



# 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.]

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 169. (See end of Document for details)*

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- (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, Section 169.