



Water Resources Act 1991

1991 CHAPTER 57

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

207 Directions in the interests of national security etc.

- (1) The Secretary of State may, after consultation with the [F¹appropriate agency], give to the [F¹appropriate agency] such directions of a general character as appear to the Secretary of State to be requisite or expedient in the interests of national security or for the purpose of mitigating the effects of any civil emergency which may occur.
- (2) If it appears to the Secretary of State to be requisite or expedient to do so in the interests of national security or for the purpose of mitigating the effects of any civil emergency which has occurred or may occur, he may, after consultation with the [F¹appropriate agency], give to the [F¹appropriate agency] a direction requiring it to do, or not to do, a particular thing specified in the direction.
- (3) The duty of the [F¹appropriate agency] to comply with a direction under this section is a duty which has effect notwithstanding any other duty imposed on it (whether or not by or under this Act).
- (4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security.
- (5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security.

Status: Point in time view as at 01/04/2013.

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

- (6) Any person who discloses any matter in contravention of subsection (5) above shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) Any reference in this section to a civil emergency is a reference to any natural disaster or other emergency which, in the opinion of the Secretary of State, is or may be likely, in relation to any area—
- (a) so to disrupt water supplies or sewerage services; or
 - (b) to involve such destruction of or damage to life or property in that area, as seriously and adversely to affect all the inhabitants of that area, or a substantial number of them, whether by depriving them of any of the essentials of life or otherwise.
- (8) In this section “sewerage services” has the same meaning as in the ^{M1}Water Industry Act 1991.

Textual Amendments

F1 Words in s. 207 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 301](#) (with Sch. 7)

Marginal Citations

M1 1991 c. 56.

208 [^{F2}Civil liability of the Agency or NRBW for escapes of water etc]

- (1) Where an escape of water, however caused, from a pipe vested in the Agency [^{F3}or the NRBW] causes loss or damage, the Agency [^{F4}or, as the case may be, the NRBW,] shall be liable, except as otherwise provided in this section, for the loss or damage.
- (2) The Agency [^{F5}or the NRBW] shall not incur any liability under subsection (1) above if the escape was due wholly to the fault of the person who sustained the loss or damage or of any servant, agent or contractor of his.
- (3) The Agency [^{F6}or the NRBW] shall not incur any liability under subsection (1) above in respect of any loss or damage for which the Agency [^{F6}or the NRBW] would not be liable apart from that subsection and which is sustained—
 - (a) by any water undertaker or sewerage undertaker or by any statutory undertakers, within the meaning of section 336(1) of the ^{M2}Town and Country Planning Act 1990;
 - (b) by any public gas supplier within the meaning of Part I of the ^{M3}Gas Act 1986 or the holder of a licence under section 6(1) of the ^{M4}Electricity Act 1989;
 - (c) by any highway authority; or
 - (d) by any person on whom a right to compensation is conferred by section 82 of the ^{M5}New Roads and Street Works Act 1991.
- (4) The ^{M6}Law Reform (Contributory Negligence) Act 1945, the ^{M7}Fatal Accidents Act 1976 and the ^{M8}Limitation Act 1980 shall apply in relation to any loss or damage for which the Agency [^{F7}or the NRBW] is liable under this section, but which is not due to the Agency's [^{F8}or the NRBW's] fault, as if it were due to its fault.

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- (5) Nothing in subsection (1) above affects any entitlement which the Agency [^{F9}or the NRBW] may have to recover contribution under the ^{M9}Civil Liability (Contribution) Act 1978; and for the purposes of that Act, any loss for which the Agency [^{F9}or the NRBW] is liable under that subsection shall be treated as if it were damage.
- (6) Where the Agency [^{F10}or the NRBW] is liable under any enactment or agreement passed or made before 1st April 1982 to make any payment in respect of any loss or damage the Agency [^{F10}or the NRBW] shall not incur liability under subsection (1) above in respect of the same loss or damage.
- (7) In this section “fault” has the same meaning as in the ^{M10}Law Reform (Contributory Negligence) Act 1945.
- (8) Until the coming into force of section 82 of the ^{M11}New Roads and Street Works Act 1991, subsection (3) above shall have effect as if for paragraph (d) there were substituted the following paragraphs—
- “(d) by any bridge authority, bridge managers, street authority or street managers within the meaning of the ^{M12}Public Utilities Street Works Act 1950; or
- (e) by any person on whom a right to compensation under section 26 of that Act of 1950 is conferred.”; but nothing in this section shall be taken to prejudice the power of the Secretary of State under that Act of 1991 to make an order bringing section 82 of that Act into force on different days for different purposes (including the purposes of this section).

Textual Amendments

- F2** S. 208 heading substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(6\)](#) (with Sch. 7)
- F3** Words in s. 208(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(2\)\(a\)](#) (with Sch. 7)
- F4** Words in s. 208(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(2\)\(b\)](#) (with Sch. 7)
- F5** Words in s. 208(2) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(3\)](#) (with Sch. 7)
- F6** Words in s. 208(3) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(3\)](#) (with Sch. 7)
- F7** Words in s. 208(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(4\)\(a\)](#) (with Sch. 7)
- F8** Words in s. 208(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(4\)\(b\)](#) (with Sch. 7)
- F9** Words in s. 208(5) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(5\)](#) (with Sch. 7)
- F10** Words in s. 208(6) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 302\(5\)](#) (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 208(3)(b) amended (1.3.1996) by [1995 c. 45, s. 16\(1\)](#), [Sch. 4 para. 2\(2\)\(n\)](#); [S.I. 1996/218](#), [art. 2](#)

Marginal Citations

- M2** [1990 c. 8](#).

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M3	1986 c. 44.
M4	1989 c. 29.
M5	1991 c. 22.
M6	1945 c. 28.
M7	1976 c. 30.
M8	1980 c. 58.
M9	1978 c. 47.
M10	1945 c. 28.
M11	1991 c. 22.
M12	1950 c. 39.

209 Evidence of samples and abstractions.

^{F11}(1)

^{F11}(2)

(3) Where, in accordance with the provisions contained in a licence in pursuance of paragraph (b) of subsection (2) of section 46 above, or in pursuance of that paragraph as read with subsection (6) of that section, it has been determined what quantity of water is to be taken—

- (a) to have been abstracted during any period from a source of supply by the holder of the licence; or
- (b) to have been so abstracted at a particular point or by particular means, or for use for particular purposes,

that determination shall, for the purposes of any proceedings under Chapter II of Part II of this Act or any of the related water resources provisions, be conclusive evidence of the matters to which it relates.

^{F11}(4)

Textual Amendments

F11 S. 209(1)(2)(4) repealed (1.4.1996) by 1995 c. 25, ss. 111(1)(c), 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)

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