



Water Resources Act 1991

1991 CHAPTER 57

PART VIII

INFORMATION PROVISIONS

Provision and acquisition of information etc.

^{F1}196

Textual Amendments

F1 S. 196 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 171, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3 (with art. 4)

197 Provision of information about water flow etc.

- (1) It shall be the duty of the [^{F2}appropriate agency] —
- (a) to provide a water undertaker with all such information to which this section applies as is in the possession of the [^{F2}appropriate agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions; and
 - (b) to provide reasonable facilities to all persons—
 - (i) for the inspection of the contents of any records kept by the [^{F2}appropriate agency] and containing information to which this section applies; and
 - (ii) for the taking of copies of, or of extracts from, any such records.
- (2) It shall be the duty of every water undertaker to provide the [^{F2}appropriate agency] with all such information to which this section applies as is in the possession of the undertaker and is reasonably requested by the [^{F2}appropriate agency] for purposes connected with the carrying out of any of its functions.

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- (3) Where records of the flow, level or volume of any inland waters, other than discrete waters, are kept by a person other than a water undertaker, the [F²appropriate agency] shall have the right at all reasonable times—
- (a) to inspect the contents of any of those records; and
 - (b) to take copies of, or of extracts from, the contents of any of those records;
- and any person who, without reasonable excuse, refuses or fails to permit the [F²appropriate agency] to exercise its right under this subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) Information provided to a water undertaker or to the [F²appropriate agency] under subsection (1) or (2) above shall be provided in such form and in such manner and at such times as the undertaker or, as the case may be, the [F²appropriate agency] may reasonably require; and the duties of the [F²appropriate agency] under subsection (1) above shall extend to information provided to or obtained by the [F²appropriate agency] under subsection (2) or (3) above.
- (5) Information or facilities provided under subsection (1) or (2) above to the [F²appropriate agency], to a water undertaker, to a local authority or joint planning board, or to an internal drainage board, shall be provided free of charge; and facilities provided under subsection (1) above to other persons may be provided on terms requiring the payment by persons making use of the facilities of such reasonable charges as they may determine.
- (6) The duties of a water undertaker under subsection (2) above shall be enforceable under section 18 of the M¹Water Industry Act 1991 by the Secretary of State.
- (7) This section applies to information about the flow, level or volume of any inland waters or any water contained in underground strata, about rainfall or any fall of snow, hail or sleet or about the evaporation of any water.

Textual Amendments

F2 Words in ss. 189-197 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)

Marginal Citations

M1 1991 c. 56.

198 Information about underground water.

- (1) Any person who, for the purpose of searching for or abstracting water, proposes to sink a well or borehole intended to reach a depth of more than fifty feet below the surface shall, before he begins to do so, give notice to the Natural Environment Research Council of his intention to do so.
- (2) Any person sinking any such well or borehole as is mentioned in subsection (1) above shall-
 - (a) keep a journal of the progress of the work and, on completion or abandonment of the work, send a complete copy of the journal to the Natural Environment Research Council;

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- (b) send to that Council particulars of any test made before completion or abandonment of the work of the flow of water;
 - (c) allow any person authorised by that Council for the purpose, on production of some duly authenticated document showing his authority, at all reasonable times to exercise any of the rights specified in subsection (5) below.
- (3) The journal required to be kept under this section shall include measurements of—
 - (a) the strata passed through; and
 - (b) the levels at which water is struck and subsequently rests.
- (4) The particulars required to be sent to the Natural Environment Research Council under subsection (2)(b) above shall specify—
 - (a) the rate of flow throughout the test;
 - (b) the duration of the test;
 - (c) where practicable, the water levels during the test and afterwards until the water returns to its natural level; and
 - (d) where the well or borehole is sunk in connection with an existing pumping station, the rate of pumping at the existing works during the test.
- (5) The rights mentioned in subsection (2)(c) above are the rights, subject to section 205 below—
 - (a) to have free access to the well or borehole;
 - (b) to inspect the well or borehole and the material extracted from it;
 - (c) to take specimens of any such material and of water abstracted from the well or borehole; and
 - (d) to inspect and take copies of or extracts from the journal required to be kept under this section.
- (6) Where the person sinking a well or borehole on any land is not the occupier of the land, the obligation imposed on that person by virtue of subsection (2)(c) above shall be the obligation of the occupier as well.
- (7) Where—
 - (a) any person contracts to sink any well or borehole on land belonging to or occupied by another; and
 - (b) the carrying out of the work is under the control of the contractor,the contractor and no other person shall be deemed for the purposes of this section to be the person sinking the well or borehole.
- (8) Any person who fails to comply with any obligation imposed on him by this section shall be guilty of an offence and liable, on summary conviction—
 - (a) to a fine not exceeding level 3 on the standard scale; and
 - (b) where the the offence continues after conviction, to a further fine of £20 for every day during which it so continues.

199 Notice etc. of mining operations which may affect water conservation.

- (1) Where a person proposes to construct or extend a boring for the purpose of searching for or extracting minerals, he shall, before he begins to construct or extend the boring, give to the [^{F3}appropriate agency] a notice of his intention in the prescribed form.

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- [^{F4}(2) Where a notice under subsection (1) above is given to the [^{F3}appropriate agency] by any person, the [^{F3}appropriate agency] may (subject to section 199A below) by notice to that person require him, in connection with the construction, extension or use of the work to which that person's notice relates, to take such reasonable measures for conserving water as are specified in the notice.
- (2A) The measures that may be specified in a notice under subsection (2) above shall be measures which, in the opinion of the [^{F3}appropriate agency], will not interfere with the winning of minerals.
- (3) Section 70 above shall apply to the restrictions imposed by this section as it applies to the restrictions imposed by sections 24 and 25 above.]
- (4) Any person who contravenes subsection (1) above or fails to comply with a [^{F5}notice under] subsection (2) above shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F4** S. 199(2)(2A)(3) substituted for s. 199(2)(3) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 8(5)(a)**, 105(3); [S.I. 2006/984](#), art. 2(e) (with Sch. paras. 4, 5)
- F5** Words in s. 199(4) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 8(5)(b)**, 105(3); [S.I. 2006/984](#), art. 2(e) (with Sch. paras. 4, 5)

[^{F6}199A Appeals against conservation notices under section 199

- (1) The person on whom a notice under section 199(2) above (“a conservation notice”) is served may, by notice to the Secretary of State, appeal to him against the conservation notice on either or both of the following grounds, that is to say—
- (a) that the measures required by the conservation notice are not reasonable;
 - (b) that those measures would interfere with the winning of minerals.
- (2) Any notice of appeal against a conservation notice shall be served within such period (not being less than twenty-eight days from the date of service of the conservation notice) and in such manner as may be prescribed.
- (3) Before determining an appeal against a conservation notice, the Secretary of State may, if he thinks fit—
- (a) cause a local inquiry to be held; or
 - (b) afford to the appellant and the [^{F3}appropriate agency] an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose;
- and the Secretary of State shall act as mentioned in paragraph (a) or (b) above if a request is made by the appellant or the [^{F3}appropriate agency] to be heard with respect to an appeal.
- (4) On an appeal against a conservation notice the Secretary of State may confirm, quash or vary the notice as he may consider appropriate.

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- (5) The decision of the Secretary of State on any appeal against a conservation notice shall be final.
- (6) The Secretary of State may by regulations make provision as to the manner in which appeals against conservation notices are to be dealt with, including provision requiring the giving of notices of, and information relating to, the making of such appeals or decisions on any such appeals.
- (7) Section 69 above applies to a decision of the Secretary of State on any appeal to him under this section as it applies to a decision of his on an appeal to him under Chapter 2 of Part 2, taking the reference in subsection (2)(b) of that section to that Chapter as a reference to this section.
- (8) This section is subject to section 114 of the 1995 Act (delegation or reference of appeals).]

Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F6** S. 199A inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 8(6)**, 105(3); S.I. 2006/984, art. 2(e) (with Sch. paras. 4, 5)

200 Gauges and records kept by other persons.

- (1) Subject to subsection (3) below, any person other than the [^{F3}appropriate agency], who proposes to install a gauge for measuring and recording the flow, level or volume of any inland waters other than discrete waters—
 - (a) shall give notice to the [^{F3}appropriate agency] of his proposal to install the gauge; and
 - (b) shall not begin the work of installing it before the end of the period of three months beginning with the date of service of the notice or such shorter period as the [^{F3}appropriate agency] may in any particular case allow.
- (2) Not more than one month after any such work as is mentioned in paragraph (b) of subsection (1) above is completed, the person required to give notice under that subsection shall give notice to the [^{F3}appropriate agency] stating where the records obtained by means of the gauge are to be kept.
- (3) Subsections (1) and (2) above shall not apply—
 - (a) to any gauge installed for the sole purpose of indicating the level of any inland waters for the benefit of persons who fish in them; or
 - (b) to any gauge which is removed at or before the end of the period of twenty-eight days beginning with the date on which it is installed.
- (4) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

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Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)

[^{F7}201 Power to require information with respect to abstraction.

- (1) Subject to subsection (2) below, the Secretary of State or the [^{F3}appropriate agency] may serve on any person a notice requiring that person to furnish him or, as the case may be, it, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Secretary of State or by the [^{F3}appropriate agency] for the purpose of carrying out any of his or, as the case may be, its water resources functions.
- (2) The Secretary of State shall have power by regulations to make provision for restricting the information which may be required under subsection (1) above and for determining the form in which the information is to be so required.
- (3) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this section shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.
- (4) References in this section to the water resources functions of the Secretary of State or of the [^{F3}appropriate agency] are references to the functions of the Secretary of State or of the [^{F3}appropriate agency] under Part 2 of this Act or under any provisions not contained in that Part which are related water resources provisions in relation to Chapter 2 of that Part.]

Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F7** S. 201 substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), ss. **70**, 105(3); S.I. 2005/968, art. 2(k)

Modifications etc. (not altering text)

- C1** S. 201 applied (1.4.2006) by [Water Act 2003 \(c. 37\)](#), ss. **33(3)(c)**, 105(3); S.I. 2006/984, art. 2(p)

202 Information and assistance required in connection with the control of pollution.

- (1) It shall be the duty of the [^{F3}appropriate agency], if and so far as it is requested to do so by either of the Ministers, to give him all such advice and assistance as appears to it to be appropriate for facilitating the carrying out by him of his functions under the water pollution provisions of this Act.
- (2) Subject to subsection (3) below, either of the Ministers or the [^{F3}appropriate agency] may serve on any person a notice requiring that person to furnish him or, as the case may be, it, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by the the Minister in

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question or by the [^{F3}appropriate agency] for the purpose of carrying out any of his or, as the case may be, its functions under the water pollution provisions of this Act.

- (3) Each of the Ministers shall have power by regulations to make provision for restricting the information which may be required under subsection (2) above and for determining the form in which the information is to be so required.
- (4) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this section shall be guilty of an offence and [^{F8}liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]

^{F9}(5)

Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 299](#) (with [Sch. 7](#))
- F8** Words in s. 202(4) substituted (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 172\(1\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#) (with [art. 4](#))
- F9** S. 202(5) repealed (1.4.1996) by [1995 c. 25](#), s. 120(1)(3), [Sch. 22 para. 172\(2\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#) (with [art. 4](#))

Modifications etc. (not altering text)

- C2** S. 202 amended (27.8.1993) by [1993 c. 12](#), [ss. 40](#), [51\(2\)](#), [Sch. 3 Pt. I para. 9](#) (with [s. 46](#)).
- C3** S. 202 modified (2.1.2004) by [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2003 \(S.I. 2003/3242\)](#), [regs. 1\(a\)](#), [19\(2\)](#) (with [reg. 1\(c\)](#))
- C4** S. 202 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](#))
- C5** S. 202 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](#))
- C6** S. 202(2) modified (6.1.1997) by [S.I. 1996/3001](#), [reg. 7\(3\)](#)
S. 202(2) modified (12.6.1997) by [S.I. 1997/1331](#), [reg. 6\(3\)](#)
S. 202(2) modified (12.6.1997) by [S.I. 1997/1332](#), [reg. 6\(3\)](#)
- C7** S. 202(2) modified (24.3.2012) by [The Bathing Water Regulations 2008 \(S.I. 2008/1097\)](#), [regs. 1\(3\)](#) (e), [16\(5\)](#)

203 Exchange of information with respect to pollution incidents etc.

(1) It shall be the duty of the [^{F3}appropriate agency] to provide a water undertaker with all such information to which this section applies as is in the possession of the [^{F3}appropriate agency] and is reasonably requested by the undertaker for purposes connected with the carrying out of its functions.

^{F10}(1A) It shall be the duty of the [^{F3}appropriate agency] to provide a [^{F11}water supply licensee] with all such information to which this section applies as is in the possession of the [^{F3}appropriate agency] and is reasonably requested by the [^{F12}licensee] for purposes connected with the carrying on of activities under [^{F13}the licensee's licence].]

(2) It shall be the duty of every water undertaker to provide the [^{F3}appropriate agency] with all such information to which this section applies as is in the possession of the

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undertaker and is reasonably requested by the ^{F3}[appropriate agency] for purposes connected with the carrying out of any of its functions.

^{F14}(2A) It shall be the duty of every ^{F15}[water supply licensee] to provide the ^{F3}[appropriate agency] with all such information to which this section applies as is in the possession of the ^{F16}[licensee] and is reasonably requested by the ^{F3}[appropriate agency] for purposes connected with the carrying out of any of its functions.]

^{F17}(3) Information provided to a water undertaker, to a ^{F18}[water supply licensee] or to the ^{F3}[appropriate agency] under subsection (1), (1A), (2) or (2A) above shall be provided in such form and in such manner and at such times as the undertaker, the ^{F19}[licensee] or the ^{F3}[appropriate agency], as the case may be, may reasonably require.]

(4) Information provided under ^{F20}subsection (1), (1A), (2) or (2A)] above to a water undertaker ^{F21}[, to a ^{F22}water supply licensee]] or to the ^{F3}[appropriate agency] shall be provided free of charge.

(5) The duties of

- ^{F23}(a) a water undertaker under subsection (2) above; or
- (b) a ^{F24}[water supply licensee] under subsection (2A) above,

shall] be enforceable under section 18 of the ^{M2}Water Industry Act 1991 by the Secretary of State.

(6) This section applies to information—

- (a) about the quality of any controlled waters or of any other waters; or
- (b) about any incident in which any poisonous, noxious or polluting matter or any ^{F25}... waste matter has entered any controlled waters or other waters.

(7) In this section “controlled waters” has the same meaning as in Part III of this Act.

^{F26}(8) Any reference in this section to a ^{F27}[water supply licensee] is a reference to ^{F28}a person] holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991.]

Textual Amendments

- F3** Words in ss. 199-203 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 299** (with Sch. 7)
- F10** S. 203(1A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(a)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F11** Words in s. 203(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 125(2)(a)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F12** Word in s. 203(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 125(2)(b)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F13** Words in s. 203(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 125(2)(c)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F14** S. 203(2A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(b)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F15** Words in s. 203(2A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 125(3)(a)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F16** Word in s. 203(2A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 125(3)(b)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F17** S. 203(3) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 53(2)(c)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)

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- F18** Words in s. 203(3) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(4)(a)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F19** Word in s. 203(3) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(4)(b)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F20** Words in s. 203(4) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(2)(d)(i)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F21** Words in s. 203(4) inserted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(2)(d)(ii)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F22** Words in s. 203(4) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(5)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F23** Words in s. 203(5) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(2)(e)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F24** Words in s. 203(5)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(6)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F25** Word in s. 203(6)(b) repealed (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), reg. 1(1)(b), Sch. 21 para. 21(2), **Sch. 23** (with reg. 72, Sch. 4)
- F26** S. 203(8) inserted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 53(2)(f)**; S.I. 2005/2714, art. 3(c) (with Sch. para. 8)
- F27** Words in s. 203(8) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(7)(a)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)
- F28** Words in s. 203(8) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 125(7)(b)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(cc) (with Sch. 2)

Modifications etc. (not altering text)

- C8** S. 203 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. 1 para. 9** (with s. 46).
- C9** S. 203 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. 203 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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- M2** 1991 c. 56.

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