



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Offences etc.*

#### **216 Enforcement: powers and duties.**

- (1) Without prejudice to its powers of enforcement in relation to the other provisions of this Act, it shall be the duty of the [<sup>F1</sup>appropriate agency] to enforce the provisions to which this section applies.
- (2) No proceedings for any offence under any provision to which this section applies shall be instituted except—
  - (a) by the [<sup>F1</sup>appropriate agency]; or
  - (b) by, or with the consent of, the Director of Public Prosecutions.
- (3) This section applies to Chapter II of Part II of this Act and the related water resources provisions.

#### **Textual Amendments**

- F1** Words in ss. 210-216 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 303](#) (with Sch. 7)

#### **Modifications etc. (not altering text)**

- C1** S. 216 applied (1.4.2006) by [Water Act 2003 \(c. 37\)](#), [ss. 33\(3\)\(d\)](#), 105(3); S.I. 2006/984, art. 2(p)

#### **217 Criminal liabilities of directors and other third parties.**

- (1) Where a body corporate is guilty of an offence under this Act [<sup>F2</sup>or under section 4 of the Water Act 2003 ] and that offence is proved to have been committed with

---

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

---

the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, then he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Without prejudice to subsections (1) and (2) above, where the commission by any person of an offence under the water pollution provisions of this Act is due to the act or default of some other person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first-mentioned person.

---

**Textual Amendments**

- F2** Words in s. 217(1) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 12](#); [S.I. 2006/984](#), art. 2(s)(i)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Cross  
Heading: Offences etc..