



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART III

#### CONTROL OF POLLUTION OF WATER RESOURCES

#### CHAPTER IV

##### SUPPLEMENTAL PROVISIONS WITH RESPECT TO WATER POLLUTIONS

#### 98 Radioactive substances.

- (1) Except as provided by regulations made by the Secretary of State under this section, nothing in this Part shall apply in relation to radioactive waste within the meaning of the [<sup>F1</sup>Radioactive Substances Act 1993].
- (2) The Secretary of State may by regulations—
  - (a) provide for prescribed provisions of this Part to have effect with such modifications as he considers appropriate for dealing with such waste;
  - (b) make such modifications of the said Act of [<sup>F2</sup>1993] or, in relation to such waste, of any other enactment as he considers appropriate in consequence of the provisions of this Part and of any regulations made by virtue of paragraph (a) above.

#### Textual Amendments

**F1** Words in s. 98(1) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), **Sch. 4 para. 11(a)** (with s. 46).

**F2** Words in s. 98(2)(b) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), **Sch. 4 para. 11(b)** (with s. 46).

*Status: Point in time view as at 01/12/2001.*

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

## 99 Consents required by the <sup>F3</sup>Agency].

- (1) The Secretary of State may by regulations—
- (a) make provision modifying the water pollution provisions of this Act in relation to cases in which consents under Chapter II of this Part are required by the <sup>F3</sup>Agency]; and
  - (b) for the purposes of the application of the provisions of this Part in relation to discharges by the <sup>F3</sup>Agency], make such other modifications of those provisions as may be prescribed.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may provide for such consents as are mentioned in paragraph (a) of that subsection to be required to be given by the Secretary of State (instead of by the <sup>F3</sup>Agency) and, in prescribed cases, to be deemed to have been so given.

### Textual Amendments

**F3** Words in s. 99 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)

### Modifications etc. (not altering text)

**C1** S. 99 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).

## 100 Civil liability in respect of pollution and savings.

Except in so far as this Part expressly otherwise provides and subject to the provisions of section 18 of the <sup>M1</sup>Interpretation Act 1978 (which relates to offences under two or more laws), nothing in this Part—

- (a) confers a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Part or any subordinate legislation, consent or other instrument made, given or issued under this Part;
- (b) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Part; or
- (c) affects any restriction imposed by or under any other enactment, whether public, local or private.

### Marginal Citations

**M1** 1978 c. 30.

## 101 Limitation for summary offences under Part III.

Notwithstanding anything in section 127 of the <sup>M2</sup>Magistrates' Courts Act 1980 (time limit for summary proceedings), a magistrates' court may try any summary offence under this Part, or under any subordinate legislation made under this Part, if the information is laid not more than twelve months after the commission of the offence.

*Status: Point in time view as at 01/12/2001.*

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

#### Marginal Citations

M2 1980 c. 43.

### 102 Power to give effect to international obligations.

The Secretary of State shall have power by regulations to provide that the water pollution provisions of this Act shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom to give effect—

- (a) to any Community obligations; or
- (b) to any international agreement to which the United Kingdom is for the time being a party.

### 103 Transitional pollution provisions.

The provisions of this Part shall have effect subject to the provisions of Schedule 13 to this Act (which reproduce transitional provision originally made in connection with the coming into force of provisions of the <sup>M3</sup>Water Act 1989).

#### Marginal Citations

M3 1989 c. 15.

### 104 Meaning of “controlled waters” etc. in Part III.

- (1) References in this Part to controlled waters are references to waters of any of the following classes—
  - (a) relevant territorial waters, that is to say, subject to subsection (4) below, the waters which extend seaward for three miles from the baselines from which the breadth of the territorial sea adjacent to England and Wales is measured;
  - (b) coastal waters, that is to say, any waters which are within the area which extends landward from those baselines as far as—
    - (a) the limit of the highest tide; or
    - (b) in the case of the waters of any relevant river or watercourse, the fresh-water limit of the river or watercourse,
 together with the waters of any enclosed dock which adjoins waters within that area;
  - (c) inland freshwaters, that is to say, the waters of any relevant lake or pond or of so much of any relevant river or watercourse as is above the fresh-water limit;
  - (d) ground waters, that is to say, any waters contained in underground strata;
 and, accordingly, in this Part “coastal waters”, “controlled waters”, “ground waters”, “inland freshwaters” and “relevant territorial waters” have the meanings given by this subsection.
- (2) In this Part any reference to the waters of any lake or pond or of any river or watercourse includes a reference to the bottom, channel or bed of any lake, pond, river or, as the case may be, watercourse which is for the time being dry.

*Status: Point in time view as at 01/12/2001.*

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(3) In this section—

“fresh-water limit”, in relation to any river or watercourse, means the place for the time being shown as the fresh-water limit of that river or watercourse in the latest map deposited for that river or watercourse under section 192 below;

“miles” means international nautical miles of 1,852 metres;

“lake or pond” includes a reservoir of any description;

“relevant lake or pond” means (subject to subsection (4) below) any lake or pond which (whether it is natural or artificial or above or below ground) discharges into a relevant river or watercourse or into another lake or pond which is itself a relevant lake or pond;

“relevant river or watercourse” means (subject to subsection (4) below) any river or watercourse (including an underground river or watercourse and an artificial river or watercourse) which is neither a public sewer nor a sewer or drain which drains into a public sewer.

(4) The Secretary of State may by order provide—

- (a) that any area of the territorial sea adjacent to England and Wales is to be treated as if it were an area of relevant territorial waters for the purposes of this Part and of any other enactment in which any expression is defined by reference to the meanings given by this section;
- (b) that any lake or pond which does not discharge into a relevant river or watercourse or into a relevant lake or pond is to be treated for those purposes as a relevant lake or pond;
- (c) that a lake or pond which does so discharge and is of a description specified in the order is to be treated for those purposes as if it were not a relevant lake or pond;
- (d) that a watercourse of a description so specified is to be treated for those purposes as if it were not a relevant river or watercourse.

(5) An order under this section may—

- (a) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and
- (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities.

(6) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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

- C2** S. 104 definition of "controlled waters" applied by [London Docklands Railway Act 1991 \(c. xxiii\), s. 7\(2\)\(a\)](#)
- C3** S. 104(1) modified (12.6.1997) by [S.I. 1997/1331, reg. 6\(2\)](#)  
S. 104(1) modified (12.6.1997) by [S.I. 1997/1332, reg. 6\(2\)](#)
- C4** S. 104(1)(c) applied (with modifications) (6.1.1997) by [S.I. 1996/3001, reg. 7\(2\)](#)

**Status:**

Point in time view as at 01/12/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, chapter IV.