
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in England and Wales Article 6 of Directive [2006/118/EC](#) of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration, OJNo. L372, 27.12.2006, p.19. They continue to implement Directive [2000/60/EC](#) of the European Parliament and of the Council (establishing a framework for Community action in the field of water policy, OJ No L 327, 22.12.2000, p. 60).

They revoke and replace the Groundwater Regulations 1998.

Part 1 of the Regulations is introductory.

Part 2 places requirements on the Environment Agency when they grant a permit under these Regulations, a consent under section 91(8) of the Water Resources Act 1991 and (with exceptions) an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007.

Part 3 creates an offence of discharge of a hazardous substance or non-hazardous pollutant without a permit, and provision as to how a permit for this is applied for.

Part 4 is concerned with enforcement. Regulation [17](#) gives the Agency powers to require information, and regulation [18](#) gives the Agency powers to serve notices prohibiting activities. Regulation 21 provides for codes of practice.

A person guilty of an offence under regulation 13 (discharge of a hazardous substance or non-hazardous pollutant) or regulation [18](#) (prohibition notices) is liable—

- (a) on summary conviction, to a fine not exceeding £50,000 or imprisonment for a term not exceeding 12 months, or to both; or
- (b) on conviction on indictment, to a fine or imprisonment not exceeding 5 years, or to both.

A person guilty of an offence under regulation [17](#) (provision of information) is liable—

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

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and is available on the Defra website at www.defra.gov.uk.