



# 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 Director General of Water Services, the [<sup>F2</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>F3</sup>, the Water Act 1989, Part I or IIA of the Environmental Protection Act 1990 [<sup>F4</sup>, the 1995 Act or regulations under section 2 of the Pollution Prevention and Control Act 1999]];
  - (b) for the purpose of facilitating the performance by a water undertaker or sewerage undertaker of any of the duties imposed on it by or under this Act, any of the other consolidation Acts or the Water Act 1989;
  - (c) in pursuance of any duty imposed by section 197(1)(a) or (2) or 203(1) or (2) above or of any arrangements made by the Director General of Water Services under section 29(6) of the Water Industry Act 1991;

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Restriction on disclosure of information. (See end of Document for details)*

- (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;
  - (e) for the purpose of enabling or assisting the Secretary of State to exercise any powers conferred on him by the <sup>M1</sup>Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency or for the purpose of enabling or assisting any inspector appointed by him under the 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>M2</sup>Insolvency Act 1986 to carry out its functions as such;
  - (g) for the purpose of facilitating the carrying out by the Health and Safety Commission or 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>M3</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>M4</sup>Water Act 1989 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 or that Act of 1989; 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>F5</sup>Agency];
    - [<sup>F6</sup>(ia) the Scottish Environment Protection Agency];
    - (ii) the Director General of Water Services;
    - (iii) a customer service committee maintained under the <sup>M5</sup>Water Industry Act 1991; or
    - (iv) the [<sup>F7</sup>Competition Commission],
 under any provision of this Act [<sup>F8</sup>, Part I or IIA of the Environmental Protection Act 1990, that Act of 1991 [<sup>F9</sup>, the 1995 Act or regulations under section 2 of the Pollution Prevention and Control Act 1999]];
  - (b) as limiting the matters which may be published under section 201 of that Act [<sup>F10</sup>of 1991]; or
  - (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—

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Restriction on disclosure of information. (See end of Document for details)*

- (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 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>M6</sup>Water Industry Act 1991, the <sup>M7</sup>Statutory Water Companies Act 1991, the <sup>M8</sup>Land Drainage Act 1991 and the <sup>M9</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 (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F3** 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)
- F4** 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**
- F5** 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)
- F6** 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)
- F7** Words in s. 204(3)(a)(iv) substituted (1.4.1999) by S.I. 1999/506, **art. 31(a)**
- F8** 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)
- F9** 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**
- F10** 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)

#### 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)**.

#### Marginal Citations

- M1** 1986 c. 60.
- M2** 1986 c. 45.
- M3** 1974 c. 37.

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Restriction on disclosure of information. (See end of Document for details)*

<b>M4</b>	1989 c. 15.
<b>M5</b>	1991 c. 56.
<b>M6</b>	1991 c. 56.
<b>M7</b>	1991 c. 58.
<b>M8</b>	1991 c. 59.
<b>M9</b>	1991 c. 60.

## 205 Confidentiality of information relating to underground water etc.

- (1) The person sinking any such well or borehole as is mentioned in section 198 above or, if it is a different person, the owner or occupier of the land on which any such well or borehole is sunk may by notice to the Natural Environment Research Council require that Council to treat as confidential—
  - (a) any copy of or extract from the journal required to be kept under that section; or
  - (b) any specimen taken in exercise of the rights specified in subsection (5) of that section.
- (2) Subject to subsections (3) and (4) below, the Natural Environment Research Council shall not, without the consent of the person giving the notice, allow any matter to which any notice under subsection (1) above relates to be published or shown to any person who is not an officer of that Council or of a department of the Secretary of State.
- (3) Subsection (2) above shall not prohibit any matter from being published or shown to any person in so far as it contains or affords information as to water resources and supplies.
- (4) If at any time the Natural Environment Research Council give notice to any person that in their opinion his consent for the purposes of subsection (2) above is being unreasonably withheld—
  - (a) that person may, within three months after the giving of the notice, appeal to the High Court for an order restraining that Council from acting as if consent had been given; and
  - (b) that Council may proceed as if consent had been given if either no such appeal is brought within that period or the High Court, after hearing the appeal, do not make such an order.
- (5) Any person who fails to comply with any obligation imposed on him by the preceding provisions of this section shall be guilty of an offence and liable, on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) where the offence continues after conviction, to a further fine of £20 for every day during which it so continues.
- (6) If any person who is admitted to any premises in compliance with section 198(2)(c) above discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret, he shall, unless the disclosure is in performance of his duty, 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 the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding three months or to a fine or to both.

**Status:**

Point in time view as at 21/03/2000.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Cross  
Heading: Restriction on disclosure of information.