



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VIII

#### INFORMATION PROVISIONS

##### *Restriction on disclosure of information*

#### **204 Restriction on disclosure of information.**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained by virtue of any of the provisions of this Act; and
  - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the carrying out by either of the Ministers, [<sup>F1</sup>the Agency, the Scottish Environmental Protection Agency], the [<sup>F2</sup>the Water Services Regulation Authority, the Consumer Council for Water], the [<sup>F3</sup>Competition Commission] or a local authority of any of his, its or, as the case may be, their functions by virtue of this Act, any of the other consolidation Acts [<sup>F4</sup> the Water Act 1989, Part I or IIA of the Environmental Protection Act 1990]<sup>F5</sup>, the 1995 Act<sup>F6</sup>, regulations under section 2 of the Pollution Prevention and Control Act 1999, or the Water Act 2003]]];
  - (b) for the purpose of facilitating the performance by a water undertaker<sup>F7</sup>, sewerage undertaker or company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991] of any of the duties imposed on it by or under this Act, any of the other consolidation Acts<sup>F8</sup>, the Water Act 1989 or the Water Act 2003];

*Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Water Resources Act 1991, Section 204 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) in pursuance of any duty imposed by section 197(1)(a) or (2) or [<sup>F9</sup>203(1), (1A), (2) or (2A)] above or [<sup>F10</sup>of any duty imposed by section 27H] of the Water Industry Act 1991;
  - (d) for the purpose of facilitating the carrying out by any person mentioned in Part I of Schedule 24 to this Act of any of his functions under any of the enactments or instruments specified in Part II of that Schedule;
  - [<sup>F11</sup>(e) for the purpose of enabling or assisting the Secretary of State, the Treasury or the Financial Services Authority to exercise any powers conferred by or under the Financial Services and Markets Act 2000 or by the enactments relating to companies or insolvency;
  - (ea) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]
  - (f) for the purpose of enabling an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M1</sup>Insolvency Act 1986 to carry out its functions as such;
  - (g) for the purpose of facilitating the carrying out by <sup>F12</sup>... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the <sup>M2</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
  - (h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
  - (i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (j) for the purposes of any civil proceedings brought under or by virtue of this Act, any of the other consolidation Acts, the <sup>M3</sup>Water Act 1989 [<sup>F13</sup>, the Water Act 2003] or any of the enactments or instruments specified in Part II of Schedule 24 to this Act, or of any arbitration under this Act, any of the other consolidation Acts [<sup>F14</sup>, the Water Act 1989 or the Water Act 2003]; or
  - (k) in pursuance of a Community obligation.
- (3) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be included in, or made public as part of, a report of—
    - (i) the [<sup>F15</sup>Agency];
    - [<sup>F16</sup>(ia) the Scottish Environment Protection Agency;]
    - [<sup>F17</sup>(ii) the Water Services Regulation Authority;]
    - [<sup>F18</sup>(iii) the Consumer Council for Water (or any regional committee of that Council established under section 27A of the Water Industry Act 1991); or]
    - (iv) the [<sup>F19</sup>Competition Commission],
 under any provision of this Act [<sup>F20</sup>, Part I or IIA of the Environmental Protection Act 1990, that Act of 1991 [<sup>F21</sup>, the 1995 Act [<sup>F22</sup>, regulations under section 2 of the Pollution Prevention and Control Act 1999, or the Water Act 2003]]];
  - (b) as limiting the matters which may be published under section 201 of that Act [<sup>F23</sup>of 1991]; or

*Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Water Resources Act 1991, Section 204 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) as applying to any information which has been made public as part of such a report or has been so published or to any information exclusively of a statistical nature.
- (4) Subject to subsection (5) below, nothing in subsection (1) above shall preclude the disclosure of information—
- (a) if the disclosure is of information relating to a matter connected with the carrying out of the functions of a water undertaker or sewerage undertaker<sup>F24</sup>, or with the carrying on by a company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991 of activities under its licence,] and is made by one Minister of the Crown or government department to another; or
- (b) if the disclosure is for the purpose of enabling or assisting any public or other authority for the time being designated for the purposes of this section by an order made by the Secretary of State to discharge any functions which are specified in the order.
- (5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and where such an order designates an authority for the purposes of paragraph (b) of that subsection, the order may—
- (a) impose conditions subject to which the disclosure of information is permitted by virtue of that paragraph; and
- (b) otherwise restrict the circumstances in which disclosure is so permitted.
- (6) Any person who discloses any information in contravention of the preceding provisions of this section 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 imprisonment for a term not exceeding two years or to a fine or to both.
- (7) In this section “the other consolidation Acts” means the <sup>M4</sup>Water Industry Act 1991, the <sup>M5</sup>Statutory Water Companies Act 1991, the <sup>M6</sup>Land Drainage Act 1991 and the <sup>M7</sup>Water Consolidation (Consequential Provisions) Act 1991.

#### Textual Amendments

- F1** Words in s. 204(2)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(2)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F2** Words in s. 204(2)(a) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(i)**; S.I. 2005/2714, art. 2(1)(aa)(vi) (with Sch. para. 8)
- F3** Words in s. 204(2)(a) substituted (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F4** Words in s. 204(2)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F5** Words in s. 204(2)(a) substituted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 8**; S.I. 2000/800, **art. 2**
- F6** Words in s. 204(2)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(ii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F7** Words in s. 204(2)(b) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(a)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F8** Words in s. 204(2)(b) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F9** Words in s. 204(2)(c) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(b)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)

*Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Water Resources Act 1991, Section 204 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F10** Words in s. 204(2)(c) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(iv)**; S.I. 2005/2714, art. 2(l)(aa)(vi) (with Sch. para. 8)
- F11** S. 204(2)(e)(ea) substituted for s. 204(2)(e) (1.12.2001) by S.I. 2001/3649, **art. 329**
- F12** Words in s. 204(2)(g) omitted (1.4.2008) by virtue of Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F13** Words in s. 204(2)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(a)(v)(a)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F14** Words in s. 204(2)(j) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 28(3)(a)(v)(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F15** Words in s. 204 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)
- F16** S. 204(3)(a)(ia) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(3)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F17** S. 204(3)(a)(ii) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(i)**; S.I. 2005/2714, art. 4(f) (with Sch. para. 8)
- F18** S. 204(3)(a)(iii) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(ii)**; S.I. 2005/2714, art. 2(l)(aa)(vi) (with Sch. para. 8)
- F19** Words in s. 204(3)(a)(iv) substituted (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F20** Words in s. 204(3)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F21** Words in s. 204(3)(a) substituted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 8**; S.I. 2000/800, **art. 2**
- F22** Words in s. 204(3)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 28(3)(b)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F23** Words in s. 204(3)(b) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 173(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** (with art. 4)
- F24** Words in s. 204(4)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(3)(c)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

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

- C1** S. 204 applied (01.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 70, 76(2)**.
- C2** S. 204 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **s. 115**; S.I. 2003/2681, art. 2(b)
- C3** S. 204(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt.I para. 32**

#### Marginal Citations

- M1** 1986 c. 45.
- M2** 1974 c. 37.
- M3** 1989 c. 15.
- M4** 1991 c. 56.
- M5** 1991 c. 58.
- M6** 1991 c. 59.
- M7** 1991 c. 60.

**Status:**

Point in time view as at 01/04/2008. This version of this provision has been superseded.

**Changes to legislation:**

Water Resources Act 1991, Section 204 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.