



Water Resources Act 1991

1991 CHAPTER 57

PART III

CONTROL OF POLLUTION OF WATER RESOURCES

CHAPTER IV

SUPPLEMENTAL PROVISIONS WITH RESPECT TO WATER POLLUTIONS

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.

Status: Point in time view as at 01/10/2011.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 104. (See end of Document for details)

- (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.
- (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)

- C1** S. 104 definition of "controlled waters" applied by [London Docklands Railway Act 1991 \(c. xxiii\), s. 7\(2\)\(a\)](#)
- C2** 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\(2\)](#)
- C3** S. 104(1) modified (1.6.2003 for E.) by [Bathing Waters \(Classification\) \(England\) Regulations 2003 \(S.I. 2003/1238\), regs. 1, 2\(1\)](#)

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C4 S. 104(1)(c) applied (with modifications) (6.1.1997) by S.I. 1996/3001, **reg. 7(2)**

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Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 104.