



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART III

#### CONTROL OF POLLUTION OF WATER RESOURCES

### CHAPTER II

#### POLLUTION OFFENCES

##### *Principal offences*

#### **85 Offences of polluting controlled waters.**

- (1) A person contravenes this section if he causes or knowingly permits any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters.
- (2) A person contravenes this section if he causes or knowingly permits any matter, other than trade effluent or sewage effluent, to enter controlled waters by being discharged from a drain or sewer in contravention of a prohibition imposed under section 86 below.
- (3) A person contravenes this section if he causes or knowingly permits any trade effluent or sewage effluent to be discharged—
  - (a) into any controlled waters; or
  - (b) from land in England and Wales, through a pipe, into the sea outside the seaward limits of controlled waters.
- (4) A person contravenes this section if he causes or knowingly permits any trade effluent or sewage effluent to be discharged, in contravention of any prohibition imposed under section 86 below, from a building or from any fixed plant—
  - (a) on to or into any land; or
  - (b) into any waters of a lake or pond which are not inland freshwaters.

*Status: Point in time view as at 08/02/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 85. (See end of Document for details)*

- (5) A person contravenes this section if he causes or knowingly permits any matter whatever to enter any inland freshwaters so as to tend (either directly or in combination with other matter which he or another person causes or permits to enter those waters) to impede the proper flow of the waters in a manner leading, or likely to lead, to a substantial aggravation of—
- (a) pollution due to other causes; or
  - (b) the consequences of such pollution.
- (6) Subject to the following provisions of this Chapter, a person who contravenes this section or the conditions of any consent given under this Chapter for the purposes of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000 or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

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

- C1** S. 85 restricted (13.4.2001) by S.I. 2001/1478, **reg. 3(c)**
- C2** S. 85 applied by [London Docklands Railway Act 1991](#) (c. xxiii), **s. 7(2)(a)**
- C3** S. 85 applied (with modifications) (16.3.1992) by [Avon Weir Act 1992](#) (c. v), **s. 18(6)** (with s. 61)
- C4** S. 85 applied (with modifications) (13.2.1992) by [British Railways Act 1992](#) (c. i), **s. 18(3)(a)**
- C5** S. 85 applied (with modifications) (16.3.1992) by [London Underground Act 1992](#) (c.iii), **s. 12(2)(a)**
- C6** S. 85 applied (with modifications) (16.3.1992) by [Aire and Calder Navigation Act 1992](#) (c. iv), **s. 18(4)(a)**
- C7** S. 85 applied (with modifications) (18.6.1992) by [British Railways \(No. 2\) Act 1992](#) (c. xi), **s. 22(4)(a)**
- C8** S. 85 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. 1 para.9** (with s. 46).
- C9** S. 85 applied (with modifications) (29.3.1993) by 1993 c. iv, **s. 23(4)(a)** (with ss. 36, 41(5), 44(1)).
- C10** S. 85 applied (with modifications) (27.5.1993) by 1993 c. vii, **s. 11(2)(a)** (with ss. 19(2), 29(1)).
- C11** S. 85 applied (with modifications) (1.7.1993) by 1993 c. ix, **s. 9(2)(a)** (with ss. 15(2), 24(1)).
- C12** S. 85 applied (with modifications) (27.7.1993) by 1993 c. xv, **s. 22(3)(a)** (with s. 44(1)).
- S. 85 applied (with modifications) (31.3.1994) by 1994 c. iv, **s. 13(4)(a)**
- S. 85 applied (with modifications) (5.7.1994) by 1994 c. ix, **s. 8(2)(a)**
- S. 85 applied (with modifications) (21.7.1994) by 1994 c. xi, **s. 24(3)(a)**
- S. 85 applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 23(3)(a)**
- S. 85 applied (with modifications) (7.3.1995) by S.I. 1995/519, **art. 16(5)**
- S. 85 applied (with modifications) (28.7.1998) by 1998 c. iv, **s. 22(4)(a)**
- C13** S. 85 modified (5.11.1993) by 1993 c.42, ss. 2, 19, Sch. 2 para. 10(8), Sch. 6 paras. 5, 8 (with s. 30(1), Sch. 2 para. 9).
- C14** S. 85(1) modified by S.I. 1994/1056, Sch. 4 para. 11 (as inserted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006](#) (S.I. 2006/937), regs. 1(2), **6(10)(c)**)

**Status:**

Point in time view as at 08/02/2007. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 85.