



Water Resources Act 1991

1991 CHAPTER 57

PART III

CONTROL OF POLLUTION OF WATER RESOURCES

CHAPTER III

POWERS TO PREVENT AND CONTROL POLLUTION

92 Requirements to take precautions against pollution.

- (1) The Secretary of State may by regulations make provision—
- (a) for prohibiting a person from having custody or control of any poisonous, noxious or polluting matter unless prescribed works and prescribed precautions and other steps have been carried out or taken for the purpose of preventing or controlling the entry of the matter into any controlled waters;
 - (b) for requiring a person who already has custody or control of, or makes use of, any such matter to carry out such works for that purpose and to take such precautions and other steps for that purpose as may be prescribed.
- (2) Without prejudice to the generality of the power conferred by subsection (1) above, regulations under that subsection may—
- (a) confer power on the [^{F1}appropriate agency]—
 - (i) to determine for the purposes of the regulations the circumstances in which a person is required to carry out works or to take any precautions or other steps; and
 - (ii) by notice to that person, to impose the requirement and to specify or describe the works, precautions or other steps which that person is required to carry out or take;
 - (b) provide for appeals to the Secretary of State against notices served by the [^{F1}appropriate agency] in pursuance of provision made by virtue of paragraph (a) above; and

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 92. (See end of Document for details)

- (c) provide that a contravention of the regulations shall be an offence the maximum penalties for which shall not exceed the penalties specified in [F²regulation 39(1) of the Environmental Permitting Regulations].

[F³(3) This section is subject to section 114 of the 1995 Act (delegation or reference of appeals etc).]

Textual Amendments

- F1** Words in ss. 92-97 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 274(a)** (with Sch. 7)
- F2** Words in s. 92(2)(c) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 8(5)** (with reg. 1(2), Sch. 4)
- F3** S. 92(3) added (subject to other provisions of the amending Act) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 144** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3** (with art. 4)

Modifications etc. (not altering text)

- C1** S. 92 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\)](#), **Sch. 3 Pt. 1 para. 9** (with s. 46).
- C2** S. 92: power to delegate functions conferred (subject to other provisions of the amending Act) (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)
- C3** S. 92 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**)
- C4** S. 92 modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), Sch. 23 Pt. 7 paras. 1(3), **2** (with regs. 1(3), 77-79, Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 92.