

## STATUTORY INSTRUMENTS

# 1998 No. 2746

## The Groundwater Regulations 1998

PROSPECTIVE

### Application of provisions of water pollution legislation

**14.—(1)** A person shall be treated as contravening section 85 of the Water Resources Act 1991 or, as the case may be, section 30F(1) of the Control of Pollution Act 1974 (water pollution offences) if—

(a) he causes or knowingly permits—

(i) the disposal or tipping for the purposes of disposal of any substance in list I or II in circumstances which might lead to an indirect discharge of that substance into groundwater unless it is carried on under and in accordance with an authorisation granted under regulation 18; or

(ii) any activity to be carried on in contravention of a prohibition imposed under regulation 19 or any authorisation granted under that regulation; or

(b) he contravenes the conditions of any authorisation under regulation 18 or 19.

(2) Section 88(1) of the Water Resources Act 1991 and section 30I(1)(2) of the Control of Pollution Act 1974 (defences to water pollution offences in respect of authorised discharges) shall apply in relation to an authorisation under regulation 18 or 19 as if the reference—

(a) in section 88(1)(a) to a consent under Chapter II of Part III of the Water Resources Act 1991;

(b) in section 30I(1) to a consent under Part II of the Control of Pollution Act 1974; included a reference to such an authorisation.

(3) Sections 191A and 191B of the Water Resources Act 1991(3) and sections 42A and 42B of the Control of Pollution Act 1974(4) (exclusion from registers of information affecting national security and certain confidential information) shall apply in relation to the particulars mentioned in regulation 22(1) as if information furnished for the purposes mentioned in paragraphs (a) to (c) of subsection (2) of section 191A or of section 42A included information furnished to the Agency for the purposes of regulation 18 or 19.

(4) Paragraph 11 of Schedule 10(5) to the Water Resources Act 1991 (transfer of discharge consents) shall apply in relation to an authorisation under regulation 18—

(a) as if any reference to a consent included a reference to such an authorisation;

(b) as if references to paragraphs 3 and 6 of that Schedule were references to regulation 18; and

(1) Inserted by paragraph 2 of Schedule 16 to the Environment Act 1995.

(2) Inserted by paragraph 2 of Schedule 16 to the Environment Act 1995.

(3) Inserted by paragraph 170 of Schedule 22 to the Environment Act 1995.

(4) Inserted by paragraph 29(20) of Schedule 22 to the Environment Act 1995.

(5) Substituted by paragraph 183 of Schedule 22 to the Environment Act 1995.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Groundwater Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(c) as if references to carrying on or making discharges were references to carrying on the activities regulated by the authorisation.

**Commencement Information**

**I1** Reg. 14 in force at 1.4.1999, see [reg. 1\(1\)\(c\)](#)

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**Changes and effects yet to be applied to :**

- Instrument rev (S) by [S.S.I. 2006/127 art 2](#)
- Regulations revoked by [S.I. 2009/2902 reg. 25](#)
- reg. 14 coming into force by [S.I. 1998/2746 reg. 1\(1\)\(c\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 1(3)(e) and word inserted by [S.S.I. 2000/323 Sch. 10 para. 16\(2\)](#)
- reg. 1(3)(e) and word inserted by [S.I. 2000/1973 Sch. 10 para. 47](#)
- reg. 1(3)(e) substituted for (e)(f) by [S.I. 2007/3538 Sch. 21 para. 39\(2\)](#)
- reg. 1(3)(f) and word added by [S.S.I. 2005/22 reg. 7\(2\)\(b\)](#)