



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER I

GENERAL DUTIES OF WATER UNDERTAKERS

[^{F1}37B Water resources management plans: publication and representations

- (1) A water undertaker shall—
 - (a) send a draft water resources management plan to the Secretary of State;
 - (b) state whether it appears to the undertaker that any information contained in that plan is or might be commercially confidential (as regards itself or another person); and
 - (c) give the Secretary of State the name of each such other person and his address for service of a notice under subsection (2)(a) below.
- (2) If the water undertaker states that it so appears in relation to any such information, the Secretary of State shall—
 - (a) if the person to whom or to whose business the information relates is not the water undertaker, give that person notice that the information is included in a draft water resources management plan and, unless subsection (10) below applies, is required to be published under this section; and
 - (b) give each person (including the water undertaker) to whom any such information relates a reasonable opportunity—
 - (i) of objecting to the publication of the information relating to him on the ground that it is commercially confidential; and
 - (ii) of making representations to the Secretary of State for the purpose of justifying any such objection,

Status: Point in time view as at 14/07/2014.

Changes to legislation: Water Industry Act 1991, Section 37B is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and shall determine, taking any objections and representations under paragraph (b) into account, whether the information is or is not commercially confidential.

- (3) A water undertaker shall—
 - (a) (subject to subsection (10) below) publish the draft water resources management plan in the prescribed way or, if no way is prescribed, in a way calculated to bring it to the attention of persons likely to be affected by it;
 - (b) publish with it a statement—
 - (i) whether any information has been excluded from the published draft plan by virtue of subsection (10) below and, if it has, the general nature of that information; and
 - (ii) that any person may make representations in writing about the plan to the Secretary of State before the end of a period specified in the statement; and
 - (c) send a copy of the published draft plan and accompanying statement to such persons (if any) as may be prescribed.
- (4) The Secretary of State shall send to the water undertaker a copy of any representations he receives following publication of the draft plan under subsection (3) above and shall give it a reasonable period of time within which to comment on the representations.
- (5) The Secretary of State may in regulations prescribe how such representations and any comments by the water undertaker on them are to be dealt with.
- (6) Regulations under subsection (5) above—
 - (a) may provide for the Secretary of State to cause an inquiry or other hearing to be held in connection with the draft water resources management plan; and
 - (b) if they do so provide, may provide for subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) to apply with prescribed modifications to such an inquiry or hearing as they apply to inquiries under that section.
- (7) The Secretary of State may direct a water undertaker that its water resources management plan must differ from the draft sent to him under subsection (1) above in ways specified in his direction, and (subject to subsection (9) below) it shall be the duty of the water undertaker to comply with the direction.
- (8) The water undertaker shall—
 - (a) (subject to subsection (10) below) publish the water resources management plan in the prescribed way or, if no way is prescribed, in a way calculated to bring it to the attention of persons likely to be affected by it; and
 - (b) publish with it a statement whether any information has been excluded from the published plan by virtue of subsection (10) below and, if it has, the general nature of that information.
- (9) If the water undertaker considers that publishing a water resources management plan complying with a direction under subsection (7) above would mean including in the published plan any information (other than any information in relation to which the Secretary of State has already made a determination under subsection (2) above) which might be commercially confidential (as regards itself or another person)—
 - (a) the water undertaker shall send the Secretary of State a notice saying so, and giving the Secretary of State the name of any such other person and his

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address for service of a notice under subsection (2)(a) above as applied by paragraph (b) below; and

- (b) subsection (2) above shall apply in relation to that information as it applies in relation to the information referred to there;

and the Secretary of State may either confirm his direction under subsection (7) above (which is to be treated as a new direction under subsection (7)) or revoke the previous such direction (or the previous one so treated) and give a new one.

- (10) The published version of a draft water resources management plan published under subsection (3)(a) above, and a water resources management plan published under subsection (8)(a) above, shall exclude any information which the Secretary of State—
- (a) has determined under subsection (2) above (or that subsection as applied by subsection (9) above) is commercially confidential; or
- (b) directs the water undertaker to exclude on the ground that it appears to him that its publication would be contrary to the interests of national security.
- (11) Any steps to be taken by a water undertaker under this section shall be completed by such time or within such period as the Secretary of State may direct.]

Textual Amendments

- F1** Ss. 37A-37D inserted (1.10.2004 for specified purposes and 1.10.2005 for further specified purposes and 1.4.2006 for specified provisions and further purposes and 1.4.2007 otherwise) by [Water Act 2003 \(c. 37\)](#), [ss. 62](#), [105\(3\)](#); [S.I. 2004/2528](#), [art. 2\(j\)](#) (with [art. 4](#)); [S.I. 2005/2714](#), [art. 2\(i\)](#) (with [Sch. paras. 6, 8](#)); [S.I. 2006/984](#), [art. 2\(q\)](#) (with [art. 3](#), [Sch.](#)); [S.I. 2007/1021](#), [art. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** Ss. 37A-37D modified (1.10.2004 for specified purposes and 1.10.2005 for further specified purposes and 1.4.2007 otherwise) by [S.I. 1999/672](#), [Sch. 2](#) (as amended by [Water Act 2003 \(c. 37\)](#), [ss. 100\(3\)](#) [\(7\)](#), [105\(3\)](#); [S.I. 2004/2528](#), [art. 2\(s\)](#) (with savings in [art. 4](#)); [S.I. 2005/2714](#), [art. 2\(k\)](#) (with [Sch. 2 para. 8](#)); [S.I. 2007/1021](#), [art. 2\(c\)](#)

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