



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

### CHAPTER III

#### PROVISIONS SUPPLEMENTAL TO LAND AND WORKS POWERS

##### *Offence of interference with works etc.*

#### **176 Offence of interference with works etc**

- (1) Subject to subsection (2) below, if any person without the consent of the Authority—
- (a) intentionally or recklessly interferes with any resource main or other pipe vested in the Authority or with any structure, installation or apparatus belonging to the Authority; or
  - (b) by any act or omission negligently interferes with any such main or other pipe or with any such structure, installation or apparatus so as to damage it or so as to have an effect on its use or operation,
- that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (2) A person shall not be guilty of an offence under subsection (1) above—
- (a) by reason of anything done in an emergency to prevent loss or damage to persons or property; or
  - (b) by reason of his opening or closing the stopcock fitted to a service pipe by means of which water is supplied to any premises by a water undertaker if—
    - (i) he has obtained the consent of every consumer whose supply is affected by the opening or closing of that stopcock or, as the case may be, of every other consumer whose supply is so affected; and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) in the case of opening a stopcock, the stopcock was closed otherwise than by the undertaker.
- (3) Any person who without the consent of the Authority—
- (a) attaches any pipe or apparatus to any resource main or other pipe vested in the Authority; or
  - (b) subject to subsection (4) below, uses any pipe or apparatus which has been attached or altered in contravention of this section,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (4) In proceedings against any person for an offence by virtue of paragraph (b) of subsection (3) above it shall be a defence for that person to show that he did not know, and had no grounds for suspecting, that the pipe or apparatus in question had been attached or altered as mentioned in that subsection.
- (5) An offence under subsection (1) or (3) above shall constitute a breach of a duty owed to the Authority; and any such breach of duty which causes the Authority to sustain loss or damage shall be actionable at the suit of the Authority.
- (6) The amount recoverable by virtue of subsection (5) above from a person who has committed an offence under subsection (3) above shall include such amount as may be reasonable in respect of any water wasted, misused or improperly consumed in consequence of the commission of the offence.
- (7) In this section “service pipe” and “stopcock” have the same meanings as in the Water Industry Act 1991, and “consumer” has the same meaning as in Part III of that Act.