



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VIII

#### INFORMATION PROVISIONS

*Provision and acquisition of information etc.*

**F1**196 .....

#### Textual Amendments

**F1** S. 196 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 171, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3 (with art. 4)

#### **197 Provision of information about water flow etc.**

- (1) It shall be the duty of the [F2Agency]—
  - (a) to provide a water undertaker with all such information to which this section applies as is in the possession of the [F2Agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions; and
  - (b) to provide reasonable facilities to all persons—
    - (i) for the inspection of the contents of any records kept by the [F2Agency] and containing information to which this section applies; and
    - (ii) for the taking of copies of, or of extracts from, any such records.
- (2) It shall be the duty of every water undertaker to provide the [F2Agency] with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the [F2Agency] for purposes connected with the carrying out of any of its functions.

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- (3) Where records of the flow, level or volume of any inland waters, other than discrete waters, are kept by a person other than a water undertaker, the [F<sup>2</sup>Agency] shall have the right at all reasonable times—
- (a) to inspect the contents of any of those records; and
  - (b) to take copies of, or of extracts from, the contents of any of those records;
- and any person who, without reasonable excuse, refuses or fails to permit the [F<sup>2</sup>Agency] to exercise its right under this subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) Information provided to a water undertaker or to the [F<sup>2</sup>Agency] under subsection (1) or (2) above shall be provided in such form and in such manner and at such times as the undertaker or, as the case may be, the [F<sup>2</sup>Agency] may reasonably require; and the duties of the [F<sup>2</sup>Agency] under subsection (1) above shall extend to information provided to or obtained by the [F<sup>2</sup>Agency] under subsection (2) or (3) above.
- (5) Information or facilities provided under subsection (1) or (2) above to the [F<sup>2</sup>Agency], to a water undertaker, to a local authority or joint planning board, or to an internal drainage board, shall be provided free of charge; and facilities provided under subsection (1) above to other persons may be provided on terms requiring the payment by persons making use of the facilities of such reasonable charges as the may determine.
- (6) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the M<sup>1</sup>Water Industry Act 1991 by the Secretary of State.
- (7) This section applies to information about the flow, level or volume of any inland waters or any water contained in underground strata, about rainfall or any fall of snow, hail or sleet or about the evaporation of any water.

#### Textual Amendments

**F2** Words in s. 197 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)

#### Marginal Citations

**M1** 1991 c. 56.

## 198 Information about underground water.

- (1) Any person who, for the purpose of searching for or abstracting water, proposes to sink a well or borehole intended to reach a depth of more than fifty feet below the surface shall, before he begins to do so, give notice to the Natural Environment Research Council of his intention to do so.
- (2) Any person sinking any such well or borehole as is mentioned in subsection (1) above shall-
  - (a) keep a journal of the progress of the work and, on completion or abandonment of the work, send a complete copy of the journal to the Natural Environment Research Council;
  - (b) send to that Council particulars of any test made before completion or abandonment of the work of the flow of water;

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- (c) allow any person authorised by that Council for the purpose, on production of some duly authenticated document showing his authority, at all reasonable times to exercise any of the rights specified in subsection (5) below.
- (3) The journal required to be kept under this section shall include measurements of—
  - (a) the strata passed through; and
  - (b) the levels at which water is struck and subsequently rests.
- (4) The particulars required to be sent to the Natural Environment Research Council under subsection (2)(b) above shall specify—
  - (a) the rate of flow throughout the test;
  - (b) the duration of the test;
  - (c) where practicable, the water levels during the test and afterwards until the water returns to its natural level; and
  - (d) where the well or borehole is sunk in connection with an existing pumping station, the rate of pumping at the existing works during the test.
- (5) The rights mentioned in subsection (2)(c) above are the rights, subject to section 205 below—
  - (a) to have free access to the well or borehole;
  - (b) to inspect the well or borehole and the material extracted from it;
  - (c) to take specimens of any such material and of water abstracted from the well or borehole; and
  - (d) to inspect and take copies of or extracts from the journal required to be kept under this section.
- (6) Where the person sinking a well or borehole on any land is not the occupier of the land, the obligation imposed on that person by virtue of subsection (2)(c) above shall be the obligation of the occupier as well.
- (7) Where—
  - (a) any person contracts to sink any well or borehole on land belonging to or occupied by another; and
  - (b) the carrying out of the work is under the control of the contractor,the contractor and no other person shall be deemed for the purposes of this section to be the person sinking the well or borehole.
- (8) Any person who fails to comply with any obligation imposed on him by this section shall be guilty of an offence and liable, on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) where the the offence continues after conviction, to a further fine of £20 for every day during which it so continues.

## **199 Notice etc. of mining operations which may affect water conservation.**

- (1) Where a person proposes to construct or extend a boring for the purpose of searching for or extracting minerals, he shall, before he begins to construct or extend the boring, give to the [F<sup>3</sup>Agency] a notice of his intention in the prescribed form.
- (2) The provisions of subsections (2) and (3) of section 30 above and of section 31 above shall apply where a notice is served under subsection (1) above as they apply where a notice is served under subsection (1) of that section 30 but as if the references

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in subsection (3) of that section 30 and in subsection (1) of that section 31 to interference with the protection of the underground works in question were a reference to interference with the winning of minerals.

- (3) Sections 68 to 70 above shall apply for the purposes of subsection (2) above as they apply for the purposes of the provisions applied by that subsection.
- (4) Any person who contravenes subsection (1) above or fails to comply with a conservation notice given by virtue of subsection (2) above shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

#### Textual Amendments

- F3** Word in s. 199 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)

## 200 Gauges and records kept by other persons.

- (1) Subject to subsection (3) below, any person other than the [<sup>F4</sup>Agency], who proposes to install a gauge for measuring and recording the flow, level or volume of any inland waters other than discrete waters—
  - (a) shall give notice to the [<sup>F4</sup>Agency] of his proposal to install the gauge; and
  - (b) shall not begin the work of installing it before the end of the period of three months beginning with the date of service of the notice or such shorter period as the [<sup>F4</sup>Agency] may in any particular case allow.
- (2) Not more than one month after any such work as is mentioned in paragraph (b) of subsection (1) above is completed, the person required to give notice under that subsection shall give notice to the [<sup>F4</sup>Agency] stating where the records obtained by means of the gauge are to be kept.
- (3) Subsections (1) and (2) above shall not apply—
  - (a) to any gauge installed for the sole purpose of indicating the level of any inland waters for the benefit of persons who fish in them; or
  - (b) to any gauge which is removed at or before the end of the period of twenty-eight days beginning with the date on which it is installed.
- (4) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

#### Textual Amendments

- F4** Words in s. 200 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)

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## **201 Power to require information with respect to abstraction.**

- (1) The [<sup>F5</sup>Agency] may give directions requiring any person who is abstracting water from a source of supply, at such times and in such form as may be specified in the directions, to give such information to the [<sup>F5</sup>Agency] as to the abstraction as may be so specified.
- (2) Where—
  - (a) directions are given to any person under this section; and
  - (b) that person considers that they are unreasonable or unduly onerous,he may make representations to the Secretary of State with respect to the directions.
- (3) Subject to subsection (4) below, where representations are made to the Secretary of State under subsection (2) above, he may, if he thinks fit, give a direction under this section requiring the [<sup>F5</sup>Agency] to revoke or modify the direction.
- (4) Subsection (3) above shall not apply to any directions in so far as they require the occupier of any land to give any prescribed particulars as to the quantity or quality of water abstracted by him or on his behalf from any source of supply.
- (5) Any person who fails to comply with any directions given by the [<sup>F5</sup>Agency] under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

### **Textual Amendments**

- F5** Words in s. 201 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)

## **202 Information and assistance required in connection with the control of pollution.**

- (1) It shall be the duty of the [<sup>F6</sup>Agency], if and so far as it is requested to do so by either of the Ministers, to give him all such advice and assistance as appears to it to be appropriate for facilitating the carrying out by him of his functions under the water pollution provisions of this Act.
- (2) Subject to subsection (3) below, either of the Ministers or the [<sup>F6</sup>Agency] may serve on any person a notice requiring that person to furnish him or, as the case may be, it, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by the the Minister in question or by the [<sup>F6</sup>Agency] for the purpose of carrying out any of his or, as the case may be, its functions under the water pollution provisions of this Act.
- (3) Each of the Ministers shall have power by regulations to make provision for restricting the information which may be required under subsection (2) above and for determining the form in which the information is to be so required.
- (4) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this section shall be guilty of an offence and [<sup>F7</sup>liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]

<sup>F8</sup>(5) .....

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#### Textual Amendments

- F6** Words in s. 202 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)
- F7** Words in s. 202(4) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 172(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F8** S. 202(5) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 172(2), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)

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

- C1** S. 202 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).
- C2** S. 202(2) modified (6.1.1997) by S.I. 1996/3001, **reg. 7(3)**  
S. 202(2) modified (12.6.1997) by S.I. 1997/1331, **reg. 6(3)**  
S. 202(2) modified (12.6.1997) by S.I. 1997/1332, **reg. 6(3)**

### 203 Exchange of information with respect to pollution incidents etc.

- (1) It shall be the duty of the [<sup>F9</sup>Agency] to provide a water undertaker with all such information to which this section applies as is in the possession of the [<sup>F9</sup>Agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions.
- (2) It shall be the duty of every water undertaker to provide the [<sup>F9</sup>Agency] with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the [<sup>F9</sup>Agency] for purposes connected with the carrying out of any of its functions.
- (3) Information provided to a water undertaker or to the [<sup>F9</sup>Agency] under subsection (1) or (2) above shall be provided in such form and in such manner and at such times as the undertaker or, as the case may be, the [<sup>F9</sup>Agency] may reasonably require.
- (4) Information provided under subsection (1) or (2) above to a water undertaker or to the [<sup>F9</sup>Agency] shall be provided free of charge.
- (5) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the <sup>M2</sup>Water Industry Act 1991 by the Secretary of State.
- (6) This section applies to information—
  - (a) about the quality of any controlled waters or of any other waters; or
  - (b) about any incident in which any poisonous, noxious or polluting matter or any solid waste matter has entered any controlled waters or other waters.
- (7) In this section “controlled waters” has the same meaning as in Part III of this Act.

#### Textual Amendments

- F9** Words in s. 203 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)

- C3** S. 203 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).

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M2 1991 c. 56.

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