



WATER RESOURCES ACT 1991 (applies to England and Wales)

SECTION 198

- (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;
 - (b) sent 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 shall 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 that 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 offence continues after conviction, to a further fine of £20 for every day during which it so continues.

SECTION 205

- (1) The person sinking any such well or borehole as is mentioned in section 198 above or, if it is a different person, the owner or occupier of the land on which any such well or borehole is sunk may by notice to the Natural Environment Research Council require that Council to treat as confidential:
- (a) any copy of or extract from the journal required to be kept under that section; or
 - (b) any specimen taken in exercise of the rights specified in subsection (5) of that section.
- (2) Subject to subsections (3) and (4) below, the Natural Environment Research Council shall not, without the consent of the person giving the notice, allow any matter to which any notice under subsection (1) above relates to be published or shown to any person who is not an officer of that Council or of a department of the Secretary of State.
- (3) Subsection (2) above shall not prohibit any matter from being published or shown to any person in so far as it contains or affords information as to water resources and supplies.
- (4) If at any time the Natural Environment Research Council give notice to any person that in their opinion his consent for the purposes of subsection (2) above is being unreasonably withheld:
- (a) that person may, within three months after the giving of the notice, appeal to the High Court for an order restraining that Council from acting as if consent had been given; and
 - (b) that Council may proceed as if consent had been given if either no such appeal is brought within that period or the High Court, after hearing the appeal, do not make such an order.
- (5) Any person who fails to comply with any obligation imposed on him by the preceding provisions of 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 offence continues after conviction, to a further fine of £20 for every day during which it so continues.
- (6) If any person who is admitted to any premises in compliance with section 198(2)(c) above discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret, he shall, unless the disclosure is in performance of his duty, 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 the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment to a term not exceeding three months or to a fine or to both.