



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Byelaws*

#### **211 Enforcement of byelaws.**

- (1) If any person contravenes any byelaws made by virtue of paragraph 1 of Schedule 25 to this Act, he shall be guilty of an offence and liable, on summary conviction—
  - (a) to a fine not exceeding level 1 on the standard scale; and
  - (b) if the contravention is continued after conviction, to a fine not exceeding £5 for each day on which it is so continued.
- (2) Byelaws made by virtue of paragraph 2 or 3 of that Schedule may contain provision providing for a contravention of the byelaws to constitute a summary offence punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale or such smaller sum as may be specified in the byelaws.
- (3) A person who contravenes any byelaws made by virtue of paragraph 4 or 6 of that Schedule shall be guilty of an offence and liable, on summary conviction,
  - [<sup>F1</sup>(a) in the case of byelaws made by virtue of paragraph 4, to a fine not exceeding level 4 on the standard scale or such smaller sum as may be specified in the byelaws;
  - (b) in the case of byelaws made by virtue of paragraph 6, to [<sup>F2</sup>a fine].]
- (4) If any person acts in contravention of any byelaw made by virtue of paragraph 5 of that Schedule he shall be guilty of an offence and liable, on summary conviction—
  - (a) to a fine not exceeding level 5 on the standard scale; and
  - (b) if the contravention is continued after conviction, to a further fine not exceeding £40 for each day on which it is so continued.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 211. (See end of Document for details)*

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- (5) Without prejudice to any proceedings by virtue of subsection (1) or (4) above, the [<sup>F3</sup>appropriate agency] may—
- (a) take such action as it considers necessary to remedy the effect of any contravention of byelaws made by virtue of paragraph 1 of Schedule 25 to this Act;
  - (b) take such action as may be necessary to remedy the effect of any person's contravention of byelaws made by virtue of paragraph 5 of that Schedule; and
  - (c) recover the expenses reasonably incurred by the [<sup>F3</sup>appropriate agency] in taking any action under paragraph (a) or (b) above from the person in default.
- (6) So much of the <sup>M1</sup>Salmon and Freshwater Fisheries Act 1975 as makes provision with respect to or by reference to offences under that Act shall have effect as if an offence consisting in a contravention of byelaws made by virtue of paragraph 6 of Schedule 25 to this Act were an offence under that Act.
- (7) Section 70 above shall apply in relation to any restrictions imposed by byelaws made by virtue of paragraph 1 of Schedule 25 to this Act as it applies in relation to restrictions imposed by the provisions of Chapter II of Part II of this Act which are mentioned in that section; and sections 100 and 101 above shall have effect in relation to contraventions of byelaws made by virtue of paragraph 4 of that Schedule as they have effect in relation to contraventions of provisions of Part III of this Act.

#### Textual Amendments

- F1** S. 211(3)(a)(b) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 226, 324(3)**; [S.I. 2009/3345](#), art. 2, Sch. para. 14
- F2** Words in s. 211(3)(b) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 24(6)** (with reg. 5(1))
- F3** Words in ss. 210-216 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 303** (with Sch. 7)

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

- C1** S. 211 excluded (1.7.1999) by [S.I. 1999/1746](#), **art. 4(1)**; [S.I. 1998/3178](#), **art. 3**

#### Marginal Citations

- M1** 1975 c. 51.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 211.