



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART III

#### CONTROL OF POLLUTION OF WATER RESOURCES

### CHAPTER II

#### POLLUTION OFFENCES

#### *<sup>F1</sup> Consents for the purposes of sections 88 to 90*

#### Textual Amendments

- F1** Ss. 90A, 90B and preceding cross-heading inserted (subject to other provisions of the amending Act) (21.11.1996 for certain purposes and 31.12.1996 otherwise) by 1995 c. 25, s. 120(1), **Sch. 22 para. 142** (with ss. 7(6), 115, 117); S.I. 1996/2909, **arts. 2, 3** (with art. 4)

#### **<sup>F2</sup>90A Applications for consent under section 89 or 90.**

- (1) Any application for a consent for the purposes of section 89(4)(a) or 90(1) or (2) above—
- (a) must be made on a form provided for the purpose by the Agency, and
  - (b) must be advertised in such manner as may be required by regulations made by the Secretary of State,
- except that paragraph (b) above shall not have effect in the case of an application of any class or description specified in the regulations as being exempt from the requirements of that paragraph.
- (2) The applicant for such a consent must, at the time when he makes his application, provide the Agency—
- (a) with all such information as it reasonably requires; and

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Consents for the purposes of sections 88 to 90. (See end of Document for details)*

- (b) with all such information as may be prescribed for the purpose by the Secretary of State.
- (3) The information required by subsection (2) above must be provided either on, or together with, the form mentioned in subsection (1) above.
- (4) The Agency may give the applicant notice requiring him to provide it with all such further information of any description specified in the notice as it may require for the purpose of determining the application.
- (5) If the applicant fails to provide the Agency with any information required under subsection (4) above, the Agency may refuse to proceed with the application or refuse to proceed with it until the information is provided.

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#### <sup>F3</sup>90B Enforcement notices.

- (1) If the Agency is of the opinion that the holder of a relevant consent is contravening any condition of the consent, or is likely to contravene any such condition, the Agency may serve on him a notice (an “enforcement notice”).
- (2) An enforcement notice shall—
  - (a) state that the Agency is of the said opinion;
  - (b) specify the matters constituting the contravention or the matters making it likely that the contravention will arise;
  - (c) specify the steps that must be taken to remedy the contravention or, as the case may be, to remedy the matters making it likely that the contravention will arise; and
  - (d) specify the period within which those steps must be taken.
- (3) Any person who fails to comply with any requirement imposed by an enforcement notice shall 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 £20,000 or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) If the Agency is of the opinion that proceedings for an offence under subsection (3) above would afford an ineffectual remedy against a person who has failed to comply with the requirements of an enforcement notice, the Agency may take proceedings in the High Court for the purpose of securing compliance with the notice.
- (5) The Secretary of State may, if he thinks fit in relation to any person, give to the Agency directions as to whether the Agency should exercise its powers under this section and as to the steps which must be taken.
- (6) In this section—
  - “relevant consent” means—

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- (a) a consent for the purposes of section 89(4)(a) or 90(1) or (2) above; or
  - (b) a discharge consent, within the meaning of section 91 below; and
- “the holder”, in relation to a relevant consent, is the person who has the consent in question.]

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