



Water Resources Act 1991

1991 CHAPTER 57

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Construction of Act

220 Provisions relating to service of documents.

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body; or
 - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.

Status: Point in time view as at 01/01/1996.

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- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.
- (4) Where under any provision of this Act any document is required to be served on the owner, on a lessee or on the occupier of any premises then—
- (a) if the name or address of the owner, of the lessee or, as the case may be, of the occupier of the premises cannot after reasonable inquiry be ascertained; or
 - (b) in the case of service on the occupier, if the premises appear to be or are unoccupied,
- that document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

Modifications etc. (not altering text)

C1 S. 220 applied (21.7.1994) by 1994 c. xiii, s. 29(4)

Marginal Citations

M1 1978 c. 30.

221 General interpretation.

- (1) In this Act, except in so far as the context otherwise requires—
- “abstraction”, in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply; and “abstract” shall be construed accordingly;
- “accessories”, in relation to a main, sewer or other pipe, includes any manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe, or any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it, but does not include any telecommunication apparatus (within the meaning of Schedule 2 to the ^{M2}Telecommunications Act 1984) unless it—
- (a) is or is to be situated inside or in the close vicinity of the main, sewer or other pipe or inside or in the close vicinity of another accessory for it; and
 - (b) is intended to be used only in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it;
- and in this definition “stopcock” has the same meaning as in the ^{M3}Water Industry Act 1991;

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“agriculture” has the same meaning as in the ^{M4}Agriculture Act 1947 and “agricultural” shall be construed accordingly;

“analyse”, in relation to any sample of land, water or effluent, includes subjecting the sample to a test of any description, and cognate expressions shall be construed accordingly;

“the Authority” means the National Rivers Authority;

“conservancy authority” means any person who has a duty or power under any enactment to conserve, maintain or improve the navigation of a tidal water and is not a navigation authority or harbour authority;

“constituent council”, in relation to regional flood defence committees and local flood defence committees, shall be construed in accordance with sections 10(5) and 13(7) above, respectively;

“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;

“damage”, in relation to individuals, includes death and any personal injury (including any disease or impairment of physical or mental condition);

“discrete waters” means inland waters so far as they comprise—

- (a) a lake, pond or reservoir which does not discharge to any other inland waters; or
- (b) one of a group of two or more lakes, ponds or reservoirs (whether near to or distant from each other) and of watercourses or mains connecting them, where none of the inland waters in the group discharges to any inland waters outside the group;

“disposal”—

- (a) in relation to land or any interest or right in or over land, includes the creation of such an interest or right and a disposal effected by means of the surrender or other termination of any such interest or right; and
- (b) in relation to sewage, includes treatment;

and cognate expressions shall be construed accordingly;

“drain” has, subject to subsection (2) below, the same meaning as in the ^{M5}Water Industry Act 1991;

“drainage” in the expression “drainage works” has the meaning given by section 113 above for the purposes of Part IV of this Act;

“drought order” means an ordinary drought order under subsection (1) of section 73 above or an emergency drought order under subsection (2) of that section;

“effluent” means any liquid, including particles of matter and other substances in suspension in the liquid;

“enactment” includes an enactment contained in this Act or in any Act passed after this Act;

“engineering or building operations”, without prejudice to the generality of that expression, includes—

- (a) the construction, alteration, improvement, maintenance or demolition of any building or structure or of any reservoir, watercourse, dam, weir, well, borehole or other works; and
- (b) the installation, modification or removal of any machinery or apparatus;

“financial year” means the twelve months ending with 31st March;

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“flood defence functions”, in relation to the Authority, means the functions of the Authority mentioned in section 2(1)(c) above and any other functions of the Authority under any of the flood defence provisions of this Act;

“flood defence provisions”, in relation to this Act, means any of the following provisions of this Act, that is to say—

- (a) Part IV;
- (b) sections 133 to 141 (including Schedule 15), 143, 147 to 149, 155, 165 to 167, 180, 193, 194, 214, Schedule 4 and paragraph 5 of Schedule 25; and
- (c) any other provision so far as it relates to a provision falling within paragraph (a) or (b) above;

“harbour” has the same meaning for the purposes of the flood defence provisions of this Act as in [^{F1}section 313 of the Merchant Shipping Act 1995];

“harbour authority” (except in the flood defence provisions of this Act, in which it has the same meaning as in [^{F2}section 313 of the Merchant Shipping Act 1995]) means a person who is a harbour authority [^{F2}as defined in section 151 for the purposes of Chapter II of Part VI of that Act] and is not a navigation authority;

“highway” has the same meaning as in the ^{M6}Highways Act 1980;

“information” includes anything contained in any records, accounts, estimates or returns;

“inland waters” means the whole or any part of—

- (a) any river, stream or other watercourse (within the meaning of Chapter II of Part II of this Act), whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and
- (c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition;

“joint planning board” has the same meaning as in the ^{M7}Town and Country Planning Act 1990;

“local authority” means the council of any county, district or London borough or the Common Council of the City of London;

“local statutory provision” means—

- (a) a provision of a local Act (including an Act confirming a provisional order);
- (b) a provision of so much of any public general Act as has effect with respect to a particular area, with respect to particular persons or works or with respect to particular provisions falling within any paragraph of this definition;
- (c) a provision of an instrument made under any provision falling within paragraph (a) or (b) above; or
 - (d) a provision of any other instrument which is in the nature of a local enactment;

“main river” means a main river within the meaning of Part IV of this Act;

“main river map” has, subject to section 194 above, the meaning given by section 193(2) above;

“micro-organism” includes any microscopic, biological entity which is capable of replication;

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“minimum acceptable flow”, in relation to any inland waters, means (except in sections 21 and 22 above and subject to section 23(3) above) the minimum acceptable flow as for the time being contained in provisions which are in force under section 21(7) above in relation to those waters;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the Ministers” means the Secretary of State and the Minister;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

“mortgage” includes any charge or lien on any property for securing money or money’s worth, and “mortgagee” shall be construed accordingly;

“navigation authority” means any person who has a duty or power under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

“notice” means notice in writing;

“owner”, in relation to any premises, means the person who—

- (a) is for the time being receiving the rack-rent of the premises, whether on his own account or as agent or trustee for another person; or
- (b) would receive the rack-rent if the premises were let at a rack-rent,

but for the purposes of Schedule 2 to this Act, Chapter II of Part II of this Act and the related water resources provisions does not include a mortgagee not in possession, and cognate expressions shall be construed accordingly;

“prescribed” means prescribed by regulations made by the Secretary of State or, in relation to regulations made by the Minister, by those regulations;

“public authority” means any Minister of the Crown or government department, the Authority, any local authority or any person certified by the Secretary of State to be a public authority for the purposes of this Act;

“public sewer” means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 to the ^{M8}Water Act 1989, section 179 of or Schedule 2 to the ^{M9}Water Industry Act 1991 or otherwise;

“records” includes computer records and any other records kept otherwise than in a document;

“the related water resources provisions”, in relation to Chapter II of Part II of this Act, means the provisions of sections 21 to 23 above (including Schedule 5), of sections 120, 123 to 130, 158, 189, 199 to 201, 206(2) and (3), 209(3), 211(1), 213(1), and 216 above and of paragraph 1 of Schedule 25 to this Act;

“sewage effluent” includes any effluent from the sewage disposal or sewerage works of a sewerage undertaker but does not include surface water;

“sewer” has, subject to subsection (2) below, the same meaning as in the Water Industry Act 1991;

“source of supply” means—

- (a) any inland waters except, without prejudice to subsection (3) below in its application to paragraph (b) of this definition, any which are discrete waters; or
- (b) any underground strata in which water is or at any time may be contained;

“street” has, subject to subsection (4) below, the same meaning as in Part III of the ^{M10}New Roads and Street Works 1991;

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“subordinate legislation” has the same meaning as in the ^{M11}Interpretation Act 1978;

“substance” includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

“surface water” includes water from roofs;

“trade effluent” includes any effluent which is discharged from premises used for carrying on any trade or industry, other than surface water and domestic sewage, and for the purposes of this definition any premises wholly or mainly used (whether for profit or not) for agricultural purposes or for the purposes of fish farming or for scientific research or experiment shall be deemed to be premises used for carrying on a trade;

“underground strata” means strata subjacent to the surface of any land;

“vessel” includes a hovercraft within the meaning of the ^{M12}Hovercraft Act 1968;

“watercourse” includes (subject to sections 72(2) and 113(1) above) all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except mains and other pipes which—

- (a) belong to the Authority or a water undertaker; or
- (b) are used by a water undertaker or any other person for the purpose only of providing a supply of water to any premises;

“water pollution provisions”, in relation to this Act, means the following provisions of this Act—

- (a) the provisions of Part III of this Act;
- (b) sections 161, 190, 202, 203 and 213(2) above; and
- (c) paragraph 4 of Schedule 25 to this Act and section 211 above so far as it relates to byelaws made under that paragraph.

- (2) References in this Act to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe; and, accordingly, references to the laying of a pipe shall include references to the construction of such a tunnel or conduit, to the construction or installation of any such accessories and to the making of a connection between one pipe and another.
- (3) Any reference in this Act to water contained in underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata; but for the purposes of this Act water for the time being contained in—
 - (a) a well, borehole or similar work, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
 - (b) any excavation into underground strata, where the level of water in the excavation depends wholly or mainly on water entering it from those strata, shall be treated as water contained in the underground strata into which the well, borehole or work was sunk or, as the case may be, the excavation was made.
- (4) Until the coming into force of Part III of the ^{M13}New Roads and Street Works Act 1991, the definition of “street” in subsection (1) above shall have effect as if the reference to that Part were a reference to the ^{M14}Public Utilities Street Works Act 1950; but nothing in this section shall be taken—

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- (a) to prejudice the power of the Secretary of State under that Act of 1991 to make an order bringing Part III of that Act into force on different days for different purposes (including the purposes of this section); or
 - (b) in the period before the coming into force of that Part, to prevent references in this Act to a street, where the street is a highway which passes over a bridge or through a tunnel, from including that bridge or tunnel.
- (5) For the purposes of any provision of this Act by or under which power is or may be conferred on any person to recover the expenses incurred by that person in doing anything, those expenses shall be assumed to include such sum as may be reasonable in respect of establishment charges or overheads.
- (6) References in this Act to the later or latest of two or more different times or days are, in a case where those times or days coincide, references to the time at which or, as the case may be, the day on which they coincide.
- (7) For the purposes of this Act—
- (a) references in this Act to more than one Minister of the Crown, in relation to anything falling to be done by those Ministers, are references to those Ministers acting jointly; and
 - (b) any provision of this Act by virtue of which any function of a Minister of the Crown is exercisable concurrently by different Ministers, shall have effect as providing for that function also to be exercisable jointly by any two or more of those Ministers.
- (8) Sub-paragraph (1) of paragraph 1 of Schedule 2 to the ^{M15}Water Consolidation (Consequential Provisions) Act 1991 has effect (by virtue of sub-paragraph (2)(b) of that paragraph) so that references in this Act to things done under or for the purposes of provisions of this Act, the ^{M16}Water Industry Act 1991 or the ^{M17}Land Drainage Act 1991 include references to things done, or treated as done, under or for the purposes of the corresponding provisions of the law in force before the commencement of this Act.
- (9) Subject to any provision to the contrary which is contained in Schedule 26 to the ^{M18}Water Act 1989 or in the ^{M19}Water Consolidation (Consequential Provisions) Act 1991, nothing in any local statutory provision passed or made before 1st September 1989 shall be construed as relieving any water undertaker or sewerage undertaker from any liability arising by virtue of this Act in respect of any act or omission occurring on or after that date.

Textual Amendments

- F1** Words in s. 221(1) substituted (1.1.1996) by 1995 c. 21, ss. 314, 316(2), **Sch. 13 para. 90(a)** (with s. 312(1))
- F2** Words in s. 221(1) substituted (1.1.1996) by 1995 c. 21, ss. 314, 316(2), **Sch. 13 para. 90(b)** (with s. 312(1))

Modifications etc. (not altering text)

- C2** S. 221(1): definition applied (01.12.1991) by **Land Drainage Act 1991 (c. 59, SIF 73:1), ss. 61(2), 67(2)(6), 76(2).**

Marginal Citations

- M2** 1984 c. 12.
M3 1991 c. 56.

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M4	1947 c. 48.
M5	1991 c. 56.
M6	1980 c. 66.
M7	1990 c. 8.
M8	1989 c. 15.
M9	1991 c. 56.
M10	1991 c. 22.
M11	1978 c. 30.
M12	1968 c. 59.
M13	1991 c. 22.
M14	1950 c. 39.
M15	1991 c. 60.
M16	1991 c. 56.
M17	1991 c. 59.
M18	1989 c. 15.
M19	1991 c. 60.

Status:

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