



Water Resources Act 1991

1991 CHAPTER 57

PART III

CONTROL OF POLLUTION OF WATER RESOURCES

CHAPTER III

POWERS TO PREVENT AND CONTROL POLLUTION

93 Water protection zones.

[^{F1}(1) Where the appropriate national authority considers that either or both of subsections (2) and (2A) is satisfied in relation to any area, it may by order make provision—

- (a) designating that area as a water protection zone; and
- (b) regulating the carrying on in that zone of such activities as may be specified or described in the order.]

[^{F2}(1A) An order under this section may regulate activities carried on in a water protection zone by—

- (a) prohibiting or restricting the carrying on of those activities in the zone; or
- (b) imposing requirements on persons who carry on those activities in the zone to take such steps as may be specified or described in the order.

(1B) The power under subsection (1A)(b) is exercisable only for the purpose of [^{F3}achievement of] any applicable environmental objectives.]

(2) For the purposes of subsection (1) above this subsection is satisfied in relation to any area if ^{F4}... it is appropriate, with a view to preventing or controlling the entry of any poisonous, noxious or polluting matter into controlled waters, to prohibit or restrict the carrying on in that area of activities which the [^{F5}appropriate national authority] considers are likely to result in the pollution of any such waters.

[^{F6}(2A) For the purposes of subsection (1) this subsection is satisfied in relation to any area if it is appropriate, with a view to preventing or limiting any harm that is being or is likely

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to be caused to controlled waters, to regulate the carrying on in that area of activities which the appropriate national authority considers are likely to result in such harm.

(2B) In subsection (2A) “harm” means any adverse impact on the condition of any hydromorphological quality element affecting the controlled waters that would be likely to prevent the achievement of any environmental objectives applicable to those waters (whether by itself or in combination with other factors), other than an adverse impact caused by the entry into controlled waters of any poisonous, noxious or polluting matter.

^{F7}(2C)]

^{F8}(3)

(4) Without prejudice to the generality of the power conferred by virtue of subsection (1) above, an order under this section may—

- ^{F9}(a) confer power on the [^{F10}appropriate agency] to determine for the purposes of the order—
 - (i) the circumstances in which the carrying on of any activities is prohibited or restricted;
 - (ii) the circumstances in which any requirement to take steps is imposed on persons who carry on activities;
 - (iii) the activities to which any such prohibition or restriction or any such requirement (as the case may be) applies.]
- (b) apply a prohibition or restriction in respect of any activities to cases where the activities are carried on without the consent of the [^{F10}appropriate agency] or in contravention of any conditions subject to which any such consent is given;
- ^{F11}(c) provide that a contravention of a prohibition or restriction contained in the order or of a condition of a consent given for the purposes of any such prohibition or restriction or a failure to comply with a requirement to take steps contained in the order shall be an offence;]
- (d) provide (subject to any regulations under section 96 below) for anything falling to be determined under the order by the [^{F10}appropriate agency] to be determined in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be specified in the order;
- (e) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
- (f) contain such supplemental, consequential and transitional provision as the [^{F12}appropriate national authority] considers appropriate.

^{F13}(4A) The maximum penalties for an offence created by subsection 4(c) shall not exceed—

- (a) on summary conviction, a term of imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum (or both); and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years or a fine (or both).]

^{F14}(5) In this section, “appropriate national authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers.

(6) The power to make an order under this section shall be exercisable by statutory instrument subject—

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- (a) in the case of an order made by the Secretary of State, to annulment in pursuance of a resolution of either House of Parliament; and
- (b) in the case of an order made by the Welsh Ministers, to annulment in pursuance of a resolution of the National Assembly for Wales,

but neither the Secretary of State nor the Welsh Ministers shall make such an order except on an application made by the [^{F10}appropriate agency] in accordance with Schedule 11 to this Act and otherwise in accordance with that Schedule.

(7) In this section—

“England” includes the territorial sea adjacent to England not forming any part of Wales and “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006;

[^{F15}“environmental objectives”—

- (a) in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 (S.I. 2004/99);
- (b) in relation to the Northumbria River Basin District, means the objectives referred to in the WFD Regulations as applied and modified by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 (S.I. 2003/3245);
- (c) in relation to any other river basin district, within the meaning of the WFD Regulations, has the same meaning as in those regulations;

“hydromorphological quality element” has the same meaning as in the Water Framework Directive;

“the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (S.I. 2017/407).]

“the Water Framework Directive” means Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy [^{F16}, as last amended by Commission Directive 2014/101/EU].]

Textual Amendments

- F1** S. 93(1) substituted (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(2)** (with reg. 7)
- F2** S. 93(1A) inserted (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(3)** (with reg. 7)
- F3** Words in s. 93(1B) substituted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/558), regs. 1(1), **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 93(2) repealed (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(4)(a)** (with reg. 7)
- F5** Words in s. 93(2) substituted (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(4)(b)** (with reg. 7)
- F6** S. 93(2A)-(2C) inserted (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(5)** (with reg. 7)
- F7** S. 93(2C) omitted (31.12.2020) by virtue of [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/558), regs. 1(1), **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** S. 93(3) repealed (22.12.2009) by [Water Resources Act 1991 \(Amendment\) \(England and Wales\) Regulations 2009](#) (S.I. 2009/3104), regs. 1(c), **3(6)** (with reg. 7)

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- F9** S. 93(4)(a) substituted (22.12.2009) by Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/3104), regs. 1(c), **3(7)** (with reg. 7)
- F10** Words in ss. 92-97 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 274(a)** (with Sch. 7)
- F11** S. 93(4)(c) substituted (22.12.2009) by Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/3104), regs. 1(c), **3(8)** (with reg. 7)
- F12** Words in s. 93(4)(f) substituted (22.12.2009) by Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/3104), regs. 1(c), **3(9)** (with reg. 7)
- F13** S. 93(4A) inserted (22.12.2009) by Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/3104), regs. 1(c), **3(10)** (with reg. 7)
- F14** S. 93(5)-(7) substituted for s. 93(5) (22.12.2009) by Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/3104), regs. 1(c), **3(11)** (with reg. 7)
- F15** Words in s. 93(7) inserted (31.12.2020) by The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), **4(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 93(7) inserted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **29**

Modifications etc. (not altering text)

- C1** S. 93 extended (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), **Sch. 2 Pt. 1 para. 4(3)**.
- C2** S. 93 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. 1 para. 9** (with s. 46).
- C3** S. 93 modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)
- C4** S. 93 modified (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), Sch. 23 Pt. 7 paras. 1(3), **2** (with regs. 1(3), 77-79, Sch. 4)

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