



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### **208 Directions in the interests of national security.**

- (1) The Secretary of State may, after consultation with a relevant undertaker<sup>[F1]</sup>, water supply licensee or sewerage licensee], give to that undertaker <sup>[F2]</sup>[<sup>[F3]</sup>or licensee] (as the case may be)] such directions of a general character as appear to the Secretary of State to be requisite or expedient in the interests of national security or for the purpose of mitigating the effects of any civil emergency which may occur.
  - (2) If it appears to the Secretary of State to be requisite or expedient to do so in the interests of national security or for the purpose of mitigating the effects of any civil emergency which has occurred or may occur, he may, after consultation with a relevant undertaker <sup>[F4]</sup>, water supply licensee or sewerage licensee], give to that undertaker <sup>[F2]</sup>[<sup>[F5]</sup>or licensee] (as the case may be)] a direction <sup>[F6]</sup>requiring that undertaker or licensee] to do, or not to do, a particular thing specified in the direction.
  - (3) It shall be the duty of a relevant undertaker <sup>[F7]</sup>, water supply licensee or sewerage licensee], notwithstanding any other duty imposed <sup>[F8]</sup>on that undertaker or licensee] (whether or not by or under this Act), to comply with any direction given <sup>[F9]</sup>to that undertaker or licensee] by the Secretary of State under this section; and the duty of a relevant undertaker <sup>[F7]</sup>, water supply licensee or sewerage licensee] to comply with any such direction shall be enforceable under section 18 above by the Secretary of State.
- <sup>[F10]</sup>(3A) The Secretary of State may, after consultation with the Council, give to the Council such directions of a general character as appear to the Secretary of State to be requisite or expedient—
- (a) in the interests of national security; or

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- (b) in connection with any civil emergency which may occur.
- (3B) If it appears to the Secretary of State to be requisite or expedient to do so—
- (a) in the interests of national security; or
  - (b) in connection with any civil emergency which has occurred or may occur,
- he may, after consultation with the Council, give to the Council a direction requiring it to do, or not to do, a particular thing specified in the direction.
- (3C) The Council shall comply with any direction given to it by the Secretary of State under this section.]
- (4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security.
- (5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security.
- (6) Any person who discloses any matter in contravention of subsection (5) above shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) Any reference in this section to a civil emergency is a reference to any natural disaster or other emergency which, in the opinion of the Secretary of State, is or may be likely, in relation to any area—
- (a) so to disrupt water supplies or sewerage services; or
  - (b) to involve such destruction of or damage to life or property in that area, as seriously and adversely to affect all the inhabitants of that area, or a substantial number of them, whether by depriving them of any of the essentials of life or otherwise.

#### Textual Amendments

- F1** Words in s. 208(1) substituted (1.4.2016) by [Explanatory Note 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 117\(2\)\(a\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F2** Words in s. 208(1)(2) inserted (1.4.2004) by [Water Act 2003 \(c. 37\), ss. 101\(1\), 105\(3\), Sch. 8 para. 48\(2\)\(b\)](#); [S.I. 2004/641, art. 3\(y\), Sch. 2](#) (with [Sch. 3 para. 7](#))
- F3** Words in s. 208(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 117\(2\)\(b\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F4** Words in s. 208(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 117\(3\)\(a\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F5** Words in s. 208(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 117\(3\)\(b\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F6** Words in s. 208(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 117\(3\)\(c\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

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- F7** Words in s. 208(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 117\(4\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F8** Words in s. 208(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 117\(4\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F9** Words in s. 208(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 117\(4\)\(c\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(z\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F10** S. 208(3A)-(3C) inserted (1.10.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 7 para. 27\(6\)](#); [S.I. 2005/2714](#), [art. 2\(1\)\(v\)](#) (with [Sch. para. 8](#))

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

- C1** S. 208: certain functions exercisable concurrently with the Secretary of State (W.) (1.7.1999) by [S.I.O. 1999/672](#), art. 2, [Sch. 1](#)
- C2** S. 208 applied (with modifications) (28.6.2013) by [The Water Industry \(Specified Infrastructure Projects\) \(English Undertakers\) Regulations 2013 \(S.I. 2013/1582\)](#), reg. 1(1)(b), [Sch. 1 para. 15](#) (with reg. 1(1)(c))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)

- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)
- s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)