



Water Resources Act 1991

1991 CHAPTER 57

PART VIII

INFORMATION PROVISIONS

Provision and acquisition of information etc.

198 Information about underground water.

- (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 [^{F1}United Kingdom Research and Innovation (“UKRI”)] 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 [^{F2}UKRI];
 - (b) send to [^{F3}UKRI] particulars of any test made before completion or abandonment of the work of the flow of water;
 - (c) allow any person authorised by [^{F4}UKRI] 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 required to be sent to [^{F5}UKRI] under subsection (2)(b) above shall specify—
 - (a) the rate of flow throughout the test;
 - (b) the duration of the test;

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 198. (See end of Document for details)

- (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 the 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 the offence continues after conviction, to a further fine of £20 for every day during which it so continues.

Textual Amendments

- F1** Words in s. 198(1) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 15\(2\)\(a\)](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 30)
- F2** Word in s. 198(2)(a) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 15\(2\)\(b\)](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 30)
- F3** Word in s. 198(2)(b) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 15\(2\)\(c\)](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 30)
- F4** Word in s. 198(2)(c) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 15\(2\)\(c\)](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 30)
- F5** Word in s. 198(4) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 15\(2\)\(d\)](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 30)

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 198.