



Water Resources Act 1991

1991 CHAPTER 57

PART III

CONTROL OF POLLUTION OF WATER RESOURCES

CHAPTER I

QUALITY OBJECTIVES

82 Classification of quality of waters.

- (1) The Secretary of State may, in relation to any description of controlled waters (being a description applying to some or all of the waters of a particular class or of two or more different classes), by regulations prescribe a system of classifying the quality of those waters according to criteria specified in the regulations.
- (2) The criteria specified in regulations under this section in relation to any classification shall consist of one or more of the following, that is to say—
 - (a) general requirements as to the purposes for which the waters to which the classification is applied are to be suitable;
 - (b) specific requirements as to the substances that are to be present in or absent from the water and as to the concentrations of substances which are or are required to be present in the water;
 - (c) specific requirements as to other characteristics of those waters;

and for the purposes of any such classification regulations under this section may provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed.

Modifications etc. (not altering text)

C1 S. 82 modified (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

C2 S. 82 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), Sch. 3 Pt. I para.9 (with s. 46).

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- C3** S. 82 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. 82 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)

83 Water quality objectives.

- (1) For the purpose of maintaining and improving the quality of controlled waters the Secretary of State may, by serving a notice on the [^{F1}appropriate agency] specifying—
 - (a) one or more of the classifications for the time being prescribed under section 82 above; and
 - (b) in relation to each specified classification, a date, establish the water quality objectives for any waters which are, or are included in, waters of a description prescribed for the purposes of that section.
- (2) The water quality objectives for any waters to which a notice under this section relates shall be the satisfaction by those waters, on and at all times after each date specified in the notice, of the requirements which at the time of the notice were the requirements for the classification in relation to which that date is so specified.
- (3) Where the Secretary of State has established water quality objectives under this section for any waters he may review objectives for those waters if—
 - (a) five years or more have elapsed since the service of the last notice under subsection (1) or (6) of this section to be served in respect of those waters; or
 - (b) the [^{F1}appropriate agency], after consultation with such water undertakers and other persons as it considers appropriate, requests a review;
 and the Secretary of State shall not exercise his power to establish objectives for any waters by varying the existing objectives for those waters except in consequence of such a review.
- (4) Where the Secretary of State proposes to exercise his power under this section to establish or vary the objectives for any waters he shall—
 - (a) give notice setting out his proposal and specifying the period (not being less than three months from the date of publication of the notice) within which representations or objections with respect to the proposal may be made; and
 - (b) consider any representations or objections which are duly made and not withdrawn;
 and, if he decides, after considering any such representations or objections, to exercise his power to establish or vary those objectives, he may do so either in accordance with the proposal contained in the notice or in accordance with that proposal as modified in such manner as he considers appropriate.
- (5) A notice under subsection (4) above shall be given—
 - (a) by publishing the notice in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons likely to be affected by it; and
 - (b) by serving a copy of the notice on the [^{F1}appropriate agency].
- (6) If, on a review under this section or in consequence of any representations or objections made following such a review for the purposes of subsection (4) above,

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the Secretary of State decides that the water quality objectives for any waters should remain unchanged, he shall serve notice of that decision on the [F1appropriate agency].

Textual Amendments

- F1** Words in s. 83 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 272** (with Sch. 7)

Modifications etc. (not altering text)

- C5** S. 83 amended (20.3.1992) by S.I. 1992/337, **reg. 4**
C6 S. 83 applied (with modifications) (6.1.1997) by S.I. 1996/3001, **reg. 7(1)**
S. 83 applied (with modifications) (26.11.1997) by S.I. 1997/2560, **reg. 5**
C7 S. 83 modified (12.6.1997) by S.I. 1997/1331, **reg. 6(1)**
S. 83 modified (12.6.1997) by S.I. 1997/1332, **reg. 6(1)**
S. 83 modified (25.3.1998) by S.I. 1998/389, **reg. 5**

84 General duties to achieve and maintain objectives etc.

- (1) It shall be the duty of the Secretary of State and of the [F2appropriate agency] to exercise the powers conferred on him or it by or under the water pollution provisions of this Act (other than the preceding provisions of this Chapter and sections 104 and 192 below) [F3and by the Environmental Permitting Regulations] in such manner as ensures, so far as it is practicable by the exercise of those powers to do so, that the water quality objectives specified for any waters in—
- (a) a notice under section 83 above; or
 - (b) a notice under section 30C of the ^{M1}Control of Pollution Act 1974 (which makes corresponding provision for Scotland),
- are achieved at all times.
- (2) It shall be the duty of the [F4appropriate agency], for the purposes of the carrying out of its functions under the water pollution provisions of this Act [F5or under the Environmental Permitting Regulations] —
- (a) to monitor the extent of pollution in controlled waters; ^{F6}...
- [F7(aa) in the case of the NRBW, to consult, in such cases as it may consider appropriate, with the Agency; and]
- (b) [F8in the case of the Agency,] to consult, in such cases as it may consider appropriate, with [F9the Scottish Environment Protection Agency][F10or with the NRBW].

Textual Amendments

- F2** Words in s. 84(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 273(2)** (with Sch. 7)
F3 Words in s. 84(1) inserted (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 8(4)(a)** (with reg. 1(2), Sch. 4)
F4 Words in s. 84(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 273(3)(a)** (with Sch. 7)
F5 Words in s. 84(2) inserted (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 8(4)(b)** (with reg. 1(2), Sch. 4)
F6 Word in s. 84(2)(a) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 273(3)(b)** (with Sch. 7)

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- F7** S. 84(2)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 273(3)(c)** (with Sch. 7)
- F8** Words in s. 84(2)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 273(3)(d)(i)** (with Sch. 7)
- F9** Words in s. 84(2)(b) substituted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, **Sch. para. 11**
- F10** Words in s. 84(2)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 273(3)(d)(ii)** (with Sch. 7)

Modifications etc. (not altering text)

- C8** S. 84 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\)](#), **Sch. 3 Pt. I para. 9** (with s. 46).
- C9** S. 84 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**)
- C10** S. 84 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)

Marginal Citations

- M1** 1974 c. 40.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, chapter I.