



Water Resources Act 1991

1991 CHAPTER 57

PART VIII

INFORMATION PROVISIONS

Registers etc. to be kept by the [F1 Agency]

Textual Amendments

- F1** Words in cross-heading 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)

189 Register of abstraction and impounding licences.

- (1) The [F2 Agency] shall keep, in such manner as may be prescribed, registers containing such information as may be prescribed with respect—
- (a) to applications made for the grant, revocation or variation of licences under Chapter II of Part II of this Act, including information as to the way in which such applications have been dealt with; and
 - (b) to persons becoming the holders of such licences by virtue of section 49 above of this Act or regulations made under section 50 above.
- (2) Every register kept by the [F2 Agency] under this section shall also contain such information as may be prescribed with respect—
- (a) to applications made in accordance with regulations under section 64 above; and
 - (b) to licences granted or deemed to be granted, and licences revoked or varied, in accordance with regulations made under that section.
- (3) Subject to any regulations under this section, the information which the [F2 Agency] is required to keep in registers under this section shall continue to include the information which immediately before 1st September 1989 was contained in a register kept by a water authority under section 53 of the ^{M1}Water Resources Act 1963.

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (4) The contents of every register kept under this section shall be available, at such place as may be prescribed, for inspection by the public at all reasonable hours.

Textual Amendments

F2 Words in s. 189 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)

Marginal Citations

M1 1963 c. 38.

190 Pollution control register.

- (1) It shall be the duty of the [^{F3}Agency] to maintain, in accordance with regulations made by the Secretary of State, registers containing prescribed particulars of [^{F4}or relating to]—
- (a) any notices of water quality objectives or other notices served under section 83 above;
 - (b) applications made for consents under Chapter II of Part III of this Act;
 - (c) consents given under that Chapter and the conditions to which the consents are subject;
 - [^{F5}(d) certificates issued under paragraph 1(7) of Schedule 10 to this Act;]
 - (e) the following, that is to say—
 - (i) samples of water or effluent taken by the [^{F3}Agency] for the purposes of any of the water pollution provisions of this Act;
 - (ii) information produced by analyses of those samples;
 - (iii) such information with respect to samples of water or effluent taken by any other person, and the analyses of those samples, as is acquired by the [^{F3}Agency] from any person under arrangements made by the [^{F3}Agency] for the purposes of any of those provisions; and
 - (iv) the steps taken in consequence of any such information as is mentioned in any of sub-paragraphs (i) to (iii) above;
 - [^{F6}and]
 - [^{F6}(f) any matter about which particulars are required to be kept in any register under section 20 of the Environmental Protection Act 1990 (particulars about authorisations for prescribed processes etc.) by the chief inspector under Part I of that Act.]
 - [^{F7}(g) applications made to the Agency for the variation of discharge consents;
 - (h) enforcement notices served under section 90B above;
 - (j) revocations, under paragraph 7 of Schedule 10 to this Act, of discharge consents;
 - (k) appeals under section 91 above;
 - (l) directions given by the Secretary of State in relation to the Agency's functions under the water pollution provisions of this Act;
 - (m) convictions, for offences under Part III of this Act, of persons who have the benefit of discharge consents;
 - (n) information obtained or furnished in pursuance of conditions of discharge consents;

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (o) works notices under section 161A above;
 - (p) appeals under section 161C above;
 - (q) convictions for offences under section 161D above;
 - (r) such other matters relating to the quality of water or the pollution of water as may be prescribed by the Secretary of State.
- (1A) Where information of any description is excluded from any register by virtue of section 191B below, a statement shall be entered in the register indicating the existence of information of that description.]
- (2) It shall be the duty of the [^{F3}Agency]—
- (a) to secure that the contents of registers maintained by the [^{F3}Agency] under this section are available, at all reasonable times, for inspection by the public free of charge; and
 - (b) to afford members of the public reasonable facilities for obtaining from the [^{F3}Agency], on payment of reasonable charges, copies of entries in any of the registers.
- [^{F8}and, for the purposes of this subsection, places may be prescribed by the Secretary of State at which any such registers or facilities as are mentioned in paragraph (a) or (b) above are to be available or afforded to the public in pursuance of the paragraph in question.]
- (3) Section 101 above shall have effect in relation to any regulations under this section as it has effect in relation to any subordinate legislation under Part III of this Act.
- [^{F9}(4) The Secretary of State may give to the Agency directions requiring the removal from any register maintained by it under this section of any specified information which is not prescribed for inclusion under subsection (1) above or which, by virtue of section 191A or 191B below, ought to have been excluded from the register.
- (5) In this section “discharge consent” has the same meaning as in section 91 above.]

Textual Amendments

- F3** Words in s. 190 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)
- F4** Words in s. 190(1) inserted (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1), 125(2), **Sch. 22 para. 169(2)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**
- F5** S. 190(1)(d) repealed (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1)(3), 125(2), **Sch. 22 para. 169(3)**, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**
- F6** S. 190(1)(f) and word preceding it repealed (subject to other provisions of the amending Act) (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1)(3), 125(2), **Sch. 22 para. 169(4)**, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**
- F7** S. 190(1)(g)-(r)(1A) added (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1), 125(2), **Sch. 22 para. 169(4)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**
- F8** Words in s. 190(2) added (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1), 125(2), **Sch. 22 para. 169(5)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**
- F9** S. 190(4)(5) added (21.11.1996 for certain purposes and *prosp.* otherwise) by 1995 c. 25, ss. 120(1), 125(2), **Sch. 22 para. 169(6)** (with ss. 7(6), 115, 117); S.I. 1996/2909, **art. 2**

Modifications etc. (not altering text)

- C1** S. 190 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 9** (with s. 46).

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

191 Register for the purposes of works discharges.

- (1) The [^{F10}Agency] shall keep a register of persons and premises for the purposes of section 164 above.
- (2) The [^{F10}Agency] shall enter the name and address of a person in that register in respect of any premises which abut on any watercourse if that person has requested to be so registered and is either—
 - (a) the owner or occupier of those premises; or
 - (b) an officer of an association of owners or occupiers of premises which abut on that watercourse and include those premises.
- (3) If the [^{F10}Agency] contravenes, without reasonable excuse, any of the requirements of this section, it shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F10 Words in s. 191 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)

[^{F11}191A Exclusion from registers of information affecting national security.

- (1) No information shall be included in a register kept or maintained by the Agency under any provision of this Act if and so long as, in the opinion of the Secretary of State, the inclusion in such a register of that information, or information of that description, would be contrary to the interests of national security.
- (2) The Secretary of State may, for the purpose of securing the exclusion from registers of information to which subsection (1) above applies, give to the Agency directions—
 - (a) specifying information, or descriptions of information, to be excluded from their registers; or
 - (b) specifying descriptions of information to be referred to the Secretary of State for his determination;
 and no information referred to the Secretary of State in pursuance of paragraph (b) above shall be included in any such register until the Secretary of State determines that it should be so included.
- (3) The Agency shall notify the Secretary of State of any information it excludes from a register in pursuance of directions under subsection (2) above.
- (4) A person may, as respects any information which appears to him to be information to which subsection (1) above may apply, give a notice to the Secretary of State specifying the information and indicating its apparent nature; and, if he does so—
 - (a) he shall notify the Agency that he has done so; and
 - (b) no information so notified to the Secretary of State shall be included in any such register until the Secretary of State has determined that it should be so included.]

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

Textual Amendments

F11 S. 191A inserted (21.11.1996 for certain purposes and 31.12.1996 otherwise) by 1995 c. 25, s. 120(1), Sch. 22 para. 170 (with ss. 7(6), 115, 117); S.I. 1996/2909, arts. 2, 3 (subject to saving provisions in art. 4)

Modifications etc. (not altering text)

C2 S. 191A applied (with modifications) (1.4.1999) by S.I. 1998/2746, reg. 14(3)

[^{F12}191B Exclusion from registers of certain confidential information.

- (1) No information relating to the affairs of any individual or business shall, without the consent of that individual or the person for the time being carrying on that business, be included in a register kept or maintained by the Agency under any provision of this Act, if and so long as the information—
 - (a) is, in relation to him, commercially confidential; and
 - (b) is not required to be included in the register in pursuance of directions under subsection (7) below;but information is not commercially confidential for the purposes of this section unless it is determined under this section to be so by the Agency or, on appeal, by the Secretary of State.
- (2) Where information is furnished to the Agency for the purpose of—
 - (a) an application for a discharge consent or for the variation of a discharge consent,
 - (b) complying with any condition of a discharge consent, or
 - (c) complying with a notice under section 202 below,then, if the person furnishing it applies to the Agency to have the information excluded from any register kept or maintained by the Agency under any provision of this Act, on the ground that it is commercially confidential (as regards himself or another person), the Agency shall determine whether the information is or is not commercially confidential.
- (3) A determination under subsection (2) above must be made within the period of fourteen days beginning with the date of the application and if the Agency fails to make a determination within that period it shall be treated as having determined that the information is commercially confidential.
- (4) Where it appears to the Agency that any information (other than information furnished in circumstances within subsection (2) above) which has been obtained by the Agency under or by virtue of any provision of any enactment might be commercially confidential, the Agency shall—
 - (a) give to the person to whom or whose business it relates notice that that information is required to be included in a register kept or maintained by the Agency under any provision of this Act, unless excluded under this section; and
 - (b) give him a reasonable opportunity—
 - (i) of objecting to the inclusion of the information on the ground that it is commercially confidential; and

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Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (ii) of making representations to the Agency for the purpose of justifying any such objection;
- and, if any representations are made, the Agency shall, having taken the representations into account, determine whether the information is or is not commercially confidential.
- (5) Where, under subsection (2) or (4) above, the Agency determines that information is not commercially confidential—
- (a) the information shall not be entered on the register until the end of the period of twenty-one days beginning with the date on which the determination is notified to the person concerned; and
 - (b) that person may appeal to the Secretary of State against the decision;
- and, where an appeal is brought in respect of any information, the information shall not be entered on the register until the end of the period of seven days following the day on which the appeal is finally determined or withdrawn.
- (6) Subsections (2A), (2C) and (2K) of section 91 above shall apply in relation to appeals under subsection (5) above; but—
- (a) subsection (2C) of that section shall have effect for the purposes of this subsection with the substitution for the words from “(which may” onwards of the words “(which must be held in private)”; and
 - (b) subsection (5) above is subject to section 114 of the 1995 Act (delegation or reference of appeals etc).
- (7) The Secretary of State may give to the Agency directions as to specified information, or descriptions of information, which the public interest requires to be included in registers kept or maintained by the Agency under any provision of this Act notwithstanding that the information may be commercially confidential.
- (8) Information excluded from a register shall be treated as ceasing to be commercially confidential for the purposes of this section at the expiry of the period of four years beginning with the date of the determination by virtue of which it was excluded; but the person who furnished it may apply to the Agency for the information to remain excluded from the register on the ground that it is still commercially confidential and the Agency shall determine whether or not that is the case.
- (9) Subsections (5) and (6) above shall apply in relation to a determination under subsection (8) above as they apply in relation to a determination under subsection (2) or (4) above.
- (10) The Secretary of State may by regulations substitute (whether in all cases or in such classes or descriptions of case as may be specified in the regulations) for the period for the time being specified in subsection (3) above such other period as he considers appropriate.
- (11) Information is, for the purposes of any determination under this section, commercially confidential, in relation to any individual or person, if its being contained in the register would prejudice to an unreasonable degree the commercial interests of that individual or person.
- (12) In this section “discharge consent” has the same meaning as in section 91 above.]

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

Textual Amendments

- F12** S. 191B inserted (21.11.1996 for certain purposes and 31.12.1996 otherwise) by 1995 c. 25, s. 120(1), Sch. 22 para. 170 (with ss. 7(6), 115, 117); S.I. 1996/2909, arts. 2, 3 (subject to saving provisions in art. 4)

Modifications etc. (not altering text)

- C3** S. 191B applied (with modifications) (1.4.1999) by S.I. 1998/2746, reg. 14(3)
- C4** S. 191B(5): power to delegate functions conferred (1.4.1996) by 1995 c. 25, s. 114(2)(a)(v) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3 (with art. 4)

192 Maps of fresh-water limits.

- (1) The Secretary of State—
- shall deposit maps with the [^{F13}Agency] showing what appear to him to be the fresh-water limits of every relevant river or watercourse; and
 - may from time to time, if he considers it appropriate to do so by reason of any change of what appears to him to be the fresh-water limit of any river or watercourse, deposit a map showing a revised limit for that river or watercourse.
- (2) It shall be the duty of the [^{F13}Agency] to keep any maps deposited with it under subsection (1) above available, at all reasonable times, for inspection by the public free of charge.
- (3) In this section “relevant river or watercourse” has the same meaning as in section 104 above.

Textual Amendments

- F13** Words in s. 192 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)

193 Main river maps.

- (1) Subject to section 194 below, the [^{F14}Agency] shall—
- keep the main river map for the area of a regional flood defence committee at the principal office of the [^{F14}Agency] for that area; and
 - provide reasonable facilities for inspecting that map and taking copies of and extracts from it;
- and any local authority whose area is wholly or partly within the area of a regional flood defence committee shall, on application to the [^{F14}Agency], be entitled to be furnished with copies of the main river map for the area of that committee on payment of such sum as may be agreed between the [^{F14}Agency] and that local authority.
- (2) For the purposes of this Act a main river map is a map relating to the area of a regional flood defence committee which—
- shows by a distinctive colour the extent to which any watercourse in that area is to be treated as a main river, or part of a main river, for the purposes of this Act; and

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Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (b) indicates (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 137 above;

and, subject to section 194 below, references in this Act to a main river map, in relation to the area of a regional flood defence committee, include so much of any map as, by virtue of paragraph 38 of Schedule 26 to the Water Act 1989, has effect as such a map at the coming into force of this Act.

- (3) A main river map—
- (a) shall be conclusive evidence for all purposes as to what is a main river; and
 - (b) shall be taken for the purposes of the ^{M2}Documentary Evidence Act 1868, as it applies to either of the Ministers, to be a document within the meaning of that Act and to have been issued by that Minister.
- (4) In this section and section 194 below “watercourse” has the same meaning as in Part IV of this Act.

Textual Amendments

F14 Words in s. 193 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)

Marginal Citations

M2 1868 c. 37.

194 Amendment of main river maps.

- (1) Either of the Ministers may at any time send the [^{F15}Agency] one or more new maps to be substituted for the whole or part of a main river map and containing a statement to that effect.
- (2) A statement contained in a map in pursuance of subsection (1) above shall specify the date on which the substitution is to take effect and the substitution shall take effect in accordance with the statement.
- (3) Where—
 - (a) the area of a regional flood defence committee is altered so as to affect any of the particulars shown on the main river map for that area; or
 - (b) one of the Ministers confirms a scheme under section 137 above; or
 - (c) the [^{F15}Agency] applies to one of the Ministers for the variation of a main river map, so far as it shows the extent to which any watercourse is to be treated as a main river or part of a main river,

the Ministers shall each be under a duty to ensure that such action as he considers appropriate is taken under subsection (4) below.
- (4) The action referred to in subsection (3) above is action by one of the Ministers—
 - (a) requiring the [^{F15}Agency] to send him any part of the main river map in question, altering it and sending it back to the ; or
 - (b) preparing a new main river map and sending it to the [^{F15}Agency]; or
 - (c) notifying the [^{F15}Agency] that he does not intend to vary the main river map in question.

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (5) Before one of the Ministers alters a map or prepares a new map by virtue of subsection (3)(c) above, he shall—
- (a) give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected; and
 - (b) consider any objections made to him within the time and in the manner specified in that notice;
- and he may then alter or prepare the map either in accordance with the proposals contained in the notice or otherwise.

Textual Amendments

F15 Words in s. 194 substituted (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)

Modifications etc. (not altering text)

C5 S. 194(5) excluded (16.3.1992) by **Aire and Calder Navigation Act 1992 (c. iv), s. 15(3)**

195 Maps of waterworks.

- (1) Subject to subsections (4) and (5) below, it shall be the duty of the [^{F16}Agency] to keep records of the location of—
- (a) every resource main or discharge pipe which is for the time being vested in the [^{F16}Agency]; and
 - (b) any other underground works which are for the time being vested in the [^{F16}Agency].
- (2) It shall be the duty of the [^{F16}Agency] to secure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the [^{F16}Agency].
- (3) Any information which is required under this section to be made available by the [^{F16}Agency] for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) Nothing in this section shall require the [^{F16}Agency], at any time before 1st September 1999, to keep records of—
- (a) any pipe which was laid before 1st September 1989; or
 - (b) any underground works which were completed before 1st September 1989,
- unless those particulars were shown on 31st August 1989 on a map kept by a water authority or statutory water company under section 12 of Schedule 3 to the ^{M3}Water Act 1945 (maps of underground works).

Status: Point in time view as at 21/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency. (See end of Document for details)

- (6) The reference in subsection (5) above to section 12 of Schedule 3 to the Water Act 1945 shall have effect, without prejudice to section 20(2) of the ^{M4}Interpretation Act 1978 (references to enactments to include references to enactments as amended, extended or applied), as including a reference to that section as applied, with or without modifications, by any local statutory provision.
- (7) In this section—
“discharge pipe” and “resource main” have the same meanings as in Part VII of this Act;
“underground works” does not include a service pipe within the meaning of the ^{M5}Water Industry Act 1991.

Textual Amendments

F16 Words in s. 195 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)

Marginal Citations

M3 1945 c. 42.
M4 1978 c. 30.
M5 1991 c. 56.

Status:

Point in time view as at 21/11/1996.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Registers etc. to be kept by the Agency.