- (2) Subject to subsection (3) below, either of the Ministers or the [<sup>F28</sup>appropriate agency] may serve on any person a notice requiring that person to furnish him or, as the case may be, it, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by the the Minister in question or by the [<sup>F28</sup>appropriate agency] for the purpose of carrying out any of his or, as the case may be, its functions under the water pollution provisions of this Act.
- (3) Each of the Ministers shall have power by regulations to make provision for restricting the information which may be required under subsection (2) above and for determining the form in which the information is to be so required.
- (4) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this section shall be guilty of an offence and [<sup>F33</sup>liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]

<sup>F34</sup>(5) .....

#### Textual Amendments

**F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 299](#) (with Sch. 7)

**F33** Words in s. 202(4) substituted (1.4.1996) by [1995 c. 25](#), [s. 120\(1\)](#), [Sch. 22 para. 172\(1\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#) (with [art. 4](#))

**F34** S. 202(5) repealed (1.4.1996) by [1995 c. 25](#), [s. 120\(1\)\(3\)](#), [Sch. 22 para. 172\(2\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#) (with [art. 4](#))

#### Modifications etc. (not altering text)

**C9** S. 202 amended (27.8.1993) by [1993 c. 12](#), [ss. 40, 51\(2\)](#), [Sch. 3 Pt. I para. 9](#) (with [s. 46](#)).

**C10** S. 202 modified (2.1.2004) by [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2003 \(S.I. 2003/3242\)](#), [regs. 1\(a\)](#), [19\(2\)](#) (with [reg. 1\(c\)](#))

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

- C11** S. 202 modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), [Sch. 1](#))
- C12** S. 202(2) modified (6.1.1997) by [S.I. 1996/3001](#), [reg. 7\(3\)](#)  
S. 202(2) modified (12.6.1997) by [S.I. 1997/1331](#), [reg. 6\(3\)](#)  
S. 202(2) modified (12.6.1997) by [S.I. 1997/1332](#), [reg. 6\(3\)](#)
- C13** S. 202(2) modified (24.3.2012) by [The Bathing Water Regulations 2008 \(S.I. 2008/1097\)](#), regs. 1(3)(e), [16\(5\)](#)

## 203 Exchange of information with respect to pollution incidents etc. **E+W**

(1) It shall be the duty of the [<sup>F28</sup>appropriate agency] to provide a water undertaker with all such information to which this section applies as is in the possession of the [<sup>F28</sup>appropriate agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions.

[<sup>F35</sup>(1A) It shall be the duty of the [<sup>F28</sup>appropriate agency] to provide a licensed water supplier with all such information to which this section applies as is in the possession of the [<sup>F28</sup>appropriate agency] and is reasonably requested by the supplier for purposes connected with the carrying on of activities under its licence.]

(2) It shall be the duty of every water undertaker to provide the [<sup>F28</sup>appropriate agency] with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the [<sup>F28</sup>appropriate agency] for purposes connected with the carrying out of any of its functions.

[<sup>F36</sup>(2A) It shall be the duty of every licensed water supplier to provide the [<sup>F28</sup>appropriate agency] with all such information to which this section applies as is in the possession of the supplier and is reasonably requested by the [<sup>F28</sup>appropriate agency] for purposes connected with the carrying out of any of its functions.]

[<sup>F37</sup>(3) Information provided to a water undertaker, to a licensed water supplier or to the [<sup>F28</sup>appropriate agency] under subsection (1), (1A), (2) or (2A) above shall be provided in such form and in such manner and at such times as the undertaker, the supplier or the [<sup>F28</sup>appropriate agency], as the case may be, may reasonably require.]

(4) Information provided under [<sup>F38</sup>subsection (1), (1A), (2) or (2A)] above to a water undertaker[<sup>F39</sup>, to a licensed water supplier] or to the [<sup>F28</sup>appropriate agency] shall be provided free of charge.

(5) The duties of

- [<sup>F40</sup>(a) a water undertaker under subsection (2) above; or
- (b) a licensed water supplier under subsection (2A) above,

shall] be enforceable under section 18 of the <sup>M7</sup>Water Industry Act 1991 by the Secretary of State.

(6) This section applies to information—

- (a) about the quality of any controlled waters or of any other waters; or
- (b) about any incident in which any poisonous, noxious or polluting matter or any <sup>F41</sup>... waste matter has entered any controlled waters or other waters.

(7) In this section “controlled waters” has the same meaning as in Part III of this Act.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Part VIII. (See end of Document for details)*

[<sup>F42</sup>(8) Any reference in this section to a licensed water supplier is a reference to a company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991.]

#### Textual Amendments

- F28** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F35** S. 203(1A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(a)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F36** S. 203(2A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(b)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F37** S. 203(3) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(c)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F38** Words in s. 203(4) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(d) (i)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F39** Words in s. 203(4) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(d)(ii)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F40** Words in s. 203(5) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(e)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F41** Word in s. 203(6)(b) repealed (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), Sch. 21 para. 21(2), **Sch. 23** (with reg. 72, Sch. 4)
- F42** S. 203(8) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(f)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)

#### Modifications etc. (not altering text)

- C14** S. 203 amended (27.8.1993) by [1993 c. 12](#), ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).
- C15** S. 203 modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 1**)

#### Marginal Citations

- M7** [1991 c. 56](#).

### *Restriction on disclosure of information*

#### **204 Restriction on disclosure of information.** **E+W**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- has been obtained by virtue of any of the provisions of this Act; and
  - relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- for the purpose of facilitating the carrying out by either of the Ministers, the Agency, [<sup>F43</sup>the NRBW,] the Scottish Environmental Protection Agency, the [<sup>F44</sup>the Water Services Regulation Authority, the Consumer Council for Water], the [<sup>F45</sup>Competition Commission] or a local authority of any of his, its

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- or, as the case may be, their functions by virtue of this Act, any of the other consolidation Acts [<sup>F46</sup>, the Water Act 1989, Part I or IIA of the Environmental Protection Act 1990, the 1995 Act, regulations under section 2 of the Pollution Prevention and Control Act 1999, [<sup>F47</sup>the Water Act 2003, or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903)];
- (b) for the purpose of facilitating the performance by a water undertaker [<sup>F48</sup>, sewerage undertaker or company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991] of any of the duties imposed on it by or under this Act, any of the other consolidation Acts [<sup>F49</sup>, the Water Act 1989 or the Water Act 2003];
- (c) in pursuance of any duty imposed by section 197(1)(a) or (2) or [<sup>F50</sup>203(1), (1A), (2) or (2A)] above or [<sup>F51</sup>of any duty imposed by section 27H] of the Water Industry Act 1991;
- <sup>F52</sup>(ca) [ for the purpose of complying with a request under section 14 of the Flood and Water Management Act 2010;]
- (d) for the purpose of facilitating the carrying out by any person mentioned in Part I of Schedule 24 to this Act of any of his functions under any of the enactments or instruments specified in Part II of that Schedule;
- <sup>F53</sup>(e) [ for the purpose of enabling or assisting the Secretary of State, the Treasury [<sup>F54</sup>, the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England ] to exercise any powers conferred by or under the Financial Services and Markets Act 2000 or by the enactments relating to companies or insolvency;
- (ea) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]
- (f) for the purpose of enabling an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M8</sup>Insolvency Act 1986 to carry out its functions as such;
- (g) for the purpose of facilitating the carrying out by <sup>F55</sup>... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the <sup>M9</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
- (h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
- (i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (j) for the purposes of any civil proceedings brought under or by virtue of this Act, any of the other consolidation Acts, the <sup>M10</sup>Water Act 1989 [<sup>F56</sup>, the Water Act 2003] or any of the enactments or instruments specified in Part II of Schedule 24 to this Act, or of any arbitration under this Act, any of the other consolidation Acts [<sup>F57</sup>, the Water Act 1989 or the Water Act 2003]; or
- (k) in pursuance of [<sup>F58</sup>an] [<sup>F58</sup>EU] obligation.
- (3) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be included in, or made public as part of, a report of—
- (i) the [<sup>F59</sup>Agency];
- [ the Scottish Environment Protection Agency;]
- <sup>F60</sup>(ia)

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- [ the NRBW;]  
<sup>F61</sup>(ib)  
<sup>F62</sup>(ii) the Water Services Regulation Authority;]  
<sup>F63</sup>(iii) the Consumer Council for Water (or any regional committee of that Council established under section 27A of the Water Industry Act 1991); or]  
(iv) the <sup>F64</sup>Competition Commission],  
under any provision of this Act<sup>F65</sup>, Part I or IIA of the Environmental Protection Act 1990, that Act of 1991<sup>F66</sup>, the 1995 Act<sup>F67</sup>, regulations under section 2 of the Pollution Prevention and Control Act 1999, or the Water Act 2003]]];
- (b) as limiting the matters which may be published under section 201 of that Act <sup>F68</sup>of 1991]; or
- (c) as applying to any information which has been made public as part of such a report or has been so published or to any information exclusively of a statistical nature.
- (4) Subject to subsection (5) below, nothing in subsection (1) above shall preclude the disclosure of information—
- (a) if the disclosure is of information relating to a matter connected with the carrying out of the functions of a water undertaker or sewerage undertaker<sup>F69</sup>, or with the carrying on by a company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991 of activities under its licence,] and is made by one Minister of the Crown or government department to another; or
- (b) if the disclosure is for the purpose of enabling or assisting any public or other authority for the time being designated for the purposes of this section by an order made by the Secretary of State to discharge any functions which are specified in the order.
- (5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and where such an order designates an authority for the purposes of paragraph (b) of that subsection, the order may—
- (a) impose conditions subject to which the disclosure of information is permitted by virtue of that paragraph; and
- (b) otherwise restrict the circumstances in which disclosure is so permitted.
- (6) Any person who discloses any information in contravention of the preceding provisions of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) In this section “the other consolidation Acts” means the <sup>M11</sup>Water Industry Act 1991, the <sup>M12</sup>Statutory Water Companies Act 1991, the <sup>M13</sup>Land Drainage Act 1991 and the <sup>M14</sup>Water Consolidation (Consequential Provisions) Act 1991.]

#### Textual Amendments

**F43** Words in s. 204(2)(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. 300\(2\)\(a\)](#) (with Sch. 7)

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- F44** Words in s. 204(2)(a) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(i)**; S.I. 2005/2714, art. 2(1)(aa)(vi) (with Sch. para. 8)
- F45** Words in s. 204(2)(a) substituted (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F46** Words in s. 204(2)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F47** Words in s. 204(2)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 300(2)(b)** (with Sch. 7)
- F48** Words in s. 204(2)(b) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(a)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F49** Words in s. 204(2)(b) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F50** Words in s. 204(2)(c) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(b)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F51** Words in s. 204(2)(c) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(iv)**; S.I. 2005/2714, art. 2(1)(aa)(vi) (with Sch. para. 8)
- F52** S. 204(2)(ca) inserted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 48** (with s. 49(1)(6)); S.I. 2011/694, art. 3(g)
- F53** S. 204(2)(e)(ea) substituted for s. 204(2)(e) (1.12.2001) by S.I. 2001/3649, **art. 329**
- F54** Words in s. 204(2)(e) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 73** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F55** Words in s. 204(2)(g) omitted (1.4.2008) by virtue of Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F56** Words in s. 204(2)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(v)(a)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F57** Words in s. 204(2)(j) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 28(3)(a)(v)(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F58** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))
- F59** Words in s. 204 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F60** S. 204(3)(a)(ia) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(3)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F61** S. 204(3)(a)(ib) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 300(3)** (with Sch. 7)
- F62** S. 204(3)(a)(ii) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(i)**; S.I. 2005/2714, art. 4(f) (with Sch. para. 8)
- F63** S. 204(3)(a)(iii) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(ii)**; S.I. 2005/2714, art. 2(1)(aa)(vi) (with Sch. para. 8)
- F64** Words in s. 204(3)(a)(iv) substituted (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F65** Words in s. 204(3)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F66** Words in s. 204(3)(a) substituted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 8**; S.I. 2000/800, **art. 2**
- F67** Words in s. 204(3)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F68** Words in s. 204(3)(b) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F69** Words in s. 204(4)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(c)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

#### Modifications etc. (not altering text)

- C16** S. 204 applied (01.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 70, 76(2)**.
- C17** S. 204 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **s. 115**; S.I. 2003/2681, art. 2(b)

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**C18** S. 204(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt.I para. 32**

#### Marginal Citations

- M8** 1986 c. 45.
- M9** 1974 c. 37.
- M10** 1989 c. 15.
- M11** 1991 c. 56.
- M12** 1991 c. 58.
- M13** 1991 c. 59.
- M14** 1991 c. 60.

## 205 Confidentiality of information relating to underground water etc. **E+W**

- (1) The person sinking any such well or borehole as is mentioned in section 198 above or, if it is a different person, the owner or occupier of the land on which any such well or borehole is sunk may by notice to the Natural Environment Research Council require that Council to treat as confidential—
  - (a) any copy of or extract from the journal required to be kept under that section; or
  - (b) any specimen taken in exercise of the rights specified in subsection (5) of that section.
- (2) Subject to subsections (3) and (4) below, the Natural Environment Research Council shall not, without the consent of the person giving the notice, allow any matter to which any notice under subsection (1) above relates to be published or shown to any person who is not an officer of that Council or of a department of the Secretary of State.
- (3) Subsection (2) above shall not prohibit any matter from being published or shown to any person in so far as it contains or affords information as to water resources and supplies.
- (4) If at any time the Natural Environment Research Council give notice to any person that in their opinion his consent for the purposes of subsection (2) above is being unreasonably withheld—
  - (a) that person may, within three months after the giving of the notice, appeal to the High Court for an order restraining that Council from acting as if consent had been given; and
  - (b) that Council may proceed as if consent had been given if either no such appeal is brought within that period or the High Court, after hearing the appeal, do not make such an order.
- (5) Any person who fails to comply with any obligation imposed on him by the preceding provisions of this section shall be guilty of an offence and liable, on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) where the offence continues after conviction, to a further fine of £20 for every day during which it so continues.
- (6) If any person who is admitted to any premises in compliance with section 198(2)(c) above discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret, he shall, unless the disclosure is in performance of his duty, be guilty of an offence and liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding three months or to a fine or to both.

*Making of false statements etc.*

## 206 Making of false statements etc. **E+W**

[<sup>F70</sup>(1) If, in furnishing any information or making any application under or for the purposes of any provision of this Act [<sup>F71</sup>or of section 3, 4 or 10 of the Water Act 2003 ], any person makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, he shall be guilty of an offence under this section.]

<sup>F72</sup>(2) .....

(3) Where—

- (a) the provisions contained in a licence under Chapter II of Part II of this Act in pursuance of paragraph (b) of subsection (2) of section 46 above, or of that paragraph as modified by subsection (6) of that section, require the use of a meter, gauge or other device; and

(b) such a device is used for the purposes of those provisions,

any person who wilfully alters or interferes with that device so as to prevent it from measuring correctly shall be guilty of an offence under this section.

[<sup>F73</sup>(3A) If a person intentionally makes a false entry in any record required to be kept by virtue of a licence under Chapter II of Part II of this Act, or a consent under Chapter II of Part III of this Act, he shall be guilty of an offence under this section.]

(4) If, in keeping any record or journal or in furnishing any information which he is required to keep or furnish under section 198 or 205 above, any person knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under this section.

[<sup>F74</sup>(5) A person who is guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]

### Textual Amendments

**F70** S. 206(1) substituted (1.4.1996) by 1995 c. 25, s. 112, **Sch. 19 para. 5(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)

**F71** Words in s. 206(1) inserted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 11**; S.I. 2006/984, **art. 2(s)(i)**

**F72** S. 206(2) repealed (1.4.1996) by 1995 c. 25, ss. 112, 125(2), **Sch. 19 para. 5(3)**, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)

**F73** S. 206(3A) inserted (1.4.1996) by 1995 c. 25, s. 112, **Sch. 19 para. 5(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)

**F74** S. 206(5) substituted for s. 206(5)-(7) (1.4.1996) by 1995 c. 25, s. 112, **Sch. 19 para. 5(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)



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