



Water Industry Act 1991

1991 CHAPTER 56

PART I

PRELIMINARY

General duties

4 Environmental duties with respect to sites of special interest.

- (1) Where [^{F1}Natural England] or the Countryside Council for Wales are of the opinion that any area of land in England or, as the case may be, in Wales—
- (a) is of special interest by reason of its flora, fauna or geological or physiographical features; and
 - (b) may at any time be affected by schemes, works, operations or activities of a relevant undertaker,

[^{F2}Natural England or (as the case may be) the Council] shall notify the fact that the land is of special interest for that reason to every relevant undertaker whose works, operations or activities may affect the land.

- (2) Where a National Park authority or the Broads Authority is of the opinion that any area of land in a National Park or in the Broads—
- (a) is land in relation to which the matters for the purposes of which section 3 above has effect are of particular importance; and
 - (b) may at any time be affected by schemes, works, operations or activities of a relevant undertaker,

the National Park authority or Broads Authority shall notify the fact that the land is such land, and the reasons why those matters are of particular importance in relation to the land, to every relevant undertaker whose works, operations or activities may affect the land.

- (3) Where a relevant undertaker has received a notification under subsection (1) or (2) above with respect to any land, that undertaker shall consult the notifying body before

Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 4 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

carrying out any works, operations or activities which appear to that undertaker to be likely—

- (a) to destroy or damage any of the flora, fauna, or geological or physiographical features by reason of which the land is of special interest; or
- (b) significantly to prejudice anything the importance of which is one of the reasons why the matters mentioned in subsection (2) above are of particular importance in relation to that land.

(4) Subsection (3) above shall not apply in relation to anything done in an emergency where particulars of what is done and of the emergency are notified to [^{F3}Natural England], the Countryside Council for Wales, the National Park authority in question or, as the case may be, the Broads Authority as soon as practicable after that thing is done.

(5) The obligations under this section of a relevant undertaker shall be enforceable under section 18 below by the Secretary of State.

(6) In this section—

“the Broads” has the same meaning as in the ^{M1}Norfolk and Suffolk Broads Act 1988; ^{F4} . . .

^{F4} . . .

and section 3(9) above shall apply, as it applies in relation to that section, for construing (in accordance with section 6 below) any references in this section to a relevant undertaker.

Textual Amendments

- F1** Words in s. 4(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 129\(2\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F2** Words in s. 4(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 129\(2\)\(b\)](#); S.I. 2006/2541, [art. 2](#)
- F3** Words in s. 4(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 129\(3\)](#); S.I. 2006/2541, [art. 2](#)
- F4** Definition of “National Park authority” and the word “and” immediately preceding it repealed (1.4.1997) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)

Marginal Citations

- M1** [1988 c. 4](#).

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