

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Part VIII. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 26

#### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART VIII

#### MISCELLANEOUS AND GENERAL

#### *Notifications by Nature Conservancy Council etc.*

48 ..... F1

#### Textual Amendments

**F1** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

#### *Recreational activities*

49 The repeal by this Act of subsections (2) to (5) of section 22 of the <sup>M1</sup>Countryside Act 1968 and of subsections (1) and (3) of section 20 of the 1973 Act (powers with respect to recreation) shall not be construed as affecting the power—

- (a) of the Authority; or
- (b) of any water authority’s successor company or of any statutory water company,

to continue, subject to any transfer in accordance with a scheme under Schedule 2 to this Act of any rights or liabilities which have arisen or might arise under any of those subsections, to do anything on and after the transfer date, in accordance with any powers conferred by virtue of [<sup>F2</sup>by virtue of any enactment], which a water authority or statutory water company were doing under any of those subsections immediately before the transfer date.

#### Textual Amendments

**F2** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 1 para. 50(3)(e)**

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for the Water Act 1989, Part VIII. (See end of Document for details)*

### Marginal Citations

**M1** 1968 c. 41.

### *Overseas activities*

50 ..... **F3**

### Textual Amendments

**F3** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

### *Arrangements with local authorities*

51 Where any arrangements made by virtue of section 7 of the 1973 Act between a local authority and a water authority are in force immediately before the transfer date, then, subject to any transfer in accordance with a scheme under Schedule 2 to this Act of any rights or liabilities under those arrangements, those arrangements shall continue to have effect on and after that date notwithstanding the repeal by this Act of that section; and, accordingly, a local authority shall have all such powers on and after that date for giving effect to any such arrangements as they would have had by virtue of that section.

(2) In this paragraph “local authority” has the same meaning as in section 1 of the <sup>M2</sup>Local Authorities (Goods and Services) Act 1970.

### Marginal Citations

**M2** 1970 c. 39.

### *Treasury guarantees*

52 The repeal by this Act of paragraph 36 of Schedule 3 to the 1973 Act (Treasury guarantees of water authority liabilities) shall have effect subject, in the case of a guarantee given before that date, to the application on and after that date in relation to that guarantee (with such modifications as are necessary in consequence of any transfer in accordance with a scheme under Schedule 2 to this Act of any liability to which the guarantee applies) of sub-paragraphs (2) to (5) of that paragraph.

### *Enactments applying particular provisions of Schedule 3 to the 1945 Act*

53 The repeals made by this Act shall not affect the operation of the following enactments (each of which applies provisions of Schedule 3 to the 1945 Act), namely—

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- (a) sections 12(7) and 14(5) of the <sup>M3</sup>Control of Pollution Act 1974; and
- (b) sections 11(5) and 12(2) of the <sup>M4</sup>Local Government (Miscellaneous Provisions) Act 1976.

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**Marginal Citations**

- M3** 1974 c. 40.  
**M4** 1976 c. 57.

*Local statutory provisions*

- 54 (1) Where any order made under the 1945 Act has effect immediately before the transfer date in relation to a statutory water company or water authority as a local statutory provision, the repeal by this Act of the power under which that order was made and the repeal of any provision of Part V of that Act shall not, subject to sub-paragraph (2) below, affect the operation on and after that date of that order or, in relation to that order, of that Part.
- (2) Any order which has effect by virtue of sub-paragraph (1) above shall so have effect as if any reference in that order to a particular water authority were a reference to that authority's successor company; and nothing in that sub-paragraph shall affect the exercise in relation to such an order of the power conferred by section 191 of this Act or prejudice the effect, in relation to any such order of—
- (a) any repeal by this Act of provisions of Schedule 3 to the 1945 Act applied (with or without modifications) by that order;
  - (b) any saving made by the preceding provisions of this Schedule in relation to any such repeal; or
  - (c) in the case of an order making such provision as is mentioned in section 23(1) (c) of that Act or applying, or making provision corresponding to, any of sections 74 to 77 of Schedule 3 to that Act, the provisions of [<sup>F4</sup>the Statutory Water Companies Act 1991].
- (3) Without prejudice to any amendment made by or under this Act, the repeal by this Act of subsection (2) of section 6 of the <sup>M5</sup>Public Utility Transfers and Water Charges Act 1988 shall not affect any modification made before the transfer date by an order made before that date under that subsection.

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**Textual Amendments**

- F4** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), s. 2, Sch. 1 para. 50\(3\)\(f\)](#)

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**Marginal Citations**

- M5** 1988 c. 15.

*The Town and Country Planning Act 1959 (c. 53)*

- 55 The repeal by this Act of paragraphs 6 and 10 to 12 of Part I of Schedule 4 to the Town and Country Planning Act 1959 shall not affect the operation on and after the transfer date of any enactment in relation to which Part II of that Act has effect

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and which confers powers on any internal drainage board or any joint board or joint committee.

*Transitory provision relating to rating*

56

F5

**Textual Amendments**

**F5** [S. 5\(1\)–\(4\), 6\(1\)–\(7\), 7–10, 11\(1\)–\(8\), 12, 14–22, 24–28, 31–68, 70\(3\)–\(5\), 71, 73–82, 97–135](#) 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Byelaws*

57

(1) ..... F6

(6) Nothing in this Act shall, in relation to any byelaws made before the transfer date and continuing to have effect on and after that date, alter the area in relation to which those byelaws have effect.

(7) ..... F6

**Textual Amendments**

**F6** [S. 5\(1\)–\(4\), 6\(1\)–\(7\), 7–10, 11\(1\)–\(8\), 12, 14–22, 24–28, 31–68, 70\(3\)–\(5\), 71, 73–82, 97–135](#) 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Saving for criminal liability of water authorities*

58

Nothing in this Act or in any scheme under Schedule 2 to this Act shall have the effect, in relation to any criminal liability of a water authority in respect of an offence committed before the transfer date, of transferring that liability to the Authority or to the water authority's successor company.

*Periods of time*

59

Where any period of time—

- (a) is specified in any enactment to which a provision of this Act corresponds (whether by virtue of its being the re-enactment, with or without

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modifications, of the whole or any part of that enactment or by virtue of any provision having effect for the purposes of this Schedule); or

- (b) is specified in an enactment any function under which is transferred by virtue of any provision of this Act from a water authority to any other person,

then, if any period is current for the purposes of that enactment on the day on which the said provision of this Act comes into force, so much of the period as has expired before that day shall be taken into account, in relation to anything done before that day which is treated as done under that provision or, as the case may be, by or in relation to that person, as if that provision had been in force when the period began to run.

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