



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VII

#### LAND AND WORKS POWERS

### CHAPTER II

#### POWERS OF ENTRY

#### **169 Powers of entry for enforcement purposes.**

- (1) Any person designated in writing for the purpose by either of the Ministers<sup>[F1]</sup>, by the Agency, or by the NRBW,] may—
- (a) enter any premises or vessel for the purpose of ascertaining whether any provision of an enactment to which this section applies, of any subordinate legislation or other instrument made by virtue of any such enactment or of any byelaws made by the Agency <sup>[F2]</sup>or of any relevant byelaws made by the NRBW] is being or has been contravened; and
  - (b) carry out such inspections, measurements and tests on any premises or vessel entered by that person or of any articles found on any such premises or vessel, and take away such samples of water or effluent or of any land or articles, as that Minister<sup>[F3]</sup>, the Agency, or the NRBW]—
    - (i) considers appropriate for the purpose mentioned in paragraph (a) above; and
    - (ii) has authorised that person to carry out or take away.

- <sup>[F4]</sup>(2) The powers conferred by subsection (1) above in relation to any premises shall include power, in order to obtain information for the purpose mentioned in subsection (1)(a) above—
- (a) to carry out experimental borings or other works on those premises; and
  - (b) to install and keep monitoring and other apparatus there.]

---

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

---

- (3) [<sup>F5</sup>Subject to subsection (4) below,]this section applies to any enactment contained in this Act and to any other enactment under or for the purposes of which the [<sup>F6</sup>Agency] carries out functions [<sup>F7</sup>or the NRBW carries out relevant transferred functions].
- [<sup>F8</sup>(3A) The Agency may designate a person under subsection (1) in relation to—
- (a) any provision made by or under this Act, so far as it applies otherwise than in relation to Wales;
  - (b) any provision made by or under any other enactment, if the Agency carries out functions under or for the purposes of that provision;
  - (c) any byelaws made by the Agency.
- (3B) The NRBW may designate a person under subsection (1) in relation to—
- (a) any provision made by or under this Act, so far as it applies in relation to Wales;
  - (b) any provision made by or under any other enactment, if the NRBW carries out relevant transferred functions under or for the purposes of that provision;
  - (c) any relevant byelaws.]

<sup>F9</sup>(4) The powers conferred by this section shall not have effect for the purposes of any of the Agency's [<sup>F10</sup>or the NRBW's] pollution control functions, within the meaning of section 108 of the 1995 Act.]

[<sup>F11</sup>(5) In this section, “relevant byelaws” means byelaws made (or treated as if made) by the NRBW in the exercise of any relevant transferred functions.]

#### Textual Amendments

- F1** Words in s. 169(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(2)(a)** (with Sch. 7)
- F2** Words in s. 169(1)(a) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(2)(b)** (with Sch. 7)
- F3** Words in s. 169(1)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(2)(c)** (with Sch. 7)
- F4** S. 169(2) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 71, 105(3)**; [S.I. 2004/641](#), art. 3(r) (with Sch. 3 paras. 67)
- F5** Words in s. 169(3) inserted (1.4.1996) by [1995 c. 25, s. 120](#), **Sch. 22 para. 165** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F6** Words in s. 169 substituted (subject to the other provisions of the amending Act) (1.4.1996) by [1995 c. 25, s. 120](#), **Sch. 22 para. 128** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F7** Words in s. 169(3) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(3)** (with Sch. 7)
- F8** S. 169(3A)(3B) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(4)** (with Sch. 7)
- F9** S. 169(4) added (1.4.1996) by [1995 c. 25, s. 120](#), **Sch. 22 para. 165** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F10** Words in s. 169(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(5)** (with Sch. 7)
- F11** S. 169(5) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 289(6)** (with Sch. 7)

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

## 170 Power of entry for certain works purposes.

- (1) Any person designated in writing for the purpose by the Agency [<sup>F12</sup>or by the NRBW] may enter any premises for any of the purposes specified in subsection (2) below.
- (2) The purposes mentioned in subsection (1) above are—
  - (a) the carrying out of any survey or tests for the purpose of determining—
    - (i) whether it is appropriate and practicable for the Agency [<sup>F13</sup>or the NRBW] to exercise any relevant works power; or
    - (ii) how any such power should be exercised;
  - (b) the exercise of any such power.
- (3) The power by virtue of subsection (1) above of a person designated by the Agency [<sup>F14</sup>or by the NRBW] to enter any premises for the purposes of carrying out any survey or tests shall include power—
  - (a) to carry out experimental borings or other works for the purpose of ascertaining the nature of the sub-soil; and
  - (b) to take away and analyse such samples of water or effluent or of any land or articles as the Agency [<sup>F15</sup>or the NRBW] considers necessary for the purpose of determining either of the matters mentioned in subsection (2)(a) above and has authorised that person to take away and analyse.
- (4) In this section “relevant works power” means any power conferred by any of the provisions of sections 159, 160, 162(2) and (3) and 163 above.

### Textual Amendments

- F12** Words in s. 170(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 290(2)** (with Sch. 7)
- F13** Words in s. 170(2)(a)(i) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 290(3)** (with Sch. 7)
- F14** Words in s. 170(3) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 290(4)(a)** (with Sch. 7)
- F15** Words in s. 170(3) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 290(4)(b)** (with Sch. 7)

### Modifications etc. (not altering text)

- C1** S. 170 applied (with modifications) (W.) (1.12.2011) by The Incidental Flooding and Coastal Erosion (Wales) Order 2011 (S.I. 2011/2829), arts. 1, **5(1)**
- C2** S. 170 applied (with modifications) (E.) (1.12.2011) by The Incidental Flooding and Coastal Erosion (England) Order 2011 (S.I. 2011/2855), arts. 1(c), **6(1)**
- C3** S. 170 applied (with modifications) (E.) (1.12.2011) by The Incidental Flooding and Coastal Erosion (England) Order 2011 (S.I. 2011/2855), arts. 1(c), **5(1)**
- C4** S. 170 applied (with modifications) (W.) (1.12.2011) by The Incidental Flooding and Coastal Erosion (Wales) Order 2011 (S.I. 2011/2829), arts. 1, **6(1)**

## 171 Power to carry out surveys and to search for water.

- (1) Without prejudice to the rights and powers conferred by the other provisions of this Chapter, any person designated in writing under this section by the Agency [<sup>F16</sup>or by the NRBW] may enter any premises for any of the purposes specified in subsection (2) below.

---

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

---

- (2) The purposes mentioned in subsection (1) above are the carrying out of any survey or tests for the purpose of determining—
- <sup>F17</sup>(a) .....
- (b) whether it would be appropriate for the Agency [<sup>F18</sup>or the NRBW] to apply for an order under section 168 above and what compulsory powers it would be appropriate to apply for under that section.
- (3) The power by virtue of subsection (1) above of a person designated under this section to enter any premises for the purpose of carrying out any survey or tests shall include power—
- (a) to carry out experimental borings or other works for the purpose of ascertaining the nature of the sub-soil, the presence of underground water in the sub-soil or the quantity or quality of any such water;
- (b) to install and keep monitoring or other apparatus on the premises for the purpose of obtaining the information on which any such determination as is mentioned in subsection (2) above may be made; and
- (c) to take away and analyse such samples of water or of any land or articles as the Agency [<sup>F19</sup>or the NRBW] considers necessary for any of the purposes so mentioned and has authorised that person to take away and analyse.
- (4) [<sup>F20</sup>The powers conferred by this section or section 172 of the Housing and Planning Act 2016 shall not be exercised on behalf of the Agency or the NRBW in any case for purposes connected with the determination of—]
- (a) whether, where or how a reservoir should be constructed; or
- (b) whether, where or how a borehole should be sunk for the purpose of abstracting water from or discharging water into any underground strata,
- unless the Secretary of State has, in accordance with subsection (5) below, given his written authorisation in relation to that case for the exercise of those powers for those purposes.
- (5) The Secretary of State shall not give his authorisation for the purposes of subsection (4) above unless—
- (a) he is satisfied that notice of the proposal to apply for the authorisation has been given to the owner and to the occupier of the premises in question; and
- (b) he has considered any representation or objections with respect to the proposed exercise of the powers under this section which—
- (i) have been duly made to him by the owner or occupier of those premises, within the period of fourteen days beginning with the day after the giving of the notice; and
- (ii) have not been withdrawn.
- [<sup>F21</sup>(6) In relation to the NRBW, the reference to functions in subsection (2)(a) has effect as a reference to relevant transferred functions.]

#### **Textual Amendments**

- F16** Words in s. 171(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 291(2)** (with Sch. 7)
- F17** S. 171(2)(a) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 14 para. 23(2)**; S.I. 2016/733, reg. 3(h) (with reg. 6)

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

- F18** Words in s. 171(2) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 291(3)** (with Sch. 7)
- F19** Words in s. 171(3)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 291(4)** (with Sch. 7)
- F20** Words in s. 171(4) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 14 para. 23(3)**; [S.I. 2016/733](#), reg. 3(h) (with reg. 6)
- F21** S. 171(6) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 291(5)** (with Sch. 7)

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

- C5** S. 171 applied (with modifications) (W.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(Wales\) Order 2011 \(S.I. 2011/2829\)](#), arts. 1, **5(2)**
- C6** S. 171 applied (with modifications) (E.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(England\) Order 2011 \(S.I. 2011/2855\)](#), arts. 1(c), **5(2)**
- C7** S. 171 applied (with modifications) (W.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(Wales\) Order 2011 \(S.I. 2011/2829\)](#), arts. 1, **6(2)**
- C8** S. 171 applied (with modifications) (E.) (1.12.2011) by [The Incidental Flooding and Coastal Erosion \(England\) Order 2011 \(S.I. 2011/2855\)](#), arts. 1(c), **6(2)**

**172 Powers of entry for other purposes.**

- (1) Any person designated in writing for the purpose by either of the Ministers<sup>[F22]</sup>, by the Agency, or by the NRBW] may enter any premises or vessel for the purpose of—
- determining whether, and if so in what manner, any power or duty conferred or imposed on either of the Ministers<sup>[F23]</sup>, on the Agency, or on the NRBW,] by virtue of any enactment to which this section applies (including a power of either or both of the Ministers to make subordinate legislation) should be exercised or, as the case may be, performed; or
  - exercising or performing any power or duty which is so conferred or imposed.
- (2) Any person designated in writing for the purpose by either of the Ministers<sup>[F24]</sup>, the Agency, or the NRBW,] may—
- carry out such inspections, measurements and tests on any premises or vessel entered by that person under this section or of any articles found on any such premises or vessel; and
  - take away such samples of water or effluent or of any land or articles, as that Minister <sup>[F24]</sup>, the Agency, or the NRBW,] considers appropriate for any purpose mentioned in subsection (1) above and has authorised that person to carry out or take away.
- (3) <sup>[F25]</sup>Subject to subsection (3A) below,] the powers which by virtue of subsections (1) and (2) above are conferred in relation to any premises for the purpose of enabling either of the Ministers<sup>[F26]</sup>, the Agency, or the NRBW,] to determine whether or in what manner to exercise or perform any power or duty conferred or imposed on him or it by or under the water pollution provisions of this Act shall include power, in order to obtain the information on which that determination may be made—
- to carry out experimental borings or other works on those premises; and
  - to install and keep monitoring and other apparatus there.

<sup>[F27]</sup>(3A) The powers conferred by this section shall not have effect for the purposes of any of the Agency's <sup>[F28]</sup>or the NRBW's] pollution control functions, within the meaning of section 108 of the 1995 Act.]

---

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

---

- (4) This section applies to any enactment contained in this Act and to any other enactment under or for the purposes of which the Agency [<sup>F29</sup>or the NRBW] carries out functions.
- [<sup>F30</sup>(5) In relation to the NRBW, the reference to functions in subsection (4) has effect as a reference to relevant transferred functions.]

#### Textual Amendments

- F22** Words in s. 172(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(2)(a)** (with Sch. 7)
- F23** Words in s. 172(1)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(2)(b)** (with Sch. 7)
- F24** Words in s. 172(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(3)** (with Sch. 7)
- F25** Words in s. 172(3) inserted (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 166** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F26** Words in s. 172(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(3)** (with Sch. 7)
- F27** S. 172(3A) added (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 166** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F28** Words in s. 172(3A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(4)** (with Sch. 7)
- F29** Words in s. 172(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(5)** (with Sch. 7)
- F30** S. 172(5) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 292(6)** (with Sch. 7)

#### 173 Powers of entry: supplemental provisions.

Schedule 20 to this Act shall have effect with respect to the powers of entry and related powers which are conferred by the preceding provisions of this Chapter.

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

- C9** S. 173 applied (with modifications) (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), s. **24(3)** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6)
- C10** S. 173 applied (with modifications) (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), s. **17(3)** (with ss. 2(3), 16(3), 42, Sch. 6)

#### 174 Impersonation of persons exercising powers of entry.

- (1) A person who, without having been designated or authorised for the purpose by the Agency [<sup>F31</sup>or by the NRBW], purports to be entitled to enter any premises or vessel in exercise of a power exercisable in pursuance of any such designation or authorisation shall be guilty of an offence and [<sup>F32</sup>liable—].
- [<sup>F32</sup>(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.]

---

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

---

- (2) For the purposes of this section it shall be immaterial, where a person purports to be entitled to enter any premises or vessel, that the power which that person purports to be entitled to exercise does not exist, or would not be exercisable, even if that person had been designated or authorised by the Agency [<sup>F33</sup>or by the NRBW].

#### Textual Amendments

- F31** Words in s. 174(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 293** (with Sch. 7)
- F32** S. 174(1)(a)(b) and the word preceding them substituted (1.4.1996) for words by 1995 c. 25, s. 120, **Sch. 22 para. 167** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F33** Words in s. 174(2) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 293** (with Sch. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, CHAPTER II.