



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VIII

#### INFORMATION PROVISIONS

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

#### **187 Annual report of the Authority**

- (1) As soon as reasonably practicable after the end of each financial year the Authority shall prepare a report on its activities during that year and shall send a copy of that report to each of the Ministers.
- (2) Every such report shall set out any directions under section 5 above which have been given to the Authority during the year to which the report relates.
- (3) The Secretary of State shall lay a copy of every such report before each House of Parliament and shall arrange for copies of every such report to be published in such manner as he considers appropriate.
- (4) The Authority's annual report shall be in such form and contain such information as may be specified in any direction given to the Authority by the Ministers.

#### **188 Duty of Authority to publish certain information**

It shall be the duty of the Authority—

- (a) to 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 Wales; and
- (b) so far as it considers it appropriate to do so, to collaborate with others in collating and publishing any such information or any similar information in relation to places outside England and Wales.

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*Registers etc. to be kept by the Authority*

**189 Register of abstraction and impounding licences**

- (1) The Authority 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 section 49 above of this Act or regulations made under section 50 above.
- (2) Every register kept by the Authority 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 Authority 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 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.

**190 Pollution control register**

- (1) It shall be the duty of the Authority to maintain, in accordance with regulations made by the Secretary of State, registers containing prescribed particulars of—
  - (a) any notices of water quality objectives or other notices served under section 83 above;
  - (b) applications made for consents under Chapter II of Part III of this Act;
  - (c) consents given under that Chapter and the conditions to which the consents are subject;
  - (d) certificates issued under paragraph 1(7) of Schedule 10 to this Act;
  - (e) the following, that is to say—
    - (i) samples of water or effluent taken by the Authority 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 Authority from any person under arrangements made by the Authority 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;and
  - (f) any matter about which particulars are required to be kept in any register under section 20 of the Environmental Protection Act 1990 (particulars about

authorisations for prescribed processes etc.) by the chief inspector under Part I of that Act.

- (2) It shall be the duty of the Authority—
  - (a) to secure that the contents of registers maintained by the Authority under this section are available, at all reasonable times, for inspection by the public free of charge; and
  - (b) to afford members of the public reasonable facilities for obtaining from the Authority, on payment of reasonable charges, copies of entries in any of the registers.
- (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.

### **191 Register for the purposes of works discharges**

- (1) The Authority shall keep a register of persons and premises for the purposes of section 164 above.
- (2) The Authority 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 Authority 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.

### **192 Maps of fresh-water limits**

- (1) The Secretary of State—
  - (a) shall deposit maps with the Authority 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.
- (2) It shall be the duty of the Authority 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.

### **193 Main river maps**

- (1) Subject to section 194 below, the Authority shall—
  - (a) keep the main river map for the area of a regional flood defence committee at the principal office of the Authority for that area; and

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- (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 Authority, 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 Authority 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 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.

#### **194 Amendment of main river maps**

- (1) Either of the Ministers may at any time send the Authority 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 Authority 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 Authority to send him any part of the main river map in question, altering it and sending it back to the Authority; or

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- (b) preparing a new main river map and sending it to the Authority; or
  - (c) notifying the Authority 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.

## **195 Maps of waterworks**

- (1) Subject to subsections (4) and (5) below, it shall be the duty of the Authority to keep records of the location of—
- (a) every resource main or discharge pipe which is for the time being vested in the Authority; and
  - (b) any other underground works which are for the time being vested in the Authority.
- (2) It shall be the duty of the Authority 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 Authority.
- (3) Any information which is required under this section to be made available by the Authority 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 Authority, 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 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 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—

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“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 Water Industry Act 1991.

*Provision and acquisition of information etc.*

## **196 Provision of information by the Authority to the Ministers**

- (1) It shall be the duty of the Authority to furnish the Secretary of State or the Minister with all such information relating to—
  - (a) the Authority’s property;
  - (b) the carrying out and proposed carrying out of its functions; and
  - (c) its responsibilities generally,
 as he may reasonably require.
- (2) Information required under this section shall be furnished in such form and manner, and be accompanied or supplemented by such explanations, as the Secretary of State or the Minister may reasonably require.
- (3) The information which the Authority may be required to furnish to either of the Ministers under this section shall include information which, although it is not in the possession of the Authority or would not otherwise come into the possession of the Authority, is information which it is reasonable to require the Authority to obtain.
- (4) A requirement for the purposes of this section shall be contained in a direction which—
  - (a) may describe the information to be furnished in such manner as the Secretary of State or the Minister considers appropriate; and
  - (b) may require the information to be furnished on a particular occasion, in particular circumstances or from time to time.
- (5) For the purposes of this section the Authority shall—
  - (a) permit any person authorised by one of the Ministers for the purpose to inspect and make copies of the contents of any accounts or other records of the Authority; and
  - (b) give such explanation of them as that person or the Secretary of State or the Minister may reasonably require.

## **197 Provision of information about water flow etc**

- (1) It shall be the duty of the Authority—
  - (a) to provide a water undertaker with all such information to which this section applies as is in the possession of the Authority 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 Authority and containing information to which this section applies; and
    - (ii) for the taking of copies of, or of extracts from, any such records.

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- (2) It shall be the duty of every water undertaker to provide the Authority with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the Authority 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 Authority 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 Authority 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 Authority 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 Authority may reasonably require; and the duties of the Authority under subsection (1) above shall extend to information provided to or obtained by the Authority under subsection (2) or (3) above.
- (5) Information or facilities provided under subsection (1) or (2) above to the Authority, 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 requiring the payment by persons making use of the facilities of such reasonable charges as the Authority may determine.
- (6) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the 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.

## **198 Information about underground water**

- (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—

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- (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;
  - (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 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**

- (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 Authority a notice of his intention in the prescribed form.
- (2) The provisions of subsections (2) and (3) of section 30 above and of section 31 above shall apply where a notice is served under subsection (1) above as they apply where a notice is served under subsection (1) of that section 30 but as if the references in subsection (3) of that section 30 and in subsection (1) of that section 31 to interference with the protection of the underground works in question were a reference to interference with the winning of minerals.



- (3) Sections 68 to 70 above shall apply for the purposes of subsection (2) above as they apply for the purposes of the provisions applied by that subsection.
- (4) Any person who contravenes subsection (1) above or fails to comply with a conservation notice given by virtue of 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.

## **200 Gauges and records kept by other persons**

- (1) Subject to subsection (3) below, any person other than the Authority, 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 Authority 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 Authority 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 Authority 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.

## **201 Power to require information with respect to abstraction**

- (1) The Authority may give directions requiring any person who is abstracting water from a source of supply, at such times and in such form as may be specified in the directions, to give such information to the Authority as to the abstraction as may be so specified.
- (2) Where—
  - (a) directions are given to any person under this section; and
  - (b) that person considers that they are unreasonable or unduly onerous,he may make representations to the Secretary of State with respect to the directions.
- (3) Subject to subsection (4) below, where representations are made to the Secretary of State under subsection (2) above, he may, if he thinks fit, give a direction under this section requiring the Authority to revoke or modify the direction.
- (4) Subsection (3) above shall not apply to any directions in so far as they require the occupier of any land to give any prescribed particulars as to the quantity or quality of water abstracted by him or on his behalf from any source of supply.

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- (5) Any person who fails to comply with any directions given by the Authority under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

## **202 Information and assistance required in connection with the control of pollution**

- (1) It shall be the duty of the Authority, 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 Authority 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 Authority 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 liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (5) Notwithstanding anything in section 127 of the Magistrates' Courts Act 1980 (time limit for summary proceedings), a magistrates' court may try any summary offence under this section if the information is laid not more than twelve months after the commission of the offence.

## **203 Exchange of information with respect to pollution incidents etc**

- (1) It shall be the duty of the Authority to provide a water undertaker with all such information to which this section applies as is in the possession of the Authority and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions.
- (2) It shall be the duty of every water undertaker to provide the Authority with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the Authority for purposes connected with the carrying out of any of its functions.
- (3) Information provided to a water undertaker or to the Authority 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 Authority may reasonably require.
- (4) Information provided under subsection (1) or (2) above to a water undertaker or to the Authority shall be provided free of charge.
- (5) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the 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 solid 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.

*Restriction on disclosure of information*

**204 Restriction on disclosure of information**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained by virtue of any of the provisions of this Act; and
  - (b) 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—
- (a) for the purpose of facilitating the carrying out by either of the Ministers, the Authority, the Director General of Water Services, the Monopolies Commission or a local authority of any of his, its or, as the case may be, their functions by virtue of this Act, any of the other consolidation Acts or the Water Act 1989;
  - (b) for the purpose of facilitating the performance by a water undertaker or sewerage undertaker of any of the duties imposed on it by or under this Act, any of the other consolidation Acts or the Water Act 1989;
  - (c) in pursuance of any duty imposed by section 197(1)(a) or (2) or 203(1) or (2) above or of any arrangements made by the Director General of Water Services under section 29(6) of the Water Industry Act 1991;
  - (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;
  - (e) for the purpose of enabling or assisting the Secretary of State to exercise any powers conferred on him by the Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency or for the purpose of enabling or assisting any inspector appointed by him under the 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 Insolvency Act 1986 to carry out its functions as such;
  - (g) for the purpose of facilitating the carrying out by the Health and Safety Commission or 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 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;

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- (j) for the purposes of any civil proceedings brought under or by virtue of this Act, any of the other consolidation Acts, the Water Act 1989 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 or that Act of 1989; or
  - (k) in pursuance of a Community 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 Authority;
    - (ii) the Director General of Water Services;
    - (iii) a customer service committee maintained under the Water Industry Act 1991; or
    - (iv) the Monopolies Commission,
 under any provision of this Act or that Act of 1991;
  - (b) as limiting the matters which may be published under section 201 of that Act; 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 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 Water Industry Act 1991, the Statutory Water Companies Act 1991, the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991.

## **205 Confidentiality of information relating to underground water etc**

- (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—
  - (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**

- (1) If, in furnishing any information or making any application under or for the purposes of any of the following provisions of this Act, that is to say, the provisions of—
  - (a) Part I, other than Schedule 2;

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*Status: This is the original version (as it was originally enacted).*

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- (b) sections 19 and 20 and Chapter III of Part II;
- (c) Part III;
- (d) Part VI, other than sections 133 to 143 and 147 to 149;
- (e) Part VII, other than sections 155, 156, 158, 165 to 167 and the other provisions of that Part so far as they relate to those sections;
- (f) this Part, other than sections 189, 193, 194, 198 to 201 and 205; and
- (g) Part IX, except so far as it relates to a provision of this Act in relation to which this subsection does not apply,

any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under this section.

(2) If—

- (a) in giving any information which he is required to give under Chapter II of Part II of this Act or any of the related water resources provisions or under Schedule 2 to this Act, any person knowingly or recklessly makes a statement which is false in a material particular; or
- (b) for the purpose of obtaining a licence under that Chapter, any person knowingly makes a statement which is false in a material particular,

that person shall be guilty of an offence under this section.

(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.

(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.

(5) A person who is guilty of an offence under this section by virtue of subsection (1) above shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine;

and proceedings for an offence by virtue of subsection (1) above shall not be instituted except by or with the consent of one of the Ministers or the Director of Public Prosecutions.

(6) A person who is guilty of an offence under this section by virtue of subsection (2) or (3) above shall be liable—

- (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 two years or to a fine or to both.

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*Status: This is the original version (as it was originally enacted).*

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- (7) A person who is guilty of an offence under this section by virtue of subsection (4) above shall be liable—
- (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.