Water Act 1989

1989 CHAPTER 15

An Act to provide for the establishment and functions of a National Rivers Authority and of committees to advise that Authority; to provide for the transfer of the property, rights and liabilities of water authorities to the National Rivers Authority and to companies nominated by the Secretary of State and for the dissolution of those authorities; to provide for the appointment and functions of a Director General of Water Services and of customer service committees; to provide for companies to be appointed to be water undertakers and sewerage undertakers and for the regulation of the appointed companies; to make provision with respect to, and the finances of, the nominated companies, holding companies of the nominated companies and statutory water companies; to amend the law relating to the supply of water and the law relating to the provision of sewers and the treatment and disposal of sewage; to amend the law with respect to the pollution of water and the law with respect to its abstraction from inland waters and underground strata; to make new provision in relation to flood defence and fisheries; to transfer functions with respect to navigation, conservancy and harbours to the National Rivers Authority; and for connected purposes. [6th July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Act extends to England and Wales but subject to provisions in s. 194(6)-(9).

Modifications etc. (not altering text)

C1 Act: Power to apply (Isles of Scilly) conferred by Water Industry Act 1991 (c. 56, SIF 130), **s. 222(3)** (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

C2 Act: Power to apply (Isles of Scilly) conferred by Water Resources Act 1991 (c. 57, SIF 130), **s. 224(3)** (with ss. 16(6), 179, 222(3), 224(1), Sch. 22 paras. 1, 2, Sch. 23 para. 6).

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C3 Act: Power to apply (Isles of Scilly) conferred by Land Drainage Act 1991 (c. 59, SIF 73:1), **s. 75(3)** (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4)).

C4 Act excluded by S.I. 1989/1161, **reg. 3**.

C5 Act excluded (E.W.) by Statutory Water Companies Act 1991 (c. 58, SIF 130), **s. 11(2)**.

C6 Act restricted (E.W.) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 15(2)(a)**, 18(2) (with ss. 16(6), 178, 179, 222(3), 224(1), Sch. 22 paras. 1, 2, 4, Sch. 23 para. 6).

C7 Act applied by Water Resources Act 1991 (c.57, SIF 130), s.103, **Sch. 13 para. 4(6)** (with ss. 16(6), 178, 179, 222(3), 224(1), Sch. 22 paras. 1, 2, Sch. 23 para. 6).

C8 Act saved (26.06.1991) by S.I. 1991/1619, **art.12**.

PART I

PRELIMINARY

The National Rivers Authority and the advisory committees

1 The National Rivers Authority.

[F1](1) . . . . . .

(6) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority and its finances.

Textual Amendments

F1 S. 1(1)–(5) 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)

[F2]2, 3. . . . . .

Textual Amendments

F2 Ss. 2, 3 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)

The transfer of the water authorities' functions etc.

4 Transfer of the water authorities' functions etc.

(1) Subject to the following provisions of this Act, on such day as the Secretary of State may by order appoint as the transfer date—

(a) the functions of the water authorities shall, in accordance with those provisions, become functions of the Authority, of water undertakers or of sewerage undertakers; and

(b) schemes under Schedule 2 to this Act for the division of the property, rights and liabilities of those authorities between their successor companies and the Authority shall come into force.

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(2) The Secretary of State shall, by order made before the transfer date, nominate a company in relation to each water authority as that authority's successor company; but a company shall not be so nominated unless it is a limited company and, at the time when the order is made, is wholly owned by the Crown.

(3) Subject to subsection (4) below, each water authority shall continue in existence after the transfer date until such time as they may be dissolved by order made by the Secretary of State.

(4) On the transfer date the chairman and members of each water authority shall cease to hold office; and on and after that date each such authority—

(a) shall consist only of a chairman appointed by the Secretary of State and, if the Secretary of State thinks fit, such one or more other persons as the Secretary of State may appoint as members of that authority; and

(b) shall have only the functions which fall to be carried out by that authority under any scheme under Schedule 2 to this Act with respect to that authority.

(5) The Secretary of State shall not make an order under subsection (3) above in relation to any water authority unless he is satisfied, after consultation with the water authority and with the Authority and the water authority's successor company, that nothing further remains to be done by the water authority under any scheme under Schedule 2 to this Act.

(6) The power to make an order under this section shall be exercisable by statutory instrument and such an order shall not be amended or revoked—

(a) in the case of an order under subsection (2) above, on or after the transfer date; or

(b) in the case of an order under subsection (3) above, after the dissolution of the water authority to which the order relates.

Subordinate Legislation Made

P1 Power of appointment conferred by s. 4(1) fully exercised: 1.9.1989 appointed as the transfer date for the purposes of s. 4 by S.I. 1989/1530, **art. 2**

The Director General of Water Services and the customer service committees

5 The Director General of Water Services.

F3(1) . . . . . .

(5) The provisions of Schedule 3 to this Act shall have effect with respect to the Director.

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)

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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)

6 Customer service committees.

[F4](1) . . . . . .

(8) The provisions of Schedule 4 to this Act shall have effect with respect to customer service committees.

Textual Amendments

F4 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)

[F5]7— 10. . . . . .

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)

PART II

WATER SUPPLY AND SEWERAGE SERVICES

CHAPTER I

APPOINTMENT AND REGULATION OF WATER AND SEWERAGE UNDERTAKERS

Making and conditions of appointments

11 Appointment of undertakers.

[F6](1) . . . . . .

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(9) In the [M1]House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

> "Director of a company for the time being holding an appointment under Chapter I of Part II of the Water Act 1989 or of such a company's holding company, being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.";

and the like insertion shall be made in Part III of Schedule 1 to the [M2]Northern Ireland Assembly Disqualification Act 1975.

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)

Marginal Citations

M1 1975 c. 24.
M2 1975 c. 25.

[F7]12 . . . . . .

Textual Amendments

F7 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)

[F8]13 Procedure for replacement appointments.

(1) An application for an appointment or variation to which section 12 above applies shall be made in such manner as may be prescribed; and, within fourteen days after making any such application, the applicant shall—

(a) serve notice of the application on the existing appointee and on every local authority whose area includes the whole or any part of the area to which the application relates; and

(b) publish a copy of the notice in such manner as may be prescribed.

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(2) Before making an appointment or variation to which section 12 above applies, the Secretary of State or the Director shall give notice—
  (a) stating that he proposes to make the appointment or variation;
  (b) stating the reasons why he proposes to make the appointment or variation; and
  (c) specifying the period (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed appointment or variation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(3) A notice under subsection (2) above shall be given—
  (a) by publishing the notice in such manner as the Secretary of State or, as the case may be, the Director considers appropriate for bringing it to the attention of persons likely to be affected by the making of the proposed appointment or variation; and
  (b) by serving a copy of the notice on the existing appointee and on every local authority whose area includes the whole or any part of the area to which the proposed appointment or variation relates.

(4) Before making an appointment or variation to which section 12 above applies, the Secretary of State shall consult the Director.

(5) As soon as practicable after making an appointment or variation to which section 12 above applies, the Secretary of State or the Director shall—
  (a) serve a copy of the appointment or variation on the existing appointee; and
  (b) serve notice of the making of the appointment or variation on every local authority whose area includes the whole or any part of the area to which the appointment or variation relates.

(6) Schedule 5 to this Act shall have effect with respect to the making of transitional provision for the purposes of, or in connection with, the making of an appointment or variation to which section 12 above applies.

(7) In this section "the existing appointee", in relation to an appointment or variation to which section 12 above applies, means the company which is the existing appointee for the purposes of that section in relation to any area to the whole or any part of which the appointment or variation relates or, where there is more than one such company, each of them.**]**

Textual Amendments

F8 Ss. 13, 23, 141(1)?(4)(7), 172 repealed (E.W.) 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)

[F9]14— . . . . . .
22.

Textual Amendments

F9 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),

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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)

Special administration orders

[F10 23 Special administration orders in relation to water or sewerage undertakers.

(1) If, on an application made to the High Court by petition presented—
  (a) by the Secretary of State; or
  (b) with the consent of the Secretary of State, by the Director,

that Court is satisfied in relation to any company which holds an appointment under this Chapter that any one or more of the grounds specified in subsection (4) below is satisfied in relation to that company, that Court may make an order under this section.

(2) An order under this section is an order directing that, during the period for which the order is in force, the affairs, business and property of the company shall be managed, by a person appointed by the High Court, for the achievement of the purposes of the order and in a manner which protects the respective interests of the members and creditors of the company.

(3) The purposes of an order made under this section in relation to a company holding an appointment under this Chapter shall be—
  (a) the transfer to another company, or (as respects different parts of the company's area or different parts of its undertaking) to two or more different companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its appointment may be properly carried out; and
  (b) the carrying out of those functions pending the making of the transfer and the vesting of those functions in the other company or companies (whether by virtue of the transfer or of an appointment or variation to which section 12 above applies).

(4) The grounds mentioned in subsection (1) above are, in relation to any company—
  (a) that there has been, is or is likely to be such a contravention by the company of a requirement imposed on the company by section 37 or 67 below, not being a contravention in respect of which a notice has been served under subsection (6) of section 20 above, as is serious enough to make it inappropriate for the company to continue to hold its appointment;
  (b) that there has been, is or is likely to be such a contravention by the company of the provisions of any final order or provisional order under section 20 above, being an order which—
    (i) is not for the time being the subject-matter of proceedings brought by virtue of section 22(1) above; and
    (ii) if it is a provisional order, has been confirmed,

  as is serious enough to make it inappropriate for the company to continue to hold its appointment;

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(c) that the company is or is likely to be unable to pay its debts;

(d) that, in a case in which the Secretary of State has certified that it would be appropriate, but for section 24 below, for him to petition for the winding up of the company under section 440 of the [M3]Companies Act 1985 (petition by the Secretary of State following inspectors' report etc.), it would be just and equitable, as mentioned in that section, for the company to be wound up if it did not hold an appointment under this Chapter; or

(e) that the company is unable or unwilling adequately to participate in arrangements certified by the Secretary of State or the Director to be necessary by reason of, or in connection with, a proposal for the making by virtue of subsection (2)(c) of section 12 above of any appointment or variation to which that section applies.

(5) Notice of the petition for an order under this section shall be given forthwith to such persons and in such manner as may be prescribed by rules made under section 411 of the [M4]Insolvency Act 1986; and no such petition shall be withdrawn except with the leave of the High Court.

(6) Subsections (4) and (5) of section 9 of the said Act of 1986 (powers on application for administration order) shall apply on the hearing of the petition for an order under this section in relation to any company as they apply on the hearing of a petition for an administration order.

(7) Subsections (1), (2) and (4) of section 10 of the said Act of 1986 (effect of petition) shall apply in the case of a petition for an order under this section in relation to any company as if—

(a) the reference in subsection (1) to an administration order were a reference to an order under this section;

(b) paragraph (b) of that subsection did require the leave of the court for the taking of any of the steps mentioned in paragraphs (b) and (c) of subsection (2) (appointment of, and exercise of functions by, administrative receiver); and

(c) the reference in paragraph (c) of subsection (1) to proceedings included a reference to any proceedings under or for the purposes of section 20 above.

(8) Schedule 6 to this Act shall have effect with respect to orders under this section and Schedule 5 to this Act shall have effect with respect to the making of transitional provision for the purposes of an order under this section.

(9) In this section and section 24 below—

"business" and "property" have the same meanings as in the [M5]Insolvency Act 1986;

"security" has the same meaning as in Parts I to VII of that Act;

and for the purposes of this section a company is unable to pay its debts if it is a limited company which is deemed to be so unable under section 123 of the Insolvency Act 1986 (definition of inability to pay debts) or if it is an unregistered company which is deemed, by virtue of any of sections 222 to 224 of that Act, to be so unable for the purposes of section 221 of that Act (winding up of unregistered companies).**]**

Textual Amendments

F10 Ss. 13, 23, 141(1)?(4)(7), 172 repealed (E.W.) 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)

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Marginal Citations

M3 1985 c. 6.
M4 1986 c. 45.
M5 1986 c. 45.

[F11]24— . . . . . .
28.

Textual Amendments

F11 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)

[F12]29, ...
30.

Textual Amendments

F12 Ss. 29, 30 repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I** (subject to savings in s. 2, Sch. 2 paras. 7, 10, 14(1), 15)

[F13]31— . . . . . .
36.

Textual Amendments

F13 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)

CHAPTER II

[F14]37— . . . . . .
66.

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Textual Amendments

F14 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**)

CHAPTER III

PROVISION OF SEWERAGE SERVICES

[F15]67— . . . . . .
68.

Textual Amendments

F15 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**)

69 Transfer of principal sewerage functions.

Schedule 8 to this Act shall have effect for transferring to sewerage undertakers the functions of water authorities relating to the provision of sewerage services and for making amendments of the enactments relating to the transferred functions.

70 Allocation of cross boundary sewers.

(1) For the purposes of any scheme under Schedule 2 to this Act, so much of any sewer as is vested in a water authority immediately before the transfer date but is—
  (a) situated in the area of another water authority; and
  (b) maintained for the purpose of draining premises in that area,

shall be deemed to have vested in the other water authority before the coming into force of that scheme.

(2) Where any part of a water authority's sewer is deemed by virtue of this section to have vested in another water authority, anything which—
  (a) has been done by or in relation to the first-mentioned authority for any purposes connected with that part of that sewer; and

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(b) is in force or effective immediately before the transfer date,

shall have effect for the purposes of any transitional provision contained in this Act as if it had been done by or in relation to that other authority.

[F16](3) . . . . . .

Textual Amendments

F16 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**)

[F17]71 . . . . . .

Textual Amendments

F17 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**)

[F18]72 . . . . . .

Textual Amendments

F18 S. 72 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 and subject to saving for s. 72(8) by Sch. 2 para. 9(2))

[F19]73, 74. . . . . .

Textual Amendments

F19 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)-

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(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**)

CHAPTER IV

[F20]75— . . . . . .
82.

Textual Amendments

F20 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)

CHAPTER V

OWNERSHIP AND FINANCES OF SUCCESSOR COMPANIES ETC.

83 Initial Government holdings.

(1) As a consequence of the vesting in accordance with any scheme under Schedule 2 to this Act of property, rights and liabilities of any water authority in that authority's successor company, that company shall issue such securities of the company as the Secretary of State may from time to time direct—

(a) to such limited company as may (whether before or after the transfer date) have been nominated by the Secretary of State by order made by statutory instrument as the nominated holding company of the successor company; or

(b) to the Secretary of State.

(2) As a consequence of the issue by virtue of any direction under subsection (1) above of any securities of a company to that company's nominated holding company, the latter company shall issue such securities of the nominated holding company as the Secretary of State may from time to time direct—

(a) to the Treasury or the Secretary of State; or

(b) to any person entitled to require the issue of the securities following their initial allotment to the Treasury or the Secretary of State.

(3) The Secretary of State shall not—

(a) make an order nominating any company as the nominated holding company of a successor company; or

(b) give a direction under subsection (1) or (2) above for the issue of securities,

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except at a time when the company nominated by the order or, as the case may be, the company which is directed to issue securities is wholly owned by the Crown.

(4) Securities required to be issued in pursuance of this section shall be issued or allotted at such time or times and on such terms as the Secretary of State may direct.

(5) Shares in a company which are issued in pursuance of this section—
  (a) shall be of such nominal value as the Secretary of State may direct; and
  (b) shall be issued as fully paid and treated for the purposes of the application of **[**[F21]the Companies Act 2006**]** in relation to that company as if they had been paid up by virtue of the payment to the company of their nominal value in cash.

(6) The Secretary of State shall not exercise any power conferred on him by this section, or dispose of any securities issued or of any rights to securities initially allotted to him in pursuance of this section, without the consent of the Treasury.

(7) Any dividends or other sums received by the Treasury or the Secretary of State in right of or on the disposal of any securities or rights acquired by virtue of this section shall be paid into the Consolidated Fund.

Textual Amendments

F21 Words in s. 83(5)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 101(2)** (with art. 10)

84 Government financial assistance for companies wholly owned by the Crown.

(1) Subject to section 92(1) below, the Secretary of State may, with the consent of the Treasury, lend such sums as he thinks fit to any company which is the nominated holding company of a successor company and is for the time being wholly owned by the Crown.

(2) The Secretary of State may, with the consent of the Treasury, guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any sum which is borrowed from any person by any company which—
  (a) is a successor company or the nominated holding company of such a company; and
  (b) is wholly owned by the Crown at the time when the guarantee is given.

(3) Subject to section 86 below, any loans which the Secretary of State makes to a company under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the consent of the Treasury, from time to time direct.

(4) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are required by him for making loans under this section.

(5) Any sums received under subsection (3) above by the Secretary of State shall be paid into the National Loans Fund.

(6) It shall be the duty of the Secretary of State as respects each financial year—

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(a) to prepare, in such form as the Treasury may direct, an account of sums issued to him in pursuance of subsection (4) above and of sums received by him under subsection (3) above and of the disposal by him of the sums so issued or received; and

(b) to send the account to the Comptroller and Auditor General not later than the end of the month of August in the following financial year;

and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report before each House of Parliament.

85 Transfer of successor company liabilities to holding companies.

(1) The Secretary of State may by order made by statutory instrument transfer to that company's nominated holding company the liabilities of a successor company in respect of the principal of any relevant loan.

(2) Where the Secretary of State has made an order under subsection (1) above in respect of the liabilities of any successor company and he considers it appropriate to do so, he may give a direction under this subsection to that company and that company shall, as a consequence of the making of the order, issue such debentures of the company to its nominated holding company as may be specified or described in the direction.

(3) The Secretary of State—

(a) shall not exercise his power to make an order under this section except with the consent of the Treasury; and

(b) shall not make such an order transferring the liability of any company or give a direction under subsection (2) above to any company, except at a time when the company is wholly owned by the Crown.

(4) Subsection (4) of section 83 above shall apply for the purposes of this section as it applies for the purposes of that section.

(5) In this section "relevant loan", in relation to the successor company of a water authority, means any sum borrowed or treated as borrowed by the authority from the Secretary of State or the Public Works Loan Commissioners, being a sum the liability to repay which has vested in the authority's successor company in accordance with any scheme under Schedule 2 to this Act.

86 Conversion of certain loans.

(1) The Secretary of State may by order made by statutory instrument extinguish all or any of the liabilities of the nominated holding company of a successor company in respect of the principal of any loan of either of the following descriptions, that is to say—

(a) a loan made to that company under section 84 above;

(b) a loan the liability to repay the principal of which has been transferred to that company under section 85 above;

and the assets of the National Loans Fund shall accordingly be reduced by amounts corresponding to any liabilities so extinguished.

(2) An order made under subsection (1) above in respect of any loan the liability to repay the principal of which was transferred to the nominated holding company of a successor company under section 85 above may extinguish all or any of the liabilities of that successor company under debentures issued in respect of the transfer under subsection (2) of that section.

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(3) Where the Secretary of State has made an order under subsection (1) above and he considers it appropriate to do so, he may give a direction under this subsection to any nominated holding company whose liabilities are extinguished by the order and that company shall, as a consequence of the making of the order, issue such debentures of the company as may be specified or described in the direction—
  (a) to the Treasury or the Secretary of State; or
  (b) to any person entitled to require the issue of the debentures following their initial allotment to the Treasury or the Secretary of State.

(4) The Secretary of State shall not—
  (a) make an order under subsection (1) above extinguishing the liability of any company; or
  (b) give a direction under subsection (3) above for the issue of debentures,

  except at a time when the company whose liability is extinguished by the order or, as the case may be, the company which is directed to issue debentures is wholly owned by the Crown.

(5) Except as may be agreed between the Secretary of State and a company which is directed to issue debentures in pursuance of this section—
  (a) the aggregate of the principal sums payable under the debentures to which the direction relates shall be equal to the aggregate of the sums the liability to repay which is extinguished by the order; and
  (b) the terms as to the payment of the principal sums payable under the debentures to which the direction relates, and as to the payment of interest thereon, shall be the same as the corresponding terms of the loans specified in the order.

(6) For the purposes of subsection (5) above any express or implied terms of a loan shall be disregarded in so far as they relate to the early discharge of liabilities to make repayments of principal and payments of interest.

(7) Subsection (4) and subsections (6) and (7) of section 83 above shall apply for the purposes of this section as they apply for the purposes of that section.

87 Government investment in securities of the nominated holding companies.

(1) The Treasury or, with the consent of the Treasury, the Secretary of State may at any time acquire—
  (a) securities of the nominated holding company of a successor company; or
  (b) rights to subscribe for any such securities.

(2) The Secretary of State shall not dispose of any securities acquired under this section without the consent of the Treasury.

(3) Any expenses incurred by the Treasury or the Secretary of State in consequence of the provisions of this section shall be paid out of money provided by Parliament.

(4) Any dividends or other sums received by the Treasury or the Secretary of State in right of, or on the disposal of, any securities or rights acquired under this section shall be paid into the Consolidated Fund.

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88 Exercise of functions through nominees.

(1) The Treasury or, with the consent of the Treasury, the Secretary of State may for the purposes of section 83, 86 or 87 above appoint any person to act as the nominee, or one of the nominees, of the Treasury or, as the case may be, of the Secretary of State; but—

(a) the issue in pursuance of section 83 above of securities of a successor company to any nominee of the Secretary of State appointed for the purposes of that section;

(b) the issue in pursuance of section 83 or 86 above of securities of such a company's nominated holding company to such nominee of the Treasury or the Secretary of State as is appointed for the purposes of that section or to any person entitled to require the issue of the securities following their initial allotment to any such nominee; and

(c) the acquisition by any nominee of the Treasury or the Secretary of State who is appointed for the purposes of section 87 above of any securities or rights under that section,

shall be in accordance with such directions as may be given from time to time by the Treasury or, with the consent of the Treasury, by the Secretary of State.

(2) Any person holding any securities or rights as a nominee of the Treasury or the Secretary of State by virtue of the preceding provisions of this section shall hold and deal with them (or any of them) on such terms and in such manner as the Treasury or, with the consent of the Treasury, the Secretary of State may direct.

89 Target investment limit for Government shareholding.

(1) The following provisions of this section shall apply separately in relation to each company which is the nominated holding company of a successor company.

(2) As soon as he considers it expedient and, in any case, not later than six months after the company ceases to be wholly owned by the Crown, the Secretary of State shall by order fix a target investment limit in relation to the aggregate of the shares in the company which are for the time being held, by virtue of any provision of this Chapter, by any of the following, that is to say, the Treasury, the Secretary of State or any nominee of the Treasury or the Secretary of State (in this section referred to as "the Government shareholding").

(3) The target investment limit for the Government shareholding in the company shall be expressed as a proportion of the voting rights which are exercisable in all circumstances at general meetings of the company (in this section referred to as "the ordinary voting rights").

(4) The first target investment limit fixed under this section for the Government shareholding in the company shall not exceed, by more than 0.5 per cent of the ordinary voting rights, the proportion of the ordinary voting rights which is in fact carried by the Government shareholding in the company at the time when the order fixing the limit is made.

(5) The Secretary of State may from time to time by order fix a new target investment limit for the Government shareholding in the company in place of the one previously in force under this section; but—

(a) any new limit must be lower than the one it replaces in relation to the company; and

(b) an order under this section may only be revoked by an order fixing a new limit.

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(6) It shall be the duty of the Treasury and of the Secretary of State—

(a) so to exercise their powers under section 87 above, any power to dispose of any shares held by virtue of any provision of this Chapter and their power to give directions to their respective nominees as to secure that the Government shareholding in the company does not carry a proportion of the ordinary voting rights exceeding any target investment limit for the time being in force under this section in relation to the company; and

(b) not at any time on or after the fixing of the first target investment limit in relation to the company to exercise any power to acquire, or to authorise any nominee to acquire, any shares in the successor company of which the company is the nominated holding company.

(7) Notwithstanding subsection (6) above but subject to subsection (8) below, the Treasury or the Secretary of State may take up, or direct any nominee of the Treasury or of the Secretary of State to take up, any rights for the time being available to them or him, or to the nominee—

(a) as an existing holder of shares or other securities of the company; or

(b) by reason of the rescission of any contracts for the sale of any such shares or securities.

(8) If, as a result of anything done under subsection (7) above, the proportion of the ordinary voting rights carried by the Government shareholding in the company at any time exceeds the target investment limit for the time being in force under this section in relation to the company, it shall be the duty of the Treasury or, as the case may be, the Secretary of State to comply with subsection (6) above as soon after that time as is reasonably practicable.

(9) For the purposes of this section the temporary suspension of any of the ordinary voting rights shall be disregarded.

(10) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

90 Responsibility for listing particulars of nominated holding companies.

(1) Where—

(a) the same document contains listing particulars for securities of two or more nominated holding companies; and

(b) any person's responsibility for any information included in the document is stated in the document to be confined to its inclusion as part of the listing particulars for securities of any one of those companies,

that person shall not be treated as responsible for that information in so far as it is stated in the document to form part of the listing particulars for securities of any other of those companies.

[F22](2) . . . . . .

[[F23](3) In this section—

"listing particulars" has the same meaning as in section 90(1) of the Financial Services and Markets Act 2000; and

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"responsible", in relation to listing particulars, has the meaning given in section 79(3) of that Act.**]**

Textual Amendments

F22 S. 90(2) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 315(2)

F23 S. 90(3) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 315(3)

91 Statutory accounts of the group.

(1) For the purposes of any statutory accounts of a water authority's successor company—

(a) the vesting effected in accordance with any scheme under Schedule 2 to this Act shall be taken—

(i) to have been a vesting in that company of all the property, rights and liabilities to which that authority was entitled or subject immediately before the end of their last accounting date and which, at that time, were not property, rights and liabilities relating to Part III functions; and

(ii) to have been effected immediately after that date;

and

(b) the value of any asset and the amount of any liability of that authority which is taken by virtue of paragraph (a) above to have been vested in that company shall be taken to have been the value or (as the case may be) amount assigned to that asset or liability for the purposes of the corresponding statement of accounts prepared by that authority in respect of the complete accounting year ending with that date.

(2) For the purposes of any statutory accounts of a water authority's successor company the amount to be included in respect of any item shall be determined as if the company had done anything not relating to Part III functions which has been done by that authority (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise).

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included from time to time in any reserves of a water authority's successor company as representing the company's accumulated realised profits shall be determined as if any profits realised and retained by that authority had been realised and retained by the company.

(3) For the purposes of any statutory accounts of the nominated holding company of a successor company—

(a) a successor company which becomes a subsidiary of the holding company in the course of an accounting reference period of that successor company shall be assumed to have become such a subsidiary at the beginning of that period; and

(b) the value, at the time of its issue, of any security issued to the holding company in pursuance of section 83 or 85 above shall be taken—

(i) in the case of a share, to have been equal to its nominal value; and

(ii) in the case of a debenture, to have been equal to the principal sum payable under the debenture.

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(4) For the purposes of this section the question whether any property, right or liability of a water authority, or anything done by a water authority, relates to Part III functions shall be determined in accordance with such principles for determining whether anything so relates as the Secretary of State—

(a) considers appropriate to apply in the case of that authority's successor company; and

(b) has notified to that company in writing.

(5) References in this section to the statutory accounts of a company are references to any accounts prepared by the company for the purposes of any provision of **[**[F24]the Companies Act 2006**]** (including group accounts); and in this section—

"accounting reference period" has the same meaning, in relation to a successor company, as in that Act;

"complete accounting year," in relation to a water authority, means an accounting year of the authority ending on 31st March;

"the last accounting date", in relation to any water authority, means the last day of the last complete accounting year of that authority to end before the transfer date; and

"Part III functions", in relation to a water authority, means the functions of that authority which are transferred to the Authority by virtue of this Act or correspond to any functions assigned to the Authority under this Act.

Textual Amendments

F24 Words in s. 91(5) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 155** (with arts. 6, 11, 12)

92 Temporary restrictions on borrowings etc. by the group.

(1) The aggregate amount outstanding in respect of the principal of the relevant borrowing of a group to which a successor company belongs shall not, at any time when the company is wholly owned by the Crown, exceed £1,400 million or such greater sum, not exceeding £1,800 million, as the Secretary of State may specify by order made by statutory instrument.

(2) The power to make an order under subsection (1) above shall include power to specify different amounts in relation to different groups; and no order shall be made under that subsection unless a draft of the order has been laid before the House of Commons and has been approved by a resolution of that House.

(3) If articles of association of a successor company or of such a company's nominated holding company confer on the Secretary of State powers exercisable with the consent of the Treasury for, or in connection with, restricting the sums of money which may be borrowed or raised during any period by the group to which that company belongs, those powers shall be exercisable in the national interest notwithstanding any rule of law and the provisions of any enactment.

(4) For the purposes of subsection (3) above an alteration of the articles of association of a successor company or of such a company's nominated holding company shall be disregarded if the alteration—

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(a) has the effect of conferring or extending any such power as is mentioned in that subsection; and

(b) is made at a time when that company has ceased to be wholly owned by the Crown.

(5) In this section—

"group", in relation to a successor company, means that company's nominated holding company and all of the nominated holding company's subsidiaries (including the successor company and its subsidiaries) taken together; and

"relevant borrowing", in relation to a group to which a successor company belongs, means—

(a) such loans made or treated as made to any company in the group, including loans treated by virtue of the issue of debentures in pursuance of this Act as having been made to any such company, as are not loans made or treated as made by one company belonging to the group to another such company; and

(b) any sums borrowed or treated as borrowed by local authorities in respect of the repayment of which, or the payment of interest on which, the successor company is required to make contributions by virtue of the transfer of any liability in accordance with a scheme under Schedule 2 to this Act.

(6) Where any amount outstanding in respect of the principal of any relevant borrowing of a group—

(a) is treated as repaid or extinguished in connection with the issue of any securities of a company belonging to that group; or

(b) would fall to be so treated, in the case of an extinguishment under section 86 above, if the Secretary of State had given a direction under subsection (3) of that section,

that amount shall be deemed for the purposes of this section to continue to be outstanding except to the extent that any amount payable by the company by reason of the issue of securities in connection with the repayment or extinguishment itself falls to be treated for the purposes of this section as an amount outstanding in respect of the principal of any relevant borrowing of the group.

93 Reserves of the successor companies.

(1) Where the Secretary of State, at any time before the company ceases to be wholly owned by the Crown, so directs in relation to any successor company, such sums as may be specified in the direction shall, instead of being applied in any other way, be carried by the company to a reserve for the purposes of this section.

(2) A company having a reserve for the purposes of this section shall not apply it except in paying up unissued shares of the company to be allotted to members of the company as fully paid bonus shares.

94 Application of Trustee Investments Act 1961 in relation to investment in the nominated holding companies.

(1) Subsection (2) below shall have effect for the purpose of applying paragraph 3(b) of Part IV of Schedule 1 to the [M6]Trustee Investments Act 1961 (which provides that shares and debentures of a company shall not count as wider-range and narrower-range investments respectively within the meaning of that Act unless the company

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has paid dividends in each of the five years immediately preceding that in which the investment is made) in relation to investment, during the first investment year or any following year, in shares or debentures of a company which is the nominated holding company of a successor company.

(2) The company shall be deemed to have paid a dividend as mentioned in the said paragraph 3(b)—

(a) in every year preceding the first investment year which is included in the relevant five years; and

(b) in the first investment year, if that year is included in the relevant five years and that company does not in fact pay such a dividend in that year.

(3) In this section—

"the first investment year", in relation to a company which is the nominated holding company of a successor company, means the calendar year in which shares in that successor company are first issued, in pursuance of section 83(1) above, to the nominated holding company; and

"the relevant five years" means the five years immediately preceding the year in which the investment in question is made or proposed to be made.

Marginal Citations

M6 1961 c. 62.

95 Tax provisions.

(1) The Secretary of State may, for the purposes of section 2 of the [M7]Capital Allowances Act 1968 (writing-down allowance), by order make provision specifying—

(a) the amount to be taken for the purposes of subsection (3) of that section as the residue on the transfer date of any expenditure in relation to which any property vested in a successor company in accordance with a scheme under Schedule 2 to this Act is a relevant interest for the purposes of that section; and

(b) the part of the period mentioned in subsection (3) of that section which is to be treated, in relation to any such property, as unexpired on that date.

(2) For the purposes of Chapter I of Part III of the [M8]Finance Act 1971 (capital allowances in respect of machinery and plant) property which is vested in a successor company in accordance with a scheme under Schedule 2 to this Act shall be treated as if—

(a) it had been acquired by that company on the transfer date for the purposes for which it is used by that company on and after that date; and

(b) capital expenditure of such amount as may be specified for the purposes of this subsection in an order made by the Secretary of State had been incurred on that date by that company on the acquisition of the property for the purposes mentioned in paragraph (a) above.

(3) The Secretary of State shall not make an order under subsection (1) or (2) above in relation to any property of a successor company except with the consent of the Treasury and at a time when the company is wholly owned by the Crown; and the power to make such an order shall be exercisable by statutory instrument and shall include power to make different provision for different cases, including different provision in relation to different property or descriptions of property.

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(4) Subject to subsection (5) below, for the purposes of the **[**[F25]Taxation of Chargeable Gains Act 1992 ("the 1992 Act")**]** the following securities of a successor company, that is to say—

(a) those issued to that company's nominated holding company in pursuance of section 83 above;

(b) those issued to that company's nominated holding company in pursuance of section 85 above, so far as they are not extinguished under section 86 above; and

(c) those not issued in pursuance of section 83 or 85 above which are—

(i) held by that holding company, or any of its nominees, on the transfer date; or

(ii) held by the Secretary of State, or any of his nominees, on that date and transferred to that holding company at any time when that holding company is wholly owned by the Crown,

shall, together, be deemed to have been acquired by the nominated holding company on the transfer date for a consideration equal to whatever is the market value of the successor company's undertaking immediately after the coming into force, on that date, of the scheme under Schedule 2 to this Act in accordance with which property, rights and liabilities of a water authority are transferred to the successor company.

(5) For the purposes of the **[**[F25]1992**]** Act—

(a) any loan which is a relevant loan for the purposes of section 85 above shall be disregarded in determining the market value referred to in subsection (4) above; and

(b) where an apportionment of the aggregate amount for which securities of any company are treated under that subsection as having been acquired by any company falls to be made between different securities, any debenture to which that subsection applies shall be treated as having been acquired by that company for an amount equal to the principal sum payable under the debenture.

(6) Where—

(a) any debt owed to a water authority is transferred to its successor company in accordance with a scheme under Schedule 2 to this Act; and

(b) the authority would have been the original creditor in relation to that debt for the purposes of section **[**[F25]251 of the 1992**]** Act (disposal of debts),

the successor company shall be treated as the original creditor for those purposes.

(7) For the purposes of Part VI of the [M9]Income and Corporation Taxes Act 1988 (company distributions) any securities of a company issued in pursuance of section 83, 85 or 86 above shall be treated as having been issued for new consideration equal—

(a) in the case of a share, to its nominal value; and

(b) in the case of a debenture, to the principal sum payable under the debenture.

(8) Subsection (1) of section 400 of the Income and Corporation Taxes Act 1988 (write-off of government investment: restriction of tax losses) shall not have effect in relation to any extinguishment, at a time when the nominated holding company of a successor company is wholly owned by the Crown, of any liabilities of that holding company.

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(9) Subsection (6) of the said section 400 shall apply in relation to any such extinguishment of liabilities as is mentioned in subsection (8) above as if the reference to the body in question were a reference to the company whose liabilities are extinguished.

[F26](10) . . . . . .

(11) The vesting in accordance with a scheme under Schedule 2 to this Act in a successor company of any liability for a loan made to a water authority shall not affect any direction in respect of the loan which has been given, or has effect as if given, under **[**[F27]section 755 of the Income Tax (Trading and Other Income) Act 2005**]** (income tax exemption for interest on foreign currency securities).

Textual Amendments

F25 Words in s. 95(4)-(6) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the 1992 substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289(1)(2), 290(1), **Sch. 10 para. 18(a)-(c)** (with ss. 60, 101(1), 171, 201(3)).

F26 S. 95(10) repealed (29.4.1996 with effect in accordance with Chapter II of Pt. IV of the amending Act) by 1996 c. 8, ss. 105, 205, **Sch. 41 Pt. V(3)**

F27 Words in s. 95(11) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 405** (with Sch. 2)

Modifications etc. (not altering text)

C9 S. 95(2) modified by S.I. 1989/2017, **art. 3**

Marginal Citations

M7 1968 c. 3.

M8 1971 c. 68.

M9 1988 c. 1.

96 Interpretation of Chapter V.

In this Chapter—

"debentures" includes debenture stock;

"nominated holding company", in relation to a successor company, means the company nominated under section 83(1) above as that successor company's nominated holding company;

"securities", in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company; and

"shares" includes stock.

CHAPTER VI

STATUTORY WATER COMPANIES

[F28]**97— . . . . . .**

102.

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F28 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)

PART III

THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS

CHAPTER I

CONTROL OF POLLUTION

General provisions

[F29]103 . . . . . .
—124.

Textual Amendments

F29 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 (01.12.1991) 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)

Modifications etc. (not altering text)

C10 Pt. III, Ch. I (ss. 103-124) saved (27.6.1991) by Killingholme Generating Stations (Ancillary Powers) Act 1991 (c. viii, SIF 200), s. 10(3)

CHAPTER II

[F30]125 . . . . . .
—135.

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Textual Amendments

F30 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**)

CHAPTER III

FLOOD DEFENCE

[[F31]136 Flood defence functions of the Authority.

(1) Subject to subsection (3) below, the Authority shall in relation to England and Wales exercise a general supervision over all matters relating to flood defence and, for the purpose of carrying out its functions in relation to flood defence, shall from time to time carry out surveys of the areas in relation to which it carries out those functions.

(2) Schedule 15 to this Act shall have effect for transferring the functions of water authorities relating to flood defence to the Authority and for making amendments of the [M10]Land Drainage Act 1976 (in this Chapter referred to as "the 1976 Act"), including amendments consequential on the following provisions of this Chapter.

(3) Without prejudice to any scheme for the appointment of local flood defence committees and subject to subsection (4) below, the Authority shall arrange for all its functions under the 1976 Act relating to flood defence to be carried out by regional flood defence committees established under section 137 below, so that those functions of the Authority are carried out—

(a) in relation to the area of each regional flood defence committee, by the committee for that area; and

(b) in cases involving the areas of more than one regional flood defence committee, by such committee, or jointly by such committees, as may be determined in accordance with arrangements made by the Authority.

(4) The Authority shall not make arrangements for the carrying out by any other body, or by any committee, of any of its functions with respect to—

(a) the issuing of levies (within the meaning of the [M11]Local Government Finance Act 1988); or

(b) the making of drainage charges under the 1976 Act;

and nothing in this section shall enable the Authority to authorise any such other body or any committee to borrow money for purposes connected with the Authority's functions relating to flood defence.

(5) The Authority may give a regional flood defence committee a direction of a general or specific character as to the carrying out of any function relating to flood defence, other than one of their internal drainage functions, so far as the carrying out of that function appears to the Authority likely to affect materially the Authority's management of

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water for purposes other than flood defence; and a regional flood defence committee shall comply with any direction under this subsection.

(6) The Authority shall maintain a principal office for the area of each regional flood defence committee.

(7) The functions of the Authority by virtue of this Chapter extend to the territorial sea adjacent to England and Wales in so far as—

(a) the area of any regional flood defence committee includes any area of that territorial sea; or

(b) section 17(2) or (3) of the 1976 Act (works in the sea and in estuaries) provides for the exercise of any power in the territorial sea;

and where under the said section 17(2) or (3) any function of the Authority falls to be carried out at a place beyond the seaward boundaries of the area of any regional flood defence committee, that place shall be assumed for the purposes of this Chapter and that Act to be within the area of the regional flood defence committee to whose area the area of sea where that place is situated is adjacent.

(8) Where the functions of any water authority immediately before the transfer date include, by virtue of any local statutory provision, any functions relating to flood defence—

(a) those functions shall become functions of the Authority on that date; and

(b) subject to the power conferred by section 191 below, the local statutory provisions relating to the functions transferred by this subsection and everything done by or in relation to a water authority under any such provision shall have effect, so far as may be necessary for the purposes of, or in connection with, the transfer of functions under this subsection, as if—

(i) any reference in any such provision to a water authority were a reference to the Authority; and

(ii) any such thing had been done by or in relation to the Authority.

(9) In this section—

"flood defence" means the drainage of land (within the meaning of the 1976 Act) and the provision of flood warning systems;

"internal drainage functions" means the functions of the Authority under sections 10 to 16, 68(1) to (4) and (7) to (9), 69(2), (3) and (6), 84 and 86(1) of the 1976 Act.**]**

Textual Amendments

F31 S. 136 repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c.60, SIF 130), s. 3, **Sch. 3 Pt. I** (subject to savings in s. 2, Sch. 2 paras. 5(1)(5), 10, 14(1), 15)

Modifications etc. (not altering text)

C11 S. 136(8): Functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by 1995 c. 25, **s. 2(1)(a)(iii)** (with ss. 115, 117); S.I. 1996/186, **art. 3**

Marginal Citations

M10 1976 c. 70.

M11 1988 c. 41.

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137 Establishment of regional flood defence committees.

[F32](1) . . . . . .

(9) In the [M12]House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

"Chairman of a regional flood defence committee for any area of England and Wales."

[F33](10) . . . . . .

Textual Amendments

F32 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**)

F33 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**)

Marginal Citations

M12 1975 c. 24.

[F34]138 . . . . . .

Textual Amendments

F34 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**)

139 Local flood defence schemes and local flood defence committees.

[F35](1) . . . . . .

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(6) In the [M13]House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

"Chairman of a local flood defence committee for any district in England and Wales."

Textual Amendments

F35 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**)

Marginal Citations

M13 1975 c. 24.

[F36]140 . . . . . .

Textual Amendments

F36 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**)

CHAPTER IV

SALMON AND FRESHWATER FISHERIES

141 Functions of the Authority in relation to fisheries.

[[F37](1) It shall be the duty of the Authority—

(a) to maintain, improve and develop samoln fisheries, trout fisheries, fresh water fisheries and eel fisheries;

(b) to establish and maintain advisory committees of persons who are not members of the authority but appear to it to be interested in any such fisheries in the different parts of the area mentioned in subsection (4) below; and

(c) to consult those committees as to the manner in which the Authority is to perform its duty under paragraph (a) above.

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(2) The duty to establish and maintain advisory committees imposed by paragraph (b) of subsection (1) above is a duty to establish and maintain—

(a) a regional advisory committee for each such region of the area mentioned in subsection (4) below as the Authority considers it appropriate for the time being to regard as a region of that area for the purposes of this section; and

(b) such local advisory committees as it considers necessary to represent the interests referred to in that paragraph in the different parts of each such region;

and it shall be the duty of the Authority in determining the regions for which regional advisory committees are established and maintained to ensure that one of those regions consists (apart from territorial waters) wholly or mainly of, or of most of, Wales.

(3) There shall be paid by the Authority—

(a) to the chairman of an advisory committee established and maintained under this section such remuneration and such travelling and other allowances; and

(b) to any other members of that committee such sums reimbursing them for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,

as may, with the consent of the Treasury, be determined by the Minister or the Secretary of State.

(4) The area in respect of which the Authority shall carry out its functions relating to fisheries shall be the whole of England and Wales, together with—

(a) such part of the territorial sea adjacent to England and Wales as extends for six miles from the baselines from which the breadth of that sea is measured; and

(b) in the case of subsection (1) above **[**[F38]and the Salmon and Freshwater Fisheries Act 1975**]** , so much of the River Esk with its banks and tributary streams up to their source as is situated in Scotland,

but, in the case of that subsection and those Acts, excluding the River Tweed, that is to say, "the river" within the meaning of the [M14]Tweed Fisheries Amendment Act 1859, as amended by byelaws.**]**

(5) Schedule 17 to this Act shall have effect for transferring the functions of water authorities relating to fisheries to the Authority and for making amendments of the enactments relating to the transferred functions and of corresponding enactments applying to fisheries in Scotland.

(6) Nothing in the preceding provisions of this section or in the following provisions of this Act shall authorise the Authority to acquire any land in Scotland compulsorily.

[[F37](7) In this section, "miles" means international nautical miles of 1,852 metres.**]**

Textual Amendments

F37 Ss. 13, 23, 141(1)–(4)(7), 172 repealed (E.W.) 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)

F38 Words in s. 141(4)(b) substituted (27.3.2009) by The Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), reg. 1(2)(c), **sch. 2 para. 8(a)** (with reg. 2.)

Marginal Citations

M14 1859 c. lxx.

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CHAPTER V

NAVIGATION, CONSERVANCY AND HARBOUR AUTHORITY FUNCTIONS

142 Navigation, conservancy and harbour authority functions.

[F39](1) . . . . . .

(2) Subject to the power conferred by section 191 below, on and after the transfer date every local statutory provision relating to a function transferred by this section and everything done by or in relation to a water authority under any such provision shall have effect, so far as may be necessary for the purposes of, or in connection with, the transfer of functions made by subsection (1) above, as if—

(a) any reference in any such provision to a water authority were a reference to the Authority; and

(b) any such thing had been done by or in relation to the Authority.

Textual Amendments

F39 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)

Modifications etc. (not altering text)

C12 Pt. III Ch. V (s. 142): Certain functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by 1995 c. 25, **s. 2(1)(a)(vi)** (with ss. 115, 117); S.I. 1996/186, **art. 3**

CHAPTER VI

[F40]143 . . . . . —150.

Textual Amendments

F40 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)

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PART IV

POWERS IN RELATION TO LAND AND WORKS POWERS ETC.

[F41]151 . . . . . .
—167.

Textual Amendments

F41 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**)

PART V

PROVISIONS RELATING TO SCOTLAND

168 Water quality in Scotland.

Schedule 22 to this Act shall have effect to make provision for Scotland in relation to the quality of water.

169 Control of water pollution in Scotland.

Schedule 23 to this Act shall have effect to make provision for Scotland in relation to the control of pollution of water.

PART VI

MISC1ELLANEOUS AND SUPPLEMENTAL

[F42]170, ...
171.

Textual Amendments

F42 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

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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**)

Indemnities in respect of fluoridation

[F43 172 Indemnities in respect of fluoridation.

(1) The Secretary of State may, with the consent of the Treasury, agree to indemnify any statutory water undertaker in respect of such of any of the following as he thinks fit, that is to say—

(a) liabilities incurred by the undertaker in connection with anything done by the undertaker for the purpose of increasing the fluoride content of any water supplied by the undertaker;

(b) costs or expenses which are incurred by the undertaker, or for which the undertaker is liable, in connection with any proceedings which have been or may be brought by any person with respect to—

(i) things done for the purpose of increasing the fluoride content of any water; or

(ii) a proposal to increase the fluoride content of any water;

(c) expenditure incurred by the undertaker in complying with an order made in any such proceedings;

(d) liabilities transferred to the undertaker in accordance with a scheme under Schedule 2 or 5 to this Act which, in relation to the person from whom they were transferred, were liabilities falling within paragraph (a) above or liabilities in respect of costs, expenses or other expenditure mentioned in sub-paragraph (b) or (c) above.

(2) In this section "statutory water undertaker" means—

(a) any water undertaker or, in relation to any time before the transfer date, any water authority or any statutory water company within the meaning of the 1973 Act; or

(b) any water authority within the meaning of the M15 Water (Scotland) Act 1980.]

Textual Amendments

F43 Ss. 13, 23, 141(1)-(4)(7), 172 repealed (E.W.) 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)

Marginal Citations

M15 1980 c. 45.

Payments to existing pension fund

173 Payments to existing pension fund.

(1) Subject to subsection (3) below, the Secretary of State may, with the consent of the Treasury, make such payments into any fund maintained for the purposes of any regulations under section 7 of the M16 Superannuation Act 1972, as he may consider

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appropriate in respect of the actual and prospective liabilities falling from time to time to be met out of that fund to or in respect of persons, or classes of persons, who—

(a) have ceased to be officers or employees of a water authority; or

(b) have ceased to be officers or employees of any person designated for the purposes of this paragraph by order made by the Secretary of State.

(2) The Secretary of State shall not make an order designating a person for the purposes of subsection (1)(b) above unless that person appears to him to be a person whose activities at any time before the transfer date consisted in, or were connected with, the carrying out of any function which is transferred by this Act or which corresponds to any such function or to any other function under this Act; and the power to make such an order shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) It shall be the duty of the Secretary of State so to exercise the power conferred by subsection (1) above as to ensure that all such liabilities as are mentioned in that subsection are able to be met out of the fund out of which they fall to be met in accordance with any regulations under the said section 7.

(4) Any amount paid into any fund by the Secretary of State under this section shall be paid out of money provided by Parliament.

Marginal Citations

M16 1972 c. 11.

Information etc.

174 General restrictions on disclosure of information.

(1) Subject to the following provisions of this section, no information with respect to any particular business which—

(a) has been obtained by virtue of any of the provisions of this Act; and

(b) relates to the affairs of any individual or to any particular business,

shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made—

(a) for the purpose of facilitating the carrying out by the Secretary of State, the Minister, **[**[F44]the Environment Agency, the Scottish Environment Protection Agency**]**, **[**[F45]the Natural Resources Body for Wales,**][**[F46]the Water Services Regulation Authority, the Consumer Council for Water**]** , the **[**[F47]Competition and Markets Authority**]** or a local authority of any of his, its or, as the case may be, their functions by virtue of this Act **[**[F48]or any of the water consolidation Acts**][**[F49], the Environment Act 1995 **[**[F50], the Water Act 2003 or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903)**]]** ;

(b) for the purpose of facilitating the performance by a water undertaker **[**[F51], sewerage undertaker or company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991**]** of any of the duties imposed on it by or under this Act **[**[F48]or any of the water consolidation Acts**]**;

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[F52](c) in pursuance of any duty imposed by section 197(1)(a) or (2) or [F53]203(1), (1A), (2) or (2A)] of the Water Resources Act 1991 [F54]or section 27H of the Water Industry Act 1991] ;]

(d) for the purpose of facilitating the carrying out by—

(i) any Minister of the Crown;

F55(ii) . . . . . .

(iii) the [F56]Competition and Markets Authority] ;

(iv) [F57]the Office of Communications];

(v) the Civil Aviation Authority;

(vi) the Director General of Gas Supply;

(vii) the Director General of Electricity Supply; or

(viii) a local weights and measures authority in England and Wales,

of any of his, its or, as the case may be, their functions under any of the enactments or instruments specified in subsection (3) below;

[F58](e) for the purpose of enabling or assisting the Secretary of State, the Treasury [F59], the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England] to exercise any powers conferred by or under the Financial Services and Markets Act 2000 [F60], by or under the Consumer Credit Act 1974] or by the enactments relating to companies or insolvency;

(ea) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]

(f) for the purpose of enabling an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the M17Insolvency Act 1986 to carry out its functions as such;

(g) for the purpose of facilitating the carrying out by F61... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the M18Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;

[F62](ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;]

(h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;

(i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

(j) for the purposes of any civil proceedings brought under or by virtue of this Act [F63], any of the water consolidation Acts][F64], the Environment Act 1995][F65], the Water Act 2003] or any of the enactments or instruments specified in subsection (3) below or of any arbitration under this Act [F66]or any of those Acts]; or

(k) in pursuance of [F67]an EU] obligation.

(3) The enactments and instruments referred to in subsection (2) above are—

(a) the M19Trade Descriptions Act 1968;

(b) the M20Fair Trading Act 1973;

(c) the M21Consumer Credit Act 1974;

F68(d) . . . . . .

F68(e) . . . . . .

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(f) the [M22]Estate Agents Act 1979;
(g) the [M23]Competition Act 1980;
(h) the [M24]Telecommunications Act 1984;
(i) the [M25]Airports Act 1986;
(j) the [M26]Gas Act 1986;
(k) the [M27]Consumer Protection Act 1987;
(l) the Electricity Act 1989;
[[F69](ll) the Competition Act 1998**]**
[[F70](lm) Part I of the Transport Act 2000.**]**
[[F71](ln) the Enterprise Act 2002;**]**
[[F72](lo) the Communications Act 2003;**]**
[[F73](lp) any subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;**]**
[[F74](m) any subordinate legislation made for the purpose of securing compliance with Directive 2006/114/ **[**[F75]European Union**]** of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.**]**
[[F76](n) Part 1 of the Civil Aviation Act 2012**]**
[[F77](o) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013.**]**

(4) Nothing in subsection (1) above shall be construed—
(a) as limiting the matters which may be published under **[**[F78]section 201 of the Water Industry Act 1991**]** or may be included in, or made public as part of, a report of **[**[F79]the Environment Agency, the Scottish Environment Protection Agency**]**, **[**[F80]the Natural Resources Body for Wales**]****[**[F81]the Water Services Regulation Authority**]** , **[**[F82]the Consumer Council for Water (or any regional committee of that Council established under section 27A of the Water Industry Act 1991)**]** or the **[**[F83]Competition and Markets Authority**]** under any provision of **[**[F78]the water consolidation Acts**]****[**[F84]or the Environment Act 1995**]**; or
(b) as applying to any information which has been so published or has been made public as part of such a report or to any information exclusively of a statistical nature.

(5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) Subject to subsection (7) below, nothing in this section shall preclude the disclosure of information—
(a) if the disclosure is of information relating to a matter connected with the carrying out of the functions of a water undertaker or sewerage undertaker **[**[F85], or with the carrying on by a company holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991 of activities under its licence,**]** and is made by one Minister of the Crown or Government department to another; or
(b) if the disclosure is for the purpose of enabling or assisting any public or other authority for the time being designated for the purposes of this section by an

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order made by the Secretary of State to discharge any functions which are specified in the order.

(7) The power to make an order under subsection (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and where such an order designates an authority for the purposes of paragraph (b) of that subsection, the order may—

(a) impose conditions subject to which the disclosure of information is permitted by virtue of that paragraph; and

(b) otherwise restrict the circumstances in which disclosure is so permitted.

[[F86](8) in this section "the water consolidation Acts" means the Water Resources Act 1991, the Water Industry Act 1991, [F87]... the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991.**]**

Textual Amendments

F44 Words in s. 174(2)(a) substituted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(2)(a)**

F45 Words in s. 174(2)(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. 192(2)(a)** (with Sch. 7)

F46 Words in s. 174(2)(a) substituted (1.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(i)**; S.I. 2005/2714, **art. 2(l)(aa)(iv)**, 4(f)

F47 Words in s. 174(2)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(a)** (with art. 3)

F48 Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(a)**

F49 Words in s. 174(2)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(2)(a)(i)(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

F50 Words in s. 174(2)(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. 192(2)(b)** (with Sch. 7)

F51 Words in s. 174(2)(b) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 1(2)**; S.I. 2005/2714, art. 3(c)

F52 S. 174(2)(c) substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(b)**

F53 Words in s. 174(2)(c) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 1(3)**; S.I. 2005/2714, art. 3(c)

F54 Words in s. 174(2)(c) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(ii)**; S.I. 2005/2714, art. 2(l)(bb)(iv)

F55 S. 174(2)(d)(ii) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(b)** (with art. 3)

F56 Words in s. 174(2)(d)(iii) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(a)** (with art. 3)

F57 S. 174(2)(d)(iv) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 96(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F58 S. 174(2)(e)(ea) substituted (1.12.2001) for s. 174(2)(e) by S.I. 2001/3649, **arts. 1**, 316

F59 Words in s. 174(2)(e) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 61** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

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F60 Words in s. 174(2)(e) inserted (26.7.2013 for specified purposes, 1.4.2014 in force in so far as not already in force) by The Financial Services Act 2012 (Consumer Credit) Order 2013 (S.I. 2013/1882), arts. 1(1), **10(1)**

F61 Words in s. 174(2)(g) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)

F62 S. 174(2)(ga) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 59**; S.I. 2014/251, art. 4

F63 Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(c)**

F64 Words in s. 174(2)(j) inserted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(3)**

F65 Words in s. 174(2)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

F66 Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(c)**

F67 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with art. 3(2)(3)4(2)6(4)(5))

F68 S. 174(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 66(5), Sch. 10 Pt. IV para. 11(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F69 S. 174(3)(ll) inserted (11.1.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 11(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**

F70 S. 174(3)(lm) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 20**

F71 S. 174(3)(ln) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 19(2)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

F72 S. 174(3)(lo) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 96(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F73 S. 174(3)(lp) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 47(a)** (with reg. 28(2)(3))

F74 S. 174(3)(m) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 47(b)** (with reg. 28(2)(3))

F75 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 4 (with art. 3(2)(3), 4(2), 6(4)(5))

F76 S. 174(3)(n) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 5** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)

F77 S. 174(3)(o) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(3)** (with art. 3)

F78 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(d)**

F79 Words in s. 174(4)(a) substituted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(4)(a)**

F80 Words in s. 174(4)(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. 192(3)** (with Sch. 7)

F81 Words in s. 174(4)(a) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(b)(i)**; S.I. 2005/2714, art. 4(f)

F82 Words in s. 174(4)(a) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(b)(ii)**; S.I. 2005/2714, art. 2(l)(bb)(iv)

F83 Words in s. 174(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(4)** (with art. 3)

F84 Words in s. 174(4)(a) added (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(4)(b)**

F85 Words in s. 174(6)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 1(4)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)

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F86 S. 174(8) inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(e)**

F87 Words in s. 174(8) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 28(3)**

Modifications etc. (not altering text)

C13 S. 174 modified (8.2.2007 immediately before the Wireless Telegraphy Act 2006 (c. 36) comes into force) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), art. 1, **Sch. para. 7(3)(a)**

Marginal Citations

M17 1986 c. 45.
M18 1974 c. 37.
M19 1968 c. 29.
M20 1973 c. 41.
M21 1974 c. 39.
M22 1979 c. 38.
M23 1980 c. 21.
M24 1984 c. 12.
M25 1986 c. 31.
M26 1986 c. 44.
M27 1987 c. 43.

175 Making of false statements etc.

(1) If any person, in furnishing any information or making any application under or for the purposes of any provision of this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(2) Proceedings for an offence under subsection (1) above shall not be instituted except by or with the consent of the Secretary of State, the Minister or the Director of Public Prosecutions.

F88 176 . . . . . .

Textual Amendments

F88 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)

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Offences

177 Offences by bodies corporate.

(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with 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, 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.

[F89]178 . . . . . —182.

Textual Amendments

F89 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**)

Financial provisions

183 General financial provisions.

There shall be paid out of money provided by Parliament—

(a) any administrative expenses or charges incurred by any Minister of the Crown or Government department in consequence of the provisions of this Act; and

(b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

184 Government guarantees.

(1) This section applies in relation to any guarantee given by the Secretary of State under section [F90]. . . 84(2) above [F90]. . ..

(2) Immediately after a guarantee to which this section applies is given, the guarantor shall lay a statement of the guarantee before each House of Parliament; and where any sum is paid out for fulfilling such a guarantee the guarantor shall, as soon as possible after the end of each financial year (beginning with that in which the sum is paid out and ending with that in which all liability in respect of the principal of the sum and in respect of the interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.

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(3) Any sums required by the Secretary of State [F90]. . . for fulfilling a guarantee to which this section applies shall be paid out of money provided by Parliament.

(4) [F90]. . . if any sums are paid out in fulfilment of a guarantee to which this section applies, the relevant person shall make to the guarantor, at such times and in such manner as the guarantor may from time to time direct—

(a) payments of such amounts as the guarantor may so direct in or towards repayment of the sums so paid out; and

(b) payments of interest, at such rate as the guarantor may so direct, on what is outstanding for the time being in respect of sums so paid out;

and the consent of the Treasury shall be required for the giving of a direction under this subsection.

(5) Any sums received by the Secretary of State [F90]. . . under subsection (4) above shall be paid into the Consolidated Fund.

(6) In subsection (4) above "the relevant person", in relation to a guarantee, means the person who borrowed the sums in respect of which the guarantee was given.

Textual Amendments

F90 Words in s. 184 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)

Subordinate legislation

185 Powers to make regulations.

(1) The powers of the Secretary of State, and those of the Minister, to make regulations under this Act shall be exercisable by statutory instrument subject [F91]. . . to annulment in pursuance of a resolution of either House of Parliament.

(2) The provisions of any regulations made by the Secretary of State or the Minister under this Act may include—

[F92](a) . . . . . .

(b) provision which, in relation to the furnishing of any information or the making of any application under the regulations, makes provision corresponding to section 175 above;

(c) provision for anything falling to be determined under the regulations to be determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be prescribed;

(d) different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(e) such supplemental, consequential and transitional provision as the Secretary of State or the Minister considers appropriate.

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Textual Amendments

F91 Words 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)

F92 S. 185(2)(a) repealed (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(3), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 4(f)(g)

[F93]186 . . . . . .

Textual Amendments

F93 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)

Interpretation provisions

187 Interpretation of references to the service of documents.

(1) Any document required or authorised by virtue of this Act to be served on any person may be served—

(a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or

(b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body; or

(c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this section and section 7 of the [M28]Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—

(a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body;

(b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper

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address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.

(4) Where under any provision of this Act any document is required to be served on the owner or on the occupier of any premises then—

(a) if the name or address of the owner or, as the case may be, of the occupier of the premises cannot after reasonable inquiry be ascertained; or

(b) in the case of service on the occupier, if the premises appear to be or are unoccupied,

that document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

(5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

Marginal Citations

M28 1978 c. 30.

[F94]188 . . . . . .

Textual Amendments

F94 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)

189 General interpretation.

[[F95](1) In this Act, except in so far as the context otherwise requires—

"the 1945 Act" means the [M29]Water Act 1945;

"the 1973 Act" means the [M30]Water Act 1973;

"accessories", in relation to a water main, sewer or other pipe, includes any manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe, or any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it, but does not include any telecommunication apparatus (within the meaning of Schedule 2 to the [M31]Telecommunications Act 1984) unless it—

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(a) is or is to be situated inside or in the close vicinity of the main, sewer or other pipe or inside or in the close vicinity of another accessory for it; and

(b) is intended to be used only in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it;

"analyse", in relation to any sample of land, water or effluent, includes subjecting the sample to a test of any description, and cognate expressions shall be construed accordingly;

"the Authority" means the National Rivers Authority;

"conservancy authority" means any person who has a duty or power by or under any enactment to conserve, maintain or improve the navigation of a tidal water, and is not a harbour authority or navigation authority;

"contravention" includes a failure to comply, and cognate expressions shall be construed accordingly;

"customer or potential customer", in relation to a company holding an appointment under Chapter I of Part II of this Act, means—

(a) any person for or to whom that company provides any services in the course of carrying out the functions of a water undertaker or sewerage undertaker; or

(b) any person who might become such a person on making an application for the purpose to the company;

"damage", in relation to individuals, includes personal injury and death;

"the Director" means the Director General of Water Services;

"disposal"—

(a) in relation to land or any interest or right in or over land, includes the creation of such an interest or right and a disposal effected by means of the surrender or other termination of any such interest or right; and

(b) in relation to sewage, includes treatment;

and cognate expressions shall be construed accordingly;

"domestic purposes", except in relation to sewers, shall be construed in accordance with subsections (2) and (3) below;

"drain" has, subject to subsection (4) below, the same meaning as in the [M32]Public Health Act 1936;

"effluent" means any liquid, including particles of matter and other substances in suspension in the liquid;

"enactment" includes an enactment contained in this Act or in any Act passed after this Act;

"engineering or building operations", without prejudice to the generality of that expression, includes—

(a) the construction, alteration, improvement, maintenance or demolition of any building or structure or of any reservoir, watercourse, dam, weir, well, borehole or other works; and

(b) the installation, modification or removal of any machinery or apparatus;

"financial year" means the twelve months ending with 31st March;

"functions", in relation to the Authority or a water undertaker or sewerage undertaker, means the functions of the Authority or, as the case may be, of such an undertaker under or by virtue of any enactment and shall be construed subject to section 188 above;

"harbour authority" means a person who is a harbour authority within the meaning of the [M33]Prevention of Oil Pollution Act 1971 and is not a navigation authority;

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"highway" has the same meaning as in the [M34]Highways Act 1980;

"holding company" has the same meaning as in the [M35]**[**[F96]the Companies Acts (see section 1159 of the Companies Act 2006)**]** ;

"house" means any building or part of a building which is occupied as a dwelling-house, whether or not a private dwelling-house, or which, if unoccupied, is likely to be so occupied;

"information" includes anything contained in any records, accounts, estimates or returns;

"inland waters", except in Chapter I of Part III of this Act, has the same meaning as in the [M36]Water Resources Act 1963;

"limited company" means a company within the meaning of the Companies Act 1985 which is limited by shares;

"local authority" means the council of a district or of a London borough or the Common Council of the City of London;

"local statutory provision" means—

(a) a provision of a local Act (including an Act confirming a provisional order);

(b) a provision of so much of any public general Act as has effect with respect to a particular area, with respect to particular persons or works or with respect to particular provisions falling within any paragraph of this definition;

(c) a provision of an instrument made under any provision falling within paragraph (a) or (b) above; or

(d) a provision of any other instrument which is in the nature of a local enactment;

"micro-organism" includes any microscopic biological entity which is capable of replication;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"modifications" includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

"the Monopolies Commission" means the Monopolies and Mergers Commission;

"navigation authority" means any person who has powers under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

"notice" means notice in writing;

"owner", in relation to any premises, means the person who—

(a) is for the time being receiving the rack-rent of the premises, whether on his own account or as agent or trustee for another person; or

(b) would receive the rack-rent if the premises were let at a rack-rent,

and cognate expressions shall be construed accordingly;

"prescribed" means prescribed by or determined under regulations made by the Secretary of State or, in relation to regulations made by the Minister, those regulations;

"protected land", in relation to a company holding an appointment under Chapter I of Part II of this Act, means any land which, or any interest or right in or over which—

(a) was transferred to that company in accordance with a scheme under Schedule 2 to this Act or, where that company is a statutory water company, is or was held by that company at any time during the financial year current on the transfer date;

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(b) is or has at any time on or after the transfer date been held by that company for purposes connected with the carrying out of its functions as a water undertaker or sewerage undertaker (including any functions which for the purposes for which section 188 above has effect are taken to be such functions by virtue of subsection (6) or (7) of that section); or

(c) has been transferred to that company in accordance with a scheme under Schedule 5 to this Act from another company in relation to which that land was protected land when the other company held an appointment under that Chapter;

"public authority" means any Minister of the Crown or government department, the Authority, any local authority or county council or any person certified by the Secretary of State to be a public authority for the purposes of this Act;

"public sewer" means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 or 5 to this Act or under section 153 above or otherwise, and "private sewer" shall be construed accordingly;

"records" includes computer records and any other records kept otherwise than in a document;

"service pipe" means, subject to subsection (4) below, so much of a pipe which is, or is to be, connected with a water main for supplying water from that main to any premises—

(a) as is or is to be subject to water pressure from that main; or

(b) as would be so subject but for the closing of some valve,

and includes part of any service pipe;

"services" includes facilities;

"sewer" has, subject to subsection (4) below, the same meaning as in the [M37]Public Health Act 1936;

"sewerage services" includes the disposal of sewage and any other services which are required to be provided by a sewerage undertaker for the purpose of carrying out its functions;

"sewerage undertaker" shall be construed in accordance with section 11 above;

"statutory water company" means any company which is a statutory water company for the purposes of the 1973 Act immediately before the transfer date;

"stopcock" includes any box or pit in which a stopcock is enclosed and the cover to any such box or pit;

"street" has, subject to subsection (5) below, the same meaning as in the [M38]Public Utilities Street Works Act 1950;

"subordinate legislation" has the same meaning as in the [M39]Interpretation Act 1978;

"subsidiary" has the same meaning as in the [M40]Companies Act 1985;

"substance" includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

"successor company" means a company nominated in accordance with section 4 above as the successor company of a water authority and, in relation

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to any water authority, means the company so nominated in relation to that authority;

"supply of water in bulk" means a supply of water for distribution by a water undertaker taking the supply;

"surface water" includes water from roofs;

"transfer date" means the day appointed as the transfer date in accordance with section 4 above;

"trunk main" means a water main which is or is to be used by a water undertaker for the purpose of—

(a) conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir; or

(b) conveying water in bulk, whether in the course of taking a supply of water in bulk or otherwise, between different places outside the area of the undertaker, from such a place to any part of that area or from one part of that area to another part of that area;

"underground strata" means strata subjacent to the surface of any land;

"vessel" includes a hovercraft within the meaning of the [M41]Hovercraft Act 1968;

"water authority" means an authority established in accordance with section 2 of the 1973 Act;

"water main" means, subject to subsection (4) below, any pipe, not being a pipe for the time being vested in a person other than the undertaker, which is used or to be used by a water undertaker for the purpose of making a general supply of water available to customers or potential customers of the undertaker, as distinct from for the purpose of providing a supply to particular customers;

"water undertaker" shall be construed in accordance with section 11 above;

"watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except mains and other pipes which belong to the Authority or a water undertaker or are used by a water undertaker or any other person for the purpose only of providing a supply of water to any premises.**]**

[F97](2) . . . . . .

(6) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares is held by, or by a nominee of, the Treasury, the Secretary of State or another company which is wholly owned by the Crown.

(7) For the purposes of any provision of this Act by or under which power is or may be conferred on any person to recover the expenses incurred by that person in doing anything, those expenses shall be assumed to include such sum as may be reasonable in respect of establishment charges or overheads.

[F97](8) . . . . . .

(9) Where by virtue of any provision of this Act any function of a Minister of the Crown is exercisable concurrently by different Ministers, that function shall also be exercisable jointly by any two or more of those Ministers.

(10) References in this Act to anything done under or for the purposes of any enactment contained in this Act or to anything done by or in relation to any person shall include

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references to anything which, by virtue of any provision made by or under this Act, has effect as if done under or for the purposes of that enactment or, as the case may be, by or in relation to that person.

Textual Amendments

F95 S. 189(1) except in so far as it defines "the 1945 Act", "the 1973 Act", "the Authority", "contravention", "the Director", "disposal" and cognate expressions, "enactment", "holding company", "information", "local statutory provision", "the Minister", "modifications" and cognate expressions, "sewer", "subordinate legislation", "statutory water company", "successor company", "transfer date" and "water authority" 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)

F96 Words in s. 189(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 101(3)** (with art. 10)

F97 Ss. 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)

Marginal Citations

M29 1945 c. 42.
M30 1973 c. 37.
M31 1984 c. 12.
M32 1936 c. 49.
M33 1971 c. 60.
M34 1980 c. 66.
M35 1985 c. 6.
M36 1963 c. 38.
M37 1936 c. 49.
M38 1950 c. 39.
M39 1978 c. 30.
M40 1985 c. 6.
M41 1968 c. 59.

Other supplemental provisions

190 Amendments, transitional provisions, savings and repeals.

(1) The enactments mentioned in Schedule 25 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act); and, without prejudice to any power conferred by any other provision of this Act, the Secretary of State and the Minister shall each have power by regulations to make such additional consequential amendments—

(a) of public general enactments not mentioned in that Schedule but passed before, or in the same Session as, this Act; and

(b) of subordinate legislation made before the passing of this Act,

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as he considers necessary or expedient by reason of the coming into force of any provision of this Act.

(2) The transitional provisions and savings contained in Schedule 26 to this Act shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the [M42]Interpretation Act 1978 (effect of repeals) or to the transfer, in accordance with a scheme under Schedule 2 to this Act, of any rights or liabilities saved by virtue of those sections.

(3) The enactments mentioned in Schedule 27 to this Act (which include some which are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

(4) Subject to paragraphs 17, 46 and 53 of Schedule 26 to this Act, any reference in that Schedule or in Schedule 27 to this Act to a provision of Schedule 3 to the 1945 Act shall have effect, without prejudice to section 20(2) of the Interpretation Act 1978 (references to enactments to include references to enactments as amended, extended or applied), as including a reference to that provision as applied, with or without modifications, by any local statutory provision.

Marginal Citations

M42 1978 c. 30.

191 Local statutory provisions: consequential amendments etc.

(1) If it appears to the Secretary of State or the Minister to be appropriate to do so—

(a) for the purposes of, or in consequence of, the coming into force of any enactment contained in this Act; or

(b) in consequence of the effect or operation at any time after the transfer date of any such enactment or of anything done under any such enactment,

he may by order repeal, amend or re-enact (with or without modifications) any local statutory provision, including, in the case of an order by virtue of paragraph (b) above, a provision amended by virtue of paragraph (a) above.

(2) An order made by the Secretary of State or the Minister under subsection (1) above may—

(a) make provision applying generally in relation to local statutory provisions of a description specified in the order;

(b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;

(c) contain such supplemental, consequential and transitional provision as the Secretary of State or, as the case may be, the Minister considers appropriate; and

(d) in the case of an order made after the transfer date, require provision contained in the order to be treated as if it came into force on that date.

(3) The power under this section to repeal or amend a local statutory provision shall include power to modify the effect in relation to any local statutory provision of any provision of Schedule 26 to this Act.

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(4) Nothing in any order under this section may abrogate or curtail the effect of so much of any local statutory provision as confers any right of way or confers on or preserves for the public—

(a) any right of enjoyment of air, exercise or recreation on land; or

(b) any right of access to land for the purposes of exercise or recreation.

(5) The power to make an order under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subject to the provisions of Schedule 26 to this Act, nothing in any local statutory provision passed or made before the transfer date shall be construed as relieving any water undertaker or sewerage undertaker from any liability arising by virtue of this Act in respect of any act or omission occurring on or after that date.

Modifications etc. (not altering text)

C14 Power conferred by s. 191 saved by Water Consolidation (Consequential Provisions) Act 1991 (c.60, SIF 130), **s. 2(4)(d)**

192 Application to Crown land etc.

(1) Subject to the following provisions of this section, the provisions of this Act shall have effect in relation to land in which there is a Crown or Duchy interest as they have effect in relation to land in which there is no such interest.

(2) Subject to subsection (3) below, a power which is conferred by or under this Act in relation to land shall be exercisable in relation to any land in which there is a Crown or Duchy interest only with the consent of the appropriate authority.

(3) Subsection (2) above shall not require any consent to be given—

(a) for the exercise of any power in relation to any land in which there is a Crown or Duchy interest to the extent that that power would be so exercisable apart from subsection (1) above;

(b) for the imposition in relation to any premises in which there is a Crown or Duchy interest of any charges for a service provided by a water undertaker or sewerage undertaker in the course of carrying out its functions; [F98]. . .

[F98](c) . . . . . .

but nothing in this section shall be construed as authorising the Authority to require the Crown to make any payment to the Authority in respect of any premises.

(4) A consent given for the purposes of subsection (2) above may be given on such financial and other conditions as the appropriate authority giving the consent may consider appropriate.

(5) In this section—

"the appropriate authority" has the same meaning as in **[**[F99]section 293 of the [M43]Town and Country Planning Act 1990**]**; and

"Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

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and the provisions of **[**[F99]subsection (3) of the said section 293**]** as to the determination of questions shall apply for the purposes of this section.

Textual Amendments

F98 S. 192(3)(c) and preceding word 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)

F99 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 81(3)**

Marginal Citations

M43 1990 c. 8.

193 Application to Isles of Scilly.

(1) Subject to the provisions of any order under this section, nothing in this Act shall require or authorise any function, duty or power to be carried out, performed or exercised in relation to the Isles of Scilly by the Authority, a water undertaker or sewerage undertaker; and references in the preceding provisions of this Act to England and Wales shall not include references to those Isles.

(2) The Secretary of State may, on the application of the Council of the Isles of Scilly, by order make provision with respect to the carrying out in those Isles of functions falling under this Act to be carried out in relation to other parts of England and Wales by the Authority, by a water undertaker or by a sewerage undertaker; and, without prejudice to the generality of that power, an order under this section may apply any provision of this Act in relation to the Isles of Scilly with or without modifications.

(3) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and such an order may—

(a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate, including provision saving provision repealed by or under any enactment.

194 Short title, commencement and extent.

(1) This Act may be cited as the Water Act 1989.

(2) This section, so much of this Act as confers any power to make subordinate legislation or makes provision with respect to the exercise of any such power and sections 29 and 30 above shall come into force on the passing of this Act.

(3) The following provisions of this Act, except in so far as they are already in force in accordance with subsection (2) above, shall come into force on the transfer date, namely—

(a) sections 15 to 28 (including Schedules 5 and 6), section 31 and sections 33 to 36;

(b) Chapters II to V of Part II, except section 79;

(c) section 97;

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(d) Parts III and IV, except so far as relating to the amendment, in Schedule 17, to the [M44]Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951;

(e) Part V, except so far as relating to sections 33, 47 and 48 of the [M45]Control of Pollution Act 1974;

(f) Schedule 26 and section 190 so far as relating to that Schedule; and

(g) Part I of Schedule 27 and section 190 so far as relating to that Part of that Schedule.

(4) The provisions of this Act not brought into force on the passing of this Act or on the transfer date by subsection (2) or (3) above shall come into force on such day (whether that date or a day before or after that date) as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.

(5) An order made by the Secretary of State under subsection (4) above may make such transitional provisions and savings in connection with the bringing into force by that order of any provision of this Act as the Secretary of State considers appropriate.

(6) This section and the following provisions of this Act shall extend to the whole of the United Kingdom, namely—

(a) Schedules 2 and 5 and sections 4, 13 and 23 so far as relating to any scheme under either of those Schedules;

(b) section 95; and

(c) any amendment or repeal by this Act of any provision contained in the [M46]Parliamentary Commissioner Act 1967, the [M47]Capital Allowances Act 1968, the [M48]House of Commons Disqualification Act 1975 or the [M49]Northern Ireland Assembly Disqualification Act 1975.

(7) Subject to any enactment by virtue of which a provision of this Act has effect in relation to any part of the territorial sea adjacent to or to any part of Great Britain, the following provisions of this Act shall extend to Great Britain only, namely—

(a) section 136 and Schedule 15 so far as they amend section 32 of the [M50]Land Drainage Act 1976;

(b) subsections (1) to (4), (6) and (7) of section 141 and, so far as they amend the [M51]Diseases of Fish Act 1937 or section 39 of the [M52]Salmon and Freshwater Fisheries Act 1975 (border rivers), subsection (5) of the said section 141 and Schedule 17;

(c) section 172;

(d) section 190 and Schedule 25 so far as they relate to the [M53]Agriculture Act 1970, the [M54]Health and Safety at Work etc. Act 1974 [F100]. . .; and

(e) section 190 and Schedule 27 so far as they relate to the Diseases of Fish Act 1937, the [M55]Border Rivers (Prevention of Pollution) Act 1951, section 126 of the [M56]Water Resources Act 1963 (border rivers), section 39(4) of the Salmon and Freshwater Fisheries Act 1975 and the [M57]Diseases of Fish Act 1983.

(8) The following provisions of this Act shall extend to Scotland only (subject, in the case of paragraph (a) below, to the application of sections 21 and 22 of the [M58]Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 to any provision of that Act), namely—

(a) subsection (5) of section 141 above and Schedule 17 to this Act, so far as they amend section 15 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951;

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(b) Part V;

(c) section 190 and Schedule 25 so far as they amend the [M59]Public Health (Scotland) Act 1897, the [M60]Agricultural Holdings (Scotland) Act 1949, the [M61]Rivers (Prevention of Pollution) (Scotland) Act 1951, the [M62]Valuation and Rating (Scotland) Act 1956 and the [M63]Water (Scotland) Act 1980;

(d) section 190 and Part I of Schedule 27 so far as they relate to section 104 of the [M64]Control of Pollution Act 1974.

(9) Subject to subsections (6) to (8) above, to any enactment by virtue of which a provision of this Act has effect in relation to any part of the territorial sea adjacent to England and Wales and to the application of section 39(1) of the Salmon and Freshwater Fisheries Act 1975 (border rivers) to any provision of this Act in so far as it amends or repeals an enactment contained in the said Act of 1975, this Act shall extend to England and Wales only.

Subordinate Legislation Made

P2 Power of appointment conferred by s. 194(4) partly exercised: S.I. 1989/1146, 1557, 1561, 2278, 1991/1172

Textual Amendments

F100 Words in s. 194(7)(d) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Marginal Citations

M44 1951 c. 26.
M45 1974 c. 40.
M46 1967 c. 13.
M47 1968 c. 3.
M48 1975 c. 24.
M49 1975 c. 25.
M50 1976 c. 70.
M51 1937 c. 33.
M52 1975 c. 51.
M53 1970 c. 40.
M54 1974 c. 37.
M55 1951 c. 7. (15 & 16 Geo. 6 and 1 Eliz. 2).
M56 1963 c. 38.
M57 1983 c. 30.
M58 1951 c. 26.
M59 1897 c. 38.
M60 1949 c. 75.
M61 1951 c. 66.
M62 1956 c. 60.
M63 1980 c. 45.
M64 1974 c. 40.

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SCHEDULES

[F101]SCHEDULE 1

Section 1.

THE NATIONAL RIVERS AUTHORITY

Textual Amendments

F101 Sch. 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) and the repeal having been brought into force on different dates, as to which see individual paragraphs

PART I

ORGANISATION AND PROCEEDINGS ETC. OF AUTHORITY

Membership

1—10. . . . . [F102]

Textual Amendments

F102 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)

The Parliamentary Commissioner[F103F103]

Textual Amendments

F103 Sch. 1 para. 11 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

11 . . . . . .

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The Local Commissioners

12 In section 25(1) of the [M65]Local Government Act 1974 (authorities subject to investigation by Local Commissioners), for paragraph (d) there shall be substituted the following paragraph—

"(d) in relation to the flood defence functions of the National Rivers Authority (that is to say, its functions by virtue of Chapter III of Part III of the Water Act 1989, including all its functions under the Land Drainage Act 1976), the National Rivers Authority and any regional flood defence committee."

Marginal Citations

M65 1974 c. 7.

Parliamentary disqualification etc.[F104F104]

Textual Amendments

F104 Sch. 1 para. 13 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

13 . . . . . .

Interpretation

14 . . . . . [F105]

Textual Amendments

F105 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)

PART II

15—23. . . . . [F106]

Textual Amendments

F106 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),

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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)

SCHEDULE 2

Section 4.

SCHEMES PROVIDING FOR THE INITIAL TRANSFERS

Making and modification of schemes

1 (1) Each of the water authorities shall make a scheme under this Schedule for the division of all their property, rights and liabilities between their successor company and the Authority.

(2) Where a scheme under this Schedule is made by a water authority it shall not take effect unless it is approved by the Secretary of State.

(3) Where a scheme under this Schedule is submitted to the Secretary of State for his approval, he may modify the scheme before approving it.

(4) If—

(a) a water authority fail, before such time as may be notified by the Secretary of State to that water authority as the latest time for the submission of a scheme under this Schedule, to submit such a scheme for the approval of the Secretary of State; or

(b) the Secretary of State decides not to approve a scheme that has been submitted to him by a water authority (either with or without modifications),

the Secretary of State may himself make a scheme under this Schedule for the division of that water authority's property, rights and liabilities between the water authority's successor company and the Authority.

(5) If at any time after a scheme under this Schedule has come into force in relation to the property, rights and liabilities of any water authority the Secretary of State considers it appropriate to do so and either—

(a) the water authority's successor company has consented to the making of the order; or

(b) that company is for the time being wholly owned by the Crown and has been consulted by the Secretary of State,

the Secretary of State may by order provide that that scheme shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.

(6) An order under sub-paragraph (5) above may make, with effect from the coming into force of the scheme to which it relates, any such provision as could have been made by the scheme and, in connection with giving effect to that provision from that time, may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

(7) In determining whether and in what manner to exercise any power conferred on him by this paragraph the Secretary of State shall have regard to the need to ensure—

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(a) that any division of property, rights and liabilities between a successor company and the Authority which is effected under this Schedule allocates property, rights and liabilities to them in such proportions as appear to him to be appropriate in the context of the different functions which will, by virtue of this Act, be carried out by the company and the Authority; and

(b) that the scheme contains all such provision as he considers should take effect on the transfer date in relation to the property, rights or liabilities allocated by the scheme as provision contained in arrangements under section 126 of this Act.

(8) It shall be the duty of a water authority to provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any power conferred on him by this paragraph.

Transfers by scheme

2 (1) Where a scheme under this Schedule for the division of a water authority's property, rights and liabilities comes into force on the transfer date, this paragraph shall have effect on that date so as, in accordance with the scheme's provisions and without further assurance—

(a) to transfer to the Authority such of the property, rights and liabilities as are allocated to the Authority for the purposes of the division made by the scheme; and

(b) to transfer to the water authority's successor company the remainder of the property, rights and liabilities;

and accordingly the said remainder shall be treated for the purposes of this Act as allocated to that company.

(2) For the purpose of making a division of any property, rights or liabilities between a successor company and the Authority the provisions of a scheme under this Schedule may—

(a) allocate to the Authority such property, rights and liabilities to which the water authority may become entitled or subject after the making of the scheme and before the transfer date as may be described in the scheme;

(b) create for the successor company or the Authority an interest in or right over property transferred in accordance with the scheme to the other;

(c) create new rights and liabilities as between the successor company and the Authority; and

(d) in connection with any provision made by virtue of paragraph (b) or (c) above, make incidental provision as to the interests, rights and liabilities of other persons with respect to the subject-matter of the division.

(3) The property, rights and liabilities of a water authority that shall be capable of being transferred in accordance with a scheme under this Schedule shall include—

(a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the water authority;

(b) property situated anywhere in the United Kingdom or elsewhere;

(c) rights and liabilities under enactments, including—

(i) such rights and liabilities as may arise after the transfer date by virtue of enactments amended or repealed by this Act and, in pursuance of provision contained in Schedule 26 to this Act, may be the subject of an allocation made by a scheme under this Schedule; and

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(ii) other rights and liabilities under enactments which are amended or repealed by this Act subject to a saving;

(d) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.

(4) The rights and liabilities that may be created by virtue of paragraph (c) of sub-paragraph (2) above shall include rights and liabilities which, with effect from the transfer date, shall have effect as if contained in arrangements under section 126 of this Act; and the provision that may be made by virtue of that paragraph includes—

(a) provision for treating any person who is entitled by virtue of a scheme under this Schedule to possession of a document as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies thereof; and

(b) provision applying section 64 of the [M66]Law of Property Act 1925 (production and safe custody of documents) in relation to any case in relation to which provision falling within paragraph (a) above has effect.

(5) For the avoidance of doubt, it is hereby declared that the transfers authorised by paragraph (a) of sub-paragraph (3) above include transfers which, by virtue of that paragraph, are to take effect as if there were no such contravention, liability or interference with any interest or right as there would be, in the case of a transfer or assignment otherwise than by virtue of this Schedule, by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which a water authority is entitled or subject to the property, right or liability in question.

(6) Where apart from this sub-paragraph any person would have power, in consequence of anything done or likely to be done by or under this Act, to terminate or modify an interest or right which is vested in a water authority at the passing of this Act, then—

(a) for the purposes of the transfer of the interest or right in accordance with a scheme under this Schedule, that power shall not be exercisable in relation to that interest or right at any time before its transfer in accordance with such a scheme; and

(b) without prejudice to the preceding provisions of this paragraph or to paragraph 3(2)(a) below, that power shall be exercisable in relation to the interest or right after its transfer only in so far as the scheme provides for it to be transferred subject to the power.

Marginal Citations

M66 1925 c. 20.

Supplemental provisions of schemes

3 (1) A scheme under this Schedule may contain supplemental, consequential and transitional provision for the purposes of, or in connection with, the division or any other provision made by the scheme.

(2) Without prejudice to the generality of sub-paragraph (1) above, a scheme under this Schedule may provide—

(a) that for purposes connected with any transfers made in accordance with the scheme (including the transfer of rights and liabilities under an enactment)

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a body to which anything is transferred in accordance with the scheme is to be treated as the same person in law as the water authority from which it is transferred;

(b) that, so far as may be necessary for the purposes of or in connection with any such transfers, agreements made, transactions effected and other things done by or in relation to a water authority from which anything is transferred in accordance with the scheme are to be treated as made, effected or done by or in relation to the body to which it is transferred;

(c) that, so far as may be necessary for the purposes of or in connection with any such transfers, references in any agreement (whether or not in writing) or in any deed, bond, instrument or other document to, or to any member or officer of, a water authority from which anything is transferred in accordance with the scheme are to have effect with such modifications as are specified in the scheme;

(d) that proceedings commenced by or against a water authority are to be continued by or against the water authority's successor company or the Authority;

(e) that the effect of any transfer under the scheme in relation to contracts of employment with a water authority is not to be to terminate any of those contracts but is to be that periods of employment with that authority are to count for all purposes as periods of employment with the water authority's successor company or, as the case may require, with the Authority;

(f) that disputes as to the effect of the scheme between the Authority and the successor company to which property, rights and liabilities are transferred in accordance with the scheme are to be referred to such arbitration as may be specified in or determined under the scheme;

(g) that determinations on such arbitrations and certificates given jointly by the Authority and a successor company as to the effect of the scheme as between the Authority and that company are to be conclusive for all purposes.

Duties of water authorities after the scheme comes into force

4 (1) A scheme under this Schedule may provide for the imposition of duties on the water authority from which transfers are made by virtue of the scheme, and on the successor company of that authority and on the Authority, to take all such steps as may be requisite to secure that the vesting in the successor company or the Authority, by virtue of the scheme, of any foreign property, right or liability is effective under the relevant foreign law.

(2) The provisions of a scheme under this Schedule may require a water authority to comply with any directions of their successor company or of the Authority in performing any duty imposed on the water authority by virtue of a provision included in the scheme under sub-paragraph (1) above.

(3) A scheme under this Schedule may provide that, until the vesting of any foreign property, right or liability of a water authority in the successor company of that authority or in the Authority is effective under the relevant foreign law, it shall be the duty of the water authority to hold that property or right for the benefit of, or to discharge that liability on behalf of, the successor company or, as the case may be, the Authority.

(4) Nothing in any provision included by virtue of this paragraph in a scheme under this Schedule shall be taken as prejudicing the effect under the law of any part of the

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United Kingdom of the vesting by virtue of the scheme in a successor company, or in the Authority, of any foreign property, right or liability.

(5) A water authority shall have all such powers as may be requisite for the performance of any duty imposed on them by any provision included by virtue of this paragraph in a scheme under this Schedule; but such a scheme may require a successor company or the Authority to act on behalf of a water authority (so far as possible) for the purposes of, or in connection with, the performance of any such duty.

(6) A scheme under this Schedule may provide that any foreign property, rights or liabilities that are acquired or incurred by a water authority after the scheme comes into force are immediately to become property, rights or liabilities of the water authority's successor company or of the Authority; and such a scheme may make the same provision in relation to any such property, rights or liabilities as can be made, by virtue of the preceding provisions of this paragraph, in relation to foreign property, rights and liabilities vested in a water authority when the scheme comes into force.

(7) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have to be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(8) Any expenses incurred by a water authority in consequence of any provision included by virtue of this paragraph in a scheme under this Schedule shall be met, in such proportions as may be determined by or under the scheme, by the water authority's successor company and the Authority.

SCHEDULE 3

Section 5.

THE DIRECTOR GENERAL OF WATER SERVICES

1—5. . . . . F107

Textual Amendments

F107 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)

The Parliamentary Commissioner

F108 6 . . . . . .

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Textual Amendments

F108 Sch. 3 para. 6 repealed (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(4), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 4(f)(g)

Parliamentary disqualification etc.

[F109]7 . . . . . .

Textual Amendments

F109 Sch. 3 para. 7 repealed (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(4), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 4(f)(g)

SCHEDULE 4

Section 6.

CUSTOMER SERVICE COMMITTEES

1—5. . . . . [F110]

Textual Amendments

F110 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)

Parliamentary disqualification etc.

6 **[**[F111]In the [M67]House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

> "Chairman of a customer service committee established under section 6 of the Water Act 1989.";

and the like insertion shall be made in Part III of Schedule 1 to the [M68]Northern Ireland Assembly Disqualification Act 1975.**]**

Textual Amendments

F111 Sch. 4 para. 6 repealed (E.W.) (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(5), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 2(l)(bb)(iv)(m)

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Marginal Citations

M67 1975 c. 24.

M68 1975 c. 25.

SCHEDULE 5

Sections 13 and 23.

TRANSITIONAL PROVISION ON TERMINATION OF APPOINTMENTS

Cases where Schedule applies

1 (1) This Schedule shall apply in each of the cases specified in sub-paragraphs (2) and (3) below.

(2) The first case in which this Schedule applies is where—

(a) the Secretary of State or the Director is proposing to make an appointment or variation to which section 12 of this Act applies; and

(b) by virtue of that appointment a company ("the new appointee") will hold an appointment as the water undertaker or sewerage undertaker for an area which is or includes the whole or any part of the area for which until the relevant date another company ("the existing appointee") holds an appointment as the water undertaker or, as the case may be, sewerage undertaker.

(3) The second case in which this Schedule applies is where—

(a) the High Court has made a special administration order in relation to any company ("the existing appointee"); and

(b) it is proposed that on and after the relevant date another company ("the new appointee") should, without any such appointment or variation as is mentioned in sub-paragraph (2) above having been made, hold an appointment as water undertaker or sewerage undertaker for an area which is or includes the whole or any part of the area for which until that date the existing appointee holds an appointment as water undertaker or, as the case may be, sewerage undertaker.

(4) In this Schedule—

"existing appointee" and "new appointee" shall be construed in accordance with sub-paragraph (2) or (3) above according to whether this Schedule is applying in the case mentioned in the first or second of those sub-paragraphs;

"other appointees" means any companies, other than the existing appointee and the new appointee, which are likely on or at a time after the relevant date to be holding appointments as water undertakers or sewerage undertakers for any area which is or includes any part of the area for which the existing appointee has at any time held an appointment as water undertaker or sewerage undertaker;

"the relevant date" means—

(a) where this Schedule applies by virtue of sub-paragraph (2) above, the coming into force of the appointment or variation mentioned in paragraph (a) of that sub-paragraph; and

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(b) where this Schedule applies by virtue of sub-paragraph (3) above, such day, being a day before the discharge of the special administration order takes effect, as the High Court may appoint for the purposes of this Schedule;

"special administration order" means an order under section 23 of this Act (whether made by virtue of that section or section 24 of this Act); and

"special administrator", in relation to a company in relation to which a special administration order has been made, means the person for the time being holding office for the purposes of section 23(2) of this Act.

Making and modification of transfer schemes

2 (1) The existing appointee, acting with the consent of the new appointee and, in relation to the matters affecting them, of any other appointees, may make a scheme under this Schedule for the transfer of property, rights and liabilities from the existing appointee to the new appointee.

(2) A scheme under this Schedule shall not take effect unless it is approved by the Secretary of State or the Director.

(3) Where a scheme under this Schedule is submitted to the Secretary of State or the Director for his approval, he may, with the consent of the new appointee, of the existing appointee and, in relation to the matters affecting them, of any other appointees, modify the scheme before approving it.

(4) If at any time after a scheme under this Schedule has come into force in relation to the property, rights and liabilities of any company the Secretary of State considers it appropriate to do so and the existing appointee, the new appointee and, in relation to the provisions of the order which affect them, any other appointees consent to the making of the order, the Secretary of State may by order provide that that scheme shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.

(5) An order under sub-paragraph (4) above may make, with effect from the coming into force of the scheme to which it relates, any such provision as could have been made by the scheme and, in connection with giving effect to that provision from that time, may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

(6) In determining, in accordance with his duties under Part I of this Act, whether and in what manner to exercise any power conferred on him by this paragraph the Secretary of State or the Director shall have regard to the need to ensure that any provision for the transfer of property, rights and liabilities in accordance with a scheme under this Schedule allocates property, rights and liabilities to the different companies affected by the scheme in such proportions as appear to him to be appropriate in the context of the different functions which will, by virtue of this Act, be carried out at different times on and after the relevant date by the new appointee, by the existing appointee and by any other appointees.

(7) It shall be the duty of the new appointee, of the existing appointee and of any other appointees to provide the Secretary of State or the Director with all such information and other assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any power conferred on him by this paragraph.

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(8) A company which without reasonable excuse fails to do anything required of it by virtue of sub-paragraph (7) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(9) Without prejudice to the other provisions of this Act relating to the special administrator of a company, anything which is required by this paragraph to be done by a company shall, where that company is a company in relation to which a special administration order is in force, be effective only if it is done on the company's behalf by its special administrator.

Transfers by scheme

3 (1) A scheme under this Schedule for the transfer of the existing appointee's property, rights and liabilities shall come into force on the relevant date and, on coming into force, shall have effect, in accordance with its provisions and without further assurance, so as to transfer the property, rights and liabilities to which the scheme relates to the new appointee.

(2) For the purpose of making any division of property, rights or liabilities which it is considered appropriate to make in connection with the transfer of property, rights and liabilities in accordance with a scheme under this Schedule, the provisions of that scheme may—

(a) create for the existing appointee, the new appointee or any other appointees an interest in or right over any property to which the scheme relates;

(b) create new rights and liabilities as between any two or more of those companies; and

(c) in connection with any provision made by virtue of paragraph (a) or (b) above, make incidental provision as to the interests, rights and liabilities of other persons with respect to the subject-matter of the scheme.

(3) A scheme under this Schedule may contain provision for the consideration to be provided by the new appointee and by any other appointees in respect of the transfer or creation of property, rights and liabilities by means of the scheme; and any such provision shall be enforceable in the same way as if the property, rights and liabilities had been created or transferred, and (if the case so requires) had been capable of being created or transferred, by agreement between the parties.

(4) The property, rights and liabilities of the existing appointee that shall be capable of being transferred in accordance with a scheme under this Schedule shall include—

(a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the existing appointee;

(b) such property, rights and liabilities to which the existing appointee may become entitled or subject after the making of the scheme and before the relevant date as may be described in the scheme;

(c) property situated anywhere in the United Kingdom or elsewhere;

(d) rights and liabilities under enactments;

(e) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.

(5) Where a scheme under this Schedule is made in the case specified in paragraph 1(3) above, the scheme may provide for the transfer to the new appointee, with such modifications as may be specified in the scheme, of the appointment under tnund

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r e t uedernent under Chapter I of Part II of this Act which is held by the existing appointee; and in such a case different schemes under this Schedule may provide for the transfer of such an appointment to different companies as respects different parts of the area to which the appointment relates.

(6) The provision that may be made by virtue of sub-paragraph (2)(b) above includes—

(a) provision for treating any person who is entitled by virtue of a scheme under this Schedule to possession of a document as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies thereof; and

(b) provision applying section 64 of the [M69]Law of Property Act 1925 (production and safe custody of documents) in relation to any case in relation to which provision falling within paragraph (a) above has effect.

(7) For the avoidance of doubt, it is hereby declared that the transfers authorised by paragraph (a) of sub-paragraph (4) above include transfers which, by virtue of that paragraph, are to take effect as if there were no such contravention, liability or interference with any interest or right as there would be, in the case of a transfer or assignment otherwise than in accordance with a scheme under this Schedule, by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the existing appointee is entitled or subject to the property, right or liability in question.

Marginal Citations

M69 1925 c. 20.

Supplemental provisions of schemes

4 (1) A scheme under this Schedule may contain supplemental, consequential and transitional provision for the purposes of, or in connection with, the provision for the transfers or any other provision made by the scheme.

(2) Without prejudice to the generality of sub-paragraph (1) above, a scheme under this Schedule may provide—

(a) that for purposes connected with any transfers made in accordance with the scheme (including the transfer of rights and liabilities under an enactment) the new appointee is to be treated as the same person in law as the existing appointee;

(b) that, so far as may be necessary for the purposes of or in connection with any such transfers, agreements made, transactions effected and other things done by or in relation to the existing appointee are to be treated as made, effected or done by or in relation to the new appointee;

(c) that, so far as may be necessary for the purposes of or in connection with any such transfers, references in any agreement (whether or not in writing) or in any deed, bond, instrument or other document to, or to any officer of, the existing appointee are to have effect with such modifications as are specified in the scheme;

(d) that proceedings commenced by or against the existing appointee are to be continued by or against the new appointee;

(e) that the effect of any transfer under the scheme in relation to contracts of employment with the existing appointee is not to be to terminate any of

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those contracts but is to be that periods of employment with the existing appointee are to count for all purposes as periods of employment with the new appointee;

(f) that disputes as to the effect of the scheme between the existing appointee and the new appointee, between either of them and any other appointee or between different companies which are other appointees are to be referred to such arbitration as may be specified in or determined under the scheme;

(g) that determinations on such arbitrations and certificates given jointly by two or more such appointees as are mentioned in paragraph (f) above as to the effect of the scheme as between the companies giving the certificates are to be conclusive for all purposes.

Duties of existing appointee after the scheme comes into force

5 (1) A scheme under this Schedule may provide for the imposition of duties on the existing appointee and on the new appointee to take all such steps as may be requisite to secure that the vesting in the new appointee, by virtue of the scheme, of any foreign property, right or liability is effective under the relevant foreign law.

(2) The provisions of a scheme under this Schedule may require the existing appointee to comply with any directions of the new appointee in performing any duty imposed on the existing appointee by virtue of a provision included in the scheme under sub-paragraph (1) above.

(3) A scheme under this Schedule may provide that, until the vesting of any foreign property, right or liability of the existing appointee in the new appointee is effective under the relevant foreign law, it shall be the duty of the existing appointee to hold that property or right for the benefit of, or to discharge that liability on behalf of, the new appointee.

(4) Nothing in any provision included by virtue of this paragraph in a scheme under this Schedule shall be taken as prejudicing the effect under the law of any part of the United Kingdom of the vesting by virtue of the scheme in the new appointee of any foreign property, right or liability.

(5) A scheme under this Schedule may provide that, in specified cases, foreign property, rights or liabilities that are acquired or incurred by an existing appointee after the scheme comes into force are immediately to become property, rights or liabilities of the new appointee; and such a scheme may make the same provision in relation to any such property, rights or liabilities as can be made, by virtue of the preceding provisions of this paragraph, in relation to foreign property, rights and liabilities vested in the existing appointee when the scheme comes into force.

(6) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have to be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(7) Any expenses incurred by an existing appointee in consequence of any provision included by virtue of this paragraph in a scheme under this Schedule shall be met by the new appointee.

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
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(8) Duties imposed on a company by virtue of this paragraph shall be enforceable in the same way as if they were imposed by a contract between the existing appointee and the new appointee.

Further transitional provision and local statutory provisions

6 (1) The Secretary of State may, if he thinks it appropriate to do so for the purposes of, or in connection with, any appointment or variation to which section 12 of this Act applies or any scheme under this Schedule, by order made by statutory instrument—

(a) make any provision which corresponds in relation to any enactment mentioned in Schedule 26 to this Act to any provision made by that Schedule or makes similar provision in relation to any other enactment;

(b) amend or repeal any local statutory provision.

(2) An order under this paragraph may—

(a) make provision applying generally in relation to local statutory provisions of a description specified in the order;

(b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(c) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

[F112]SCHEDULE 6

. . . . . .

Textual Amendments

F112 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)

[F113]SCHEDULE 7

. . . . . .

Textual Amendments

F113 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)

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(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)

SCHEDULE 8

Section 69.

SEWERAGE FUNCTIONS

General

1 . . . . . **F114**

Textual Amendments

F114 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)

The Public Health Act 1936 (c. 49)

2 (1) **F115**

(11) Without prejudice to the powers conferred by virtue of Chapter IV of Part II of this Act, no liability shall arise at any time on or after the transfer date to make a payment by virtue of section 337 of the 1936 Act (saving for certain yearly payments).

(12) **F115**

Textual Amendments

F115 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)

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The Public Health (Drainage of Trade Premises) Act 1937 (c. 40)

3—5. . . . . **F116**

Textual Amendments

F116 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)

The Building Act 1984 (c. 55)

6 (1) In subsection (1) of section 18 of the Building Act 1984 (building over a sewer etc.), for the words in paragraph (b) from "sewer or drain" to "sewers" there shall be substituted the words "drain, sewer or disposal main that is shown on any map of sewers or to erect it on such a site or in such a manner as would result in its interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main".

(2) In subsection (2) of that section (notification to water authority)—

(a) for the words in paragraph (b) from "a water" to "sewers" there shall be substituted the words "a drain, sewer or disposal main that is shown on any map of sewers and is vested in a sewerage undertaker or to erect it on such a site or in such a manner as would result in its interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main"; and

(b) for the words "the water authority" there shall be substituted the words "the sewerage undertaker".

(3) For subsection (3) of that section (directions by water authority) there shall be substituted the following subsection—

"(3) Subject to subsection (4) below, where a sewerage undertaker notifies a local authority of its requirements as to the manner in which the authority are to exercise their functions under subsection (1) above in relation to any case or description of cases affecting any of the undertaker's drains, sewers or disposal mains and those requirements are reasonable, it shall be the duty of the council so to exercise those functions in accordance with those requirements."

(4) In subsection (4) of that section (appeal to magistrates' court), in paragraph (a) for the words "sewer or drain" there shall be substituted the words "drain, sewer or disposal main" and for paragraph (b) there shall be substituted the following paragraphs—

"(b) whether the site on which or the manner in which it is proposed to erect a building or an extension of a building is such as would result in the building or extension interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main; or

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(c) whether, and if so on what conditions, a consent ought to be given by a local authority; or

(d) whether, for the purposes of paragraph (c) above, any requirements notified to a local authority by a sewerage undertaker under subsection (3) above are reasonable,".

(5) In subsection (5) of that section (interpretation)—

(a) before the definition of "drain" there shall be inserted the following definition—

""disposal main" has the same meaning as in paragraph 1 of Schedule 19 to the Water Act 1989;"

(b) for paragraph (a) of the definition of "map of sewers" there shall be substituted the following paragraph—

"(a) any records kept by a sewerage undertaker under section 166 of the Water Act 1989 (sewer maps)".

7 In section 60(4) of the said Act of 1984 (notice of contravention of provisions with respect to the use and ventilation of soil pipes), the words "or the water authority for the area" shall be omitted.

[F117]SCHEDULES 9—14

. . . . . .

Textual Amendments

F117 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) and subject to amendment to Sch. 13 para. 23(3) (1.4.1996) by 1995 c. 25, **s. 2(1)(a)(vi)** (with ss. 115, 117); S.I. 1996/186, **art. 3**

[F118]SCHEDULE 15

Section 136.

AMENDMENTS OF THE LAND DRAINAGE ACT 1976

Textual Amendments

F118 Schs. 5, 15, 17 paras. 6(b), 7(2)(7)(a)(14)(a)?(f)(g)(i)(16) repealed (E. W.) 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)

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
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General

1 (1) Subject to the following provisions of this Schedule and to any repeal made by this Act—

(a) for any reference in the 1976 Act (however framed) to any one or more water authorities there shall be substituted a reference to the Authority;

(b) for any reference in that Act to a regional land drainage committee there shall be substituted a reference to a regional flood defence committee;

(c) for any reference in that Act to a local land drainage scheme there shall be substituted a reference to a local flood defence scheme;

(d) for any reference in that Act to a local land drainage committee there shall be substituted a reference to a local flood defence committee; and

(e) for any reference in that Act to a local land drainage district there shall be substituted a reference to a local flood defence district.

(2) Subject as aforesaid, any function of a Minister of the Crown under any provision of the 1976 Act shall, in so far as immediately before the transfer date it is exercisable by different Ministers according to the water authority in relation to which it is exercised, be exercisable on and after that date concurrently by the Minister of Agriculture, Fisheries and Food and by the Secretary of State.

(3) Any function which is a function of a water authority immediately before the transfer date by virtue of any scheme or order made under the 1976 Act shall, subject to the provisions of that Act, be a function of the Authority on and after that date.

(4) In the 1976 Act, for the words "the main river", wherever they occur (except where they occur in the expression "the main river map"), there shall be substituted the words "a main river".

Modifications etc. (not altering text)

C15 Sch. 15 para. 1(3): Functions of the National Rivers Authority transferred to the Environment Agency (1.4.1996) by 1995 c. 25, **s. 2(1)(a)(iii)** (with ss. 115, 117); S.I. 1996/186, **art. 3**

Section 4 of the 1976 Act

2 (1) In subsection (2)(a) of section 4 of the 1976 Act (local land drainage schemes and local land drainage committees), for the word "that" there shall be substituted the word "their".

(2) For subsection (5) of that section there shall be substituted the following subsection—

"(5) A local flood defence scheme may define a local flood defence district—

(a) by reference to the districts which were local land drainage districts immediately before the date which is the transfer date for the purposes of the Water Act 1989;

(b) by reference to the area of the regional flood defence committee in which that district is situated;

(c) by reference to a map;

or partly by one of those means and partly by another or the others."

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Section 5 of the 1976 Act

3 For subsection (6) of section 5 of the 1976 Act (appointment of members and proceedings of local land drainage committees) there shall be substituted the following subsection—

"(6) In appointing a person to be a member of a local flood defence committee, the regional flood defence committee shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee to which he is appointed."

Section 9 of the 1976 Act

4 (1) Section 9 of the 1976 Act (main river maps) shall be amended as follows.

(2) In subsection (1), for the words "of a water authority area relating to the water authority's land drainage functions" there shall be substituted the words "relating to the area of a regional flood defence committee".

(3) In subsection (3), for the words "the main river map of the authority's area" there shall be substituted the words "a main river map".

(4) For subsection (5) there shall be substituted the following subsection—

"(5) Where—

(a) the area of a regional flood defence committee is altered so as to affect any of the particulars shown on the main river map for that area, or

(b) the Minister confirms a scheme under section 50 below, or

(c) the National Rivers Authority applies to the Minister for the variation of a main river map, so far as it shows the extent to which any watercourse is to be treated as a main river or part of a main river,

the Minister shall take such action as he considers appropriate either—

(i) by requiring the National Rivers Authority to send him any part of the main river map in question, altering it and sending it back to the National Rivers Authority; or

(ii) by preparing a new main river map and sending it to the National Rivers Authority, or

(iii) by notifying the National Rivers Authority that he does not intend to vary the main river map in question."

(5) For subsections (7) and (8) there shall be substituted the following subsections—

"(7) The National Rivers Authority shall, subject to subsection (5) above, keep the main river map for the area of a regional flood defence committee at the principal office of the National Rivers Authority for that area, and shall provide reasonable facilities for inspecting that map and taking copies of and extracts from it.

(8) Any local authority whose area is wholly or partly within the area of a regional flood defence committee shall, on application to the National Rivers Authority, be entitled to be furnished with copies of the main river map for the area of that committee on payment of such sum as the authority and the National Rivers Authority may agree."

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Section 17 of the 1976 Act

5 (1) Section 17 of the 1976 Act (general drainage powers) shall be amended as follows.

(2) In subsection (1)—

(a) for the words "acting within their area" there shall be substituted the words "(in the case of an internal drainage board, acting within their district)"; and

(b) in paragraph (c), for the words "of their area" there shall be substituted the words "of any land".

(3) For subsection (2) there shall be substituted the following subsection—

"(2) Subsection (1) above shall not be taken as authorising the National Rivers Authority to do any work otherwise than in connection with a main river, save that the power of that Authority to maintain, improve or construct drainage works for the purpose of defence against sea water or tidal water shall be exercisable below the low-water mark and shall be exercisable (both above and below the low-water mark) irrespective of whether they are works in connection with a main river."

(4) For subsection (3) there shall be substituted the following subsection—

"(3) The National Rivers Authority may construct all such works and do all such things in the sea or in any estuary as may, in its opinion, be necessary to secure an adequate outfall for a main river."

(5) In subsection (4)—

(a) for the words "a drainage authority", in both places where they occur, there shall be substituted the words "an internal drainage board"; and

(b) for the word "area", in each place where it occurs, there shall be substituted the word "district".

(6) For subsection (7) there shall be substituted the following subsection—

"(7) In this Act "drainage authority" means the National Rivers Authority or an internal drainage board."

Section 21 of the 1976 Act

6 (1) In subsection (1) of section 21 of the 1976 Act (arrangements between drainage authorities), the words from "and which" onwards shall be omitted.

(2) For subsections (2) and (3) of that section there shall be substituted the following subsections—

"(2) Notwithstanding the provisions of section 17(2) above, the National Rivers Authority may, with the consent of an internal drainage board, execute and maintain in that board's district any works which the board might execute or maintain, on such terms as to payment or otherwise as may be agreed between the board and the Authority, or may agree to contribute to the expense of the execution or maintenance of any works by any internal drainage board.

(3) An internal drainage board may, with the consent of an internal drainage board for any other district, execute and maintain in that other district any works which the first-mentioned board might execute or maintain within

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their own district, on such terms as to payment or otherwise as may be agreed between the boards, or may agree to contribute to the expense of the execution or maintenance of any works by the internal drainage board for any other district.

(4) Any expense incurred by an internal drainage board under subsection (3) above shall be defrayed as if the expense had been incurred in their own district."

Section 22 of the 1976 Act

7 In section 22 of the 1976 Act (arrangements with other persons generally), for the words "whether within or outside their area" there shall be substituted the words "(in the case of an internal drainage board, whether within or outside their district)".

Section 23 of the 1976 Act

8 In section 23(2) of the 1976 Act (arrangements with certain authorities for the carrying out of works etc.), for the words "their area" there shall be substituted the words "any land (being, in the case of an internal drainage board, land situated in their district)".

Section 24 of the 1976 Act

9 (1) In subsection (2) of section 24 of the 1976 Act (enforcement of obligations to repair watercourses, bridges etc.)—

(a) for the words "the drainage authority in whose area" there shall be substituted the words "the National Rivers Authority or any internal drainage board in whose district"; and

(b) for the words "the authority" there shall be substituted the words "the Authority or board".

(2) Subsection (4) of that section (watercourses in London) shall cease to have effect.

Section 26 of the 1976 Act

10 In section 26(11) of the 1976 Act (records to be kept of charges)—

(a) for the words "the clerk of the water authority or" there shall be substituted the words "an authorised officer of the National Rivers Authority or of the"; and

(b) for the words "the said clerk" there shall be substituted the words "such an officer".

Section 27 of the 1976 Act

11 In section 27(2) of the 1976 Act (power of Minister to make an order varying navigation rights), for the words "drainage authorities within whose areas" there shall be substituted the words "National Rivers Authority and every internal drainage board within whose district any of".

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Section 28 of the 1976 Act

12 (1) In subsection (1) of section 28 of the 1976 Act (obstructions in watercourses), for the words "the drainage authority" there shall be substituted the words "the National Rivers Authority or, in the case of works in the district of an internal drainage board, of that Authority or the board."

(2) After subsection (1) of that section there shall be inserted the following subsection—

"(1A) A drainage authority may require the payment of an application fee by a person who applies to them for their consent under this section; and the amount of that fee shall be £50 or such other sum as may be specified by order made jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State."

(3) In subsection (2), for the words "receipt of the application" there shall be substituted the words "relevant day".

(4) After subsection (11), there shall be inserted the following subsection—

"(11A) In this section "relevant day", in relation to an application for a consent under this section, means whichever is the later of—

(a) the day on which the application is made; and

(b) if at the time when the application is made an application fee is required to be paid, the day on which the liability to pay that fee is discharged."

(5) Subsection (12) of that section (watercourses in London) shall cease to have effect.

Section 29 of the 1976 Act

13 (1) In section 29 of the 1976 Act (structures in, over or under watercourses), after subsection (2) there shall be inserted the following subsection—

"(2A) The National Rivers Authority may require the payment of an application fee by a person who applies to it for its consent under this section; and the amount of that fee shall be £50 or such other sum as may be specified by order made jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State."

(2) In subsection (3) of that section, for paragraph (b) and the word "and" immediately preceding it there shall be substituted the following paragraphs—

"(b) any such consent shall, if neither given nor refused within 2 months after the relevant day, be deemed to have been given; and

(c) any such approval shall, if neither given nor refused within 2 months after application for approval is made, be deemed to have been given."

(3) After subsection (8) there shall be inserted the following subsection—

"(9) In this section "relevant day", in relation to an application for a consent under this section, means whichever is the later of—

(a) the day on which the application is made; and

(b) if at the time when the application is made an application fee is required to be paid, the day on which the liability to pay that fee is discharged."

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Section 32 of the 1976 Act

14 (1) For subsection (1) of section 32 of the 1976 Act (power of water authorities to provide flood warning systems) there shall be substituted the following subsection—

"(1) Without prejudice to its powers by virtue of Chapter VI of Part III and Part IV of the Water Act 1989, the National Rivers Authority shall have power—

(a) to provide and operate flood warning systems;

(b) to provide, install and maintain apparatus required for the purposes of such systems;

(c) to carry out any other engineering or building operations so required."

(2) In subsection (4) of that section, for the words from the beginning to "authority's area" there shall be substituted the words "The National Rivers Authority may exercise the powers conferred by subsection (1)(b) or (c) above in an area in Scotland as if its functions in relation to the areas of the regional flood defence committees whose areas are adjacent to Scotland were functions in relation to that area in Scotland and as if that area in Scotland were included in the areas of each of those committees, but".

Section 34 of the 1976 Act

15 (1) For subsection (1) of section 34 of the 1976 Act (byelaws) there shall be substituted the following subsection—

"(1) Subject to the provisions of this Act—

(a) the National Rivers Authority may make such byelaws in relation to any particular locality or localities as it considers necessary for securing the efficient working of any drainage system, including the proper defence of any land against sea or tidal water; and

(b) an internal drainage board may make such byelaws as they consider necessary for securing the efficient working of the drainage system in their district."

(2) In subsection (3) of that section, at the end there shall be inserted the words "by an internal drainage board; and Schedule 24 to the Water Act 1989 has effect with respect to the making of such byelaws by the National Rivers Authority".

Section 36 of the 1976 Act

16 In section 36(1) of the 1976 Act (power of water authorities to acquire accretions of land resulting from drainage works), for the words from "the water authority" to "compulsorily" there shall be substituted the words "the powers of the National Rivers Authority by virtue of the Water Act 1989 to acquire land by agreement or compulsorily for the purpose of carrying out any of its functions shall include power so to acquire".

Section 37 of the 1976 Act

17 In section 37(1) of the 1976 Act (power of internal drainage boards to acquire land), for the word "area" there shall be substituted the word "district".

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Changes to legislation: *Water Act 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Section 45 of the 1976 Act

18 In section 45(3) of the 1976 Act (definitions for the purposes of revenue raising provisions), in the definition of "relevant expenditure", for the words from "of the expenses" to the end of the definition there shall be substituted the words "and of the expenses of the Authority's research and related activities".

Section 46 of the 1976 Act

19 In section 46(6) of the 1976 Act (aggregate amount for which precepts in respect of a local land drainage district may be issued in a case where a water authority borrows or proposes to borrow money under the 1973 Act), for the words "the Water Act 1973" there shall be substituted the words "the Water Act 1989".

Section 48 of the 1976 Act

20 In section 48(2) of the 1976 Act (raising of general drainage charges in respect of any local land drainage district), for the words "for the authority's area" there shall be substituted the words "for the area in which that district is situated".

Section 49 of the 1976 Act

21 In section 49(3) of the 1976 Act (application of order relating to amount of general drainage charge), for the words from "water authority areas", where they first occur, to "and there specified" there shall be substituted the words "local flood defence districts specified in the order".

Section 50 of the 1976 Act

22 (1) In subsection (1) of section 50 of the 1976 Act (special drainage charges in interests of agriculture), for the words "that area" there shall be substituted the words "the area of any regional flood defence committee".

(2) For subsection (2) of that section there shall be substituted the following subsection—

"(2) Any such scheme shall designate for the purposes of the special drainage charge so much of the area of the regional flood defence committee as consists of land which, in the opinion of the National Rivers Authority, is agricultural land that would benefit from drainage works in connection with the designated watercourses."

Section 51 of the 1976 Act

23 (1) In subsection (2) of section 51 of the 1976 Act (levying and amount of special drainage charge), for the words "authority's regional land drainage committee" there shall be substituted the words "regional flood defence committee for the area which includes that land".

(2) For subsection (4) of that section there shall be substituted the following subsection—

"(4) An order under subsection (2)(b) above may be made so as to apply—

(a) to special drainage charges in general, or

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(b) to the special drainage charges proposed to be raised in respect of such areas of regional flood defence committees as may be specified in the order, or

(c) to special drainage charges proposed to be raised in pursuance of one or more schemes made under section 50 above and so specified;

and any such order applying to the charges proposed to be raised in respect of more than one area of a regional flood defence committee or authorised by more than one such scheme may make different provision for the charges in respect of different areas or, as the case may be, the charges authorised by the different schemes."

Section 54 of the 1976 Act

24 (1) In subsection (3) of section 54 of the 1976 Act (arrangements for payment of drainage charges by owners), for the words from the beginning to "section" there shall be substituted the words "Where arrangements are made under this section it shall be the duty of the National Rivers Authority".

(2) In subsection (6) of that section, for the words from the beginning to "above" there shall be substituted the words "Where notice is given to the National Rivers Authority under subsection (5) above it shall be the duty of that Authority".

Section 59 of the 1976 Act

25 (1) In subsection (1) of section 59 of the 1976 Act (specified authorities in relation to agreements for assessment to and recovery of drainage charges), the word "chargeable" shall be omitted.

(2) In subsection (2) of that section, for the words from "wholly" onwards there shall be substituted the words "and the drainage board of any internal drainage district; and the land referred to in subsection (1) above is, in relation to any such council, the chargeable land within the area of the council and, in relation to any drainage board, such land as may be specified in the agreement."

Section 62 of the 1976 Act

26 Section 62 of the 1976 Act (power to make water charges option orders) shall cease to have effect.

Section 64 of the 1976 Act

27 In section 64(1) of the 1976 Act (assessment of drainage charges on the basis of annual value), for the words "the area" there shall be substituted the words "their district".

Section 68 of the 1976 Act

28 (1) In each of subsections (1) and (4) of section 68 of the 1976 Act (power to make orders relating to differential drainage rates), for the words "the district" there shall be substituted the words "their district".

(2) In subsection (5) of that section, for the word "area" there shall be substituted the word "district".

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Section 88 of the 1976 Act

29 In section 88(1) of the 1976 Act (power of drainage authorities to levy navigation tolls)—

(a) for the words "within a drainage authority area" there shall be substituted the words "in England and Wales or in so much of the territorial sea adjacent to England and Wales as is included in the area of a regional flood defence committee"; and

(b) for the words "the drainage authority for the area" there shall be substituted the words "the National Rivers Authority or, in the case of waters within the district of an internal drainage board, that Authority or that board".

Section 89 of the 1976 Act

30 (1) In subsection (1) of section 89 of the 1976 Act (interpretation of Part IV), in the definition of "chargeable land", for the words "the area" there shall be substituted the words "the area of a regional flood defence committee".

(2) In subsection (2) of that section, for the words "a water authority area" there shall be substituted the words "the area of a regional flood defence committee".

Section 90 of the 1976 Act

31 In paragraph (a) of section 90(6) of the 1976 Act (grants to water authorities for the acquisition of land and rights over land), for the words from "conferred" to the end of the paragraph there shall be substituted the words "of the National Rivers Authority by virtue of the Water Act 1989 to acquire land by agreement or compulsorily".

Section 93 of the 1976 Act

32 In section 93(3) of the 1976 Act (notice of application for authority to execute drainage works to be given to persons including a drainage authority), for the words "any drainage authority having jurisdiction in any district or area" there shall be substituted the words "the National Rivers Authority and to the internal drainage board for any district".

Section 94 of the 1976 Act

33 In section 94(3)(d) of the 1976 Act (compensation for loss attributable to a scheme under section 11 of the 1976 Act), for the words "such water authority as may be" there shall be substituted the words "the National Rivers Authority if it is".

Section 100 of the 1976 Act

34 In section 100(1) of the 1976 Act (schemes for drainage of small areas), for the words "as it applies to a water authority" there shall be substituted the words "in relation to their area as it applies to the National Rivers Authority in relation to any such land as is mentioned in that section".

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Section 109 of the 1976 Act

35 (1) In subsection (2) of section 109 of the 1976 Act (regulations and orders), for the words "section 46" there shall be substituted the words "section 28(1A), 29(2A), 46".

(2) In subsection (3) of that section, after "27," there shall be inserted "28(1A), 29(2A),".

Section 110 of the 1976 Act

36 In section 110(1)(c) of the 1976 Act (apportionment of expenses of local authorities), for the words "water authority area" there shall be substituted the word "county".

Section 112 of the 1976 Act

37 In section 112(2) of the 1976 Act (protection of certain undertakings), for paragraph (b) there shall be substituted the following paragraph—

"(b) the undertakings of the National Rivers Authority and of any water undertaker or sewerage undertaker;".

Section 116 of the 1976 Act

38 In section 116(1) of the 1976 Act (general interpretation)—

(a) for the definition of "constituent council" there shall be substituted the following definition—

""constituent council", in relation to a regional flood defence committee, has the meaning provided by section 137(10) of the Water Act 1989 and, in relation to a local flood defence committee, has the meaning provided by section 5(8) above;";

and

(b) for the definitions of "local land drainage committee", "local land drainage district" and "local land drainage scheme" there shall be substituted the following definitions—

""local flood defence committee" has the meaning provided by section 139(1) of the Water Act 1989;

"local flood defence district" has the meaning (subject to section 89(2) above) provided by section 139(1) of the said Act of 1989;

"local flood defence scheme" has the meaning provided by section 139(1) of the said Act of 1989;".

Schedule 1 to the 1976 Act

39 (1) Schedule 1 to the 1976 Act (members and proceedings of regional and local land drainage committees) shall be amended as follows.

(2) In paragraph 5 (vacation of office upon the happening of certain events), for paragraph (a) of sub-paragraph (1) there shall be substituted the following paragraph—

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"(a) is adjudged bankrupt, is a person whose estate is sequestrated or makes a composition or arrangement with, or grants a trust deed for, his creditors; or".

(3) In paragraph 8 (disqualification for appointment as a member of a committee)—

(a) for paragraph (b) of sub-paragraph (1) there shall be substituted the following paragraph—

"(b) is a person who has been adjudged bankrupt, or whose estate has been sequestrated or who has made a composition or arrangement with, or granted a trust deed for, his creditors; or";

(b) after sub-paragraph (2) there shall be inserted the following sub-paragraph—

"(2A) Where a person is disqualified under sub-paragraph (1) above by reason of having had his estate sequestrated, the disqualification shall cease—

(a) unless the sequestration is recalled or reduced, on the person's discharge under section 54 of the Bankruptcy (Scotland) Act 1985; and

(b) if the sequestration is recalled or reduced, on the date of the recall or reduction."

(c) in sub-paragraph (3), after the words "arrangement with" there shall be inserted the words "or having granted a trust deed for" and after the word "arrangement", in the second place where it occurs, there shall be inserted the words "or of the trust deed".

(4) In paragraph 10 (payments to members of committees of amounts determined by the appropriate Minister)—

(a) in sub-paragraph (1), for the words from "not being" to "committees" there shall be substituted the words "is a chairman of a regional flood defence committee or of a local flood defence committee";

(b) in sub-paragraph (2), for the words "the regional" there shall be substituted the words "a regional";

(c) in sub-paragraph (3), for the words from "not being" to "committees" there shall be substituted the words "is a member of a regional flood defence committee or of a local flood defence committee"; and

(d) in sub-paragraph (4), for the definition of "the appropriate Minister" there shall be substituted the following definition—

""the appropriate Minister" means—

(a) in relation to the regional flood defence committee for an area the whole or the greater part of which is in Wales and in relation to any local flood defence committee for any district comprised in the area of such a regional flood defence committee, the Secretary of State; and

(b) in relation to any other regional flood defence committee or local flood defence committee, the Minister;".

(5) For paragraph 14 (proceedings) there shall be substituted the following paragraph—

"14 A regional flood defence committee or a local flood defence committee may, with the approval of the appropriate Minister (within the meaning of paragraph 10 above), make rules for regulating the proceedings of the

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committee; and nothing in section 136 of the Water Act 1989 shall entitle the National Rivers Authority to make any arrangements or give any directions for regulating the proceedings of any such committee."

(6) In paragraph 15 (disqualification for paid office of water authority), for the words from "water authority's" onwards there shall be substituted the words "regional flood defence committee or a local flood defence committee, be disqualified from being appointed to any paid office by the National Rivers Authority or by any regional flood defence committee other than the office of chairman of a local flood defence committee."

(7) For paragraph 16 (interpretation) there shall be substituted the following paragraph—

"16 In this Schedule—

(a) any reference to a member of a committee shall include a reference to the chairman of that committee; and

(b) any reference to an officer of a regional or local flood defence committee shall be construed as a reference to an officer of the National Rivers Authority."

Schedule 2 to the 1976 Act

40 (1) In paragraph (b) of the proviso to paragraph 3 of Schedule 2 to the 1976 Act (termination of office of members of a board), for the words "becomes bankrupt or makes a composition or arrangement with" there shall be substituted the words "is adjudged bankrupt, or his estate is sequestrated, or he makes a composition or arrangement with, or grants a trust deed for,".

(2) In paragraph 6 of that Schedule (disqualification), after the word "with" there shall be inserted the words "or granted a trust deed for".

Schedule 4 to the 1976 Act

41 In Schedule 4 to the 1976 Act (byelaws made by drainage authorities)—

(a) in paragraphs 1 and 11, for the words "a drainage authority" there shall be substituted the words "an internal drainage board"; and

(b) in paragraphs 2 to 6, 8 to 10 and 11(a), for the word "authority", in each place where it occurs, there shall be substituted the words "internal drainage board".**]**

[F119]SCHEDULE 16

. . . . . .

Textual Amendments

F119 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)

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(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)

SCHEDULE 17

Section 141.

TRANSFER OF FISHERIES FUNCTIONS TO THE AUTHORITY

General modifications of references to water authorities

1 (1) Subject to the following provisions of this Schedule and to any repeal made by this Act, any provision to which this paragraph applies which contains, or falls to be construed as containing, a reference (however framed and whether or not in relation to an area) to any one or more water authorities, or to a particular water authority, shall have effect on and after the transfer date as if that reference were a reference to the Authority.

(2) Subject as aforesaid, any provision to which this paragraph applies which contains, or falls to be construed as containing, a reference (however framed) to the area of a water authority shall have effect on and after the transfer date as if that reference were a reference—

(a) in the case where the provision is contained in a local statutory provision or in subordinate legislation and the reference is in relation to a particular water authority, to the area which, immediately before the transfer date, was the area of that authority for the purposes of their functions relating to fisheries; and

(b) in any other case, to the whole area in relation to which the Authority carries out its functions relating to fisheries.

(3) Subject as aforesaid, any function of a Minister of the Crown under any provision to which this paragraph applies or under the [M70]Diseases of Fish Act 1937 shall, in so far as immediately before the transfer date it is exercisable by different Ministers according to the water authority or water authority area in relation to which it is exercised, be exercisable on and after that date concurrently by the Minister of Agriculture, Fisheries and Food and by the Secretary of State; and references in any enactment (including a reference inserted by this Act) to a Minister, so far as they have effect for the purposes of, or in connection with, the exercise of any function under a provision to which this paragraph applies or the said Act of 1937, shall have effect accordingly.

(4) The provisions to which this paragraph applies are the provisions of—

(a) **[**[F120]the [M71]Sea Fisheries Regulation Act 1966;**]**

(b) the [M72]Salmon and Freshwater Fisheries Act 1975; and

(c) any local statutory provision or subordinate legislation which is in force immediately before the transfer date and—

(i) relates to the carrying out by a water authority of any function relating to fisheries; or

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(ii) in the case of subordinate legislation, was made by virtue of any provision to which this paragraph applies or under the Diseases of Fish Act 1937.

(5) The modifications made by this paragraph shall be subject to any power by subordinate legislation to revoke or amend any provision to which this paragraph applies; and, accordingly, any such power, including the powers conferred by section 191 of this Act and paragraph 2 below, shall be exercisable so as to exclude the operation of this paragraph in relation to the provisions in relation to which the power is conferred.

Textual Amendments

F120 Sch. 17 para. 1(4)(a) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

Marginal Citations

M70 1937 c. 33.
M71 1966 c. 38.
M72 1975 c. 51.

Power to amend subordinate legislation etc

2 (1) If it appears to the Minister or the Secretary of State to be appropriate to do so for the purposes of, or in consequence of, the coming into force of any provision of this Schedule, he may by order revoke or amend any subordinate legislation.

(2) An order under this paragraph may—

(a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(b) contain such supplemental, consequential and transitional provision as the Minister or the Secretary of State considers appropriate.

(3) The power conferred by virtue of this paragraph in relation to subordinate legislation made under any enactment shall be without prejudice to any other power to revoke or amend subordinate legislation made under that enactment, but—

(a) no requirement imposed with respect to the exercise of any such other power shall apply in relation to any revocation or amendment of that legislation by an order under this paragraph; and

(b) the power to make an order under this paragraph shall be exercisable (instead of in accordance with any such requirement) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

The Diseases of Fish Act 1937 (c. 33)

F121F122 3 . . . . . .

Textual Amendments

F121 Sch. 17 para. 3 omitted (E.W.) (27.3.2009) by virtue of The Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463), reg. 1(2), **Sch. 2 para. 8(a)** (with reg. 2(2))

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F122 Sch. 17 para. 3 omitted (S.) (27.3.2009) by virtue of The Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), reg. 1(2)(c), **sch. 2 para. 8(b)** (with reg. 2.)

PROSPECTIVE

The Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)

F123 4 . . . . . .

Textual Amendments

F123 Sch. 17 para. 4 repealed (15.11.2006) by The Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913), art. 1(2), **Sch. 4 Pt. 2**

The Sea Fisheries Regulation Act 1966 (c. 38)

5 [F124(1) The provisions of section 1 of the Sea Fisheries Regulation Act 1966 (establishment of fisheries committees) which provide that an order under that section modifying a previous such order is to be made only on such an application and after such consultation as is mentioned in that section shall not apply to an order under that section which contains a statement that the only provision made by the order is provision which appears to the Minister making the order to be appropriate in consequence of any of the provisions of this Act.

F125(2) . . . . . .

(3) In section 18(3) of that Act (provision where a water authority or harbour authority have the powers of a local fisheries committee), for the words from "section 36(3)" to "authority)" there shall be substituted the words "section 186 of the Water Act 1989 (procedure relating to byelaws made by the National Rivers Authority)".]

Textual Amendments

F124 Sch. 17 para. 5 repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

F125 Sch. 17 para. 5(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

The Sea Fish (Conservation) Act 1967 (c. 84)

6 In section 18(1) of the Sea Fish (Conservation) Act 1967 (enforcement of orders relating to salmon and migratory trout)—

(a) for the words from "for the purposes" to the beginning of paragraph (a) there shall be substituted the words "are included in the area which by virtue of subsection (4) of section 141 of the Water Act 1989 is the area in relation to which the National Rivers Authority carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act 1975 or on landing salmon or migratory trout"; and

[F126(b) for paragraph (b) there shall be substituted the following paragraph—

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"(b) the provisions of section 147 and, in relation to that section, sections 178 and 179 of the Water Act 1989 (which confer powers of entry) shall apply as if section 4 of this Act, and any order under section 5 or 6 of this Act, were an enactment to which the said section 147 applies."**]**

Textual Amendments

F126 Schs. 5, 15, 17 paras. 6(b), 7(2)(7)(a)(14)(a)–(f)(g)(i)(16) repealed (E. W.) 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)

The Salmon and Freshwater Fisheries Act 1975 (c. 51)

7 (1) The Salmon and Freshwater Fisheries Act 1975 shall be amended as follows.

[[F127](2) In section 5(5), for paragraph (c) (exemption from section 31(1)(a) of the [M73]Control of Pollution Act 1974) there shall be substituted the following paragraph—

"(c) section 107(1)(a) of the Water Act 1989;".**]**

[F128](3) . . . . . .

[F129](4) . . . . . .

(5) In section 25(2) (licences to fish), for the words "of a description, in an area and for a period" there shall be substituted the words "of such a description, in such area or areas and for such period as is".

(6) In section 26(1) (limitation of fishing licences)—

(a) after the word "may", in the first place where it occurs, there shall be inserted the words "in relation to any such area or areas as are specified in the order,"; and

(b) in paragraph (a), for the words "any part of their area" there shall be substituted the words "that area or those areas".

(7) In section 28 (general powers and duties of water authorities and Minister)—

[[F127](a) in subsection (3), for the words from "by", in the first place where it occurs, onwards there shall be substituted the words

(a) for the imposition on the owners and occupiers of fisheries in that area of requirements to pay contributions to that Authority of such amounts as may be determined under the order in respect of the expenses of the carrying out in relation to that area of that Authority's functions with respect to fisheries;

(b) for such contributions to be paid or recovered in such manner and to be refundable in such circumstances as may be specified in or determined under the order;

(c) for the modification, in relation to the fisheries in that area, of any provisions of this Act relating to the regulation of fisheries or of any provisions of a local Act relating to any fishery in that area;

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and an order under this subsection may contain such supplemental, consequential and transitional provision, including provision for the payment of compensation to persons injuriously affected by the order, as may appear to be necessary or expedient in connection with the other provisions of the order. "; and**]**

(b) in subsection (8), for the words "Section 36(3) of the Water Act 1973 and Schedule 7" there shall be substituted the words "Section 186 of the Water Act 1989 and Schedule 24".

(8) In section 32(1) (power of water bailiffs and other persons to enter lands), for the words "waters within a water authority area" there shall be substituted the words "any waters".

(9) In section 35 (power to require production of fishing licences)—

(a) in subsection (1), for the words "in a water authority area" there shall be substituted the words "in any area";

[F130](b) . . . . . .

(c) in subsection (3), for the words "the office of the water authority" there shall be substituted the words "the appropriate office of the National Rivers Authority"; and

[F131](d) . . . . . .

(10) In section 39(5) (no power to bring criminal proceedings in Scotland), after the words "this section" there shall be inserted the words "or the Water Act 1989".

(11) In section 41(1) (interpretation), in the definition of "authorised officer", the words "acting within the water authority area" shall be omitted.

[F132](12) . . . . . .

(13) In Schedule 2 (duty on licences)—

(a) in paragraph 3 (notice of intention to increase duties), at the end of the paragraph there shall be inserted the words "and such a notice shall set out the amount of any duty as proposed to be fixed or altered.";

(b) for paragraph 6 (fixing or alteration to take effect from the beginning of the following year) there shall be substituted the following paragraph—

"6 Where the fixing or alteration of any duty takes effect under this Schedule at any time, no alteration or, as the case may be, further alteration of that duty shall so take effect within the period of twelve months beginning with that time."

(14) In Schedule 3 (administration)—

[[F127](a) for paragraph 7 there shall be substituted the following paragraph—

"7 Before he makes an order the Minister shall—

(a) send to the National Rivers Authority a copy of the draft order; and

(b) notify the Authority of the time within which, and the manner in which, objections to the draft order may be made to him;

and the Minister shall not make an order unless the Authority has caused notice of the Minister's intention to make the order, of the

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place where copies of the draft order may be inspected and obtained and of the matters notified under sub-paragraph (b) above to be published in the London Gazette and, if it is directed to do so by the Minister, in such other manner as the Minister thinks best adapted for informing persons affected.”**]**

[[F127](b) for paragraphs 9 to 11 (orders subject to special parliamentary procedure, etc.) there shall be substituted the following paragraph—

“9 A statutory instrument containing an order shall be subject to annulment in pursuance to a resolution of either House of Parliament; and, where a statutory instrument is laid before Parliament for the purposes of this paragraph, a copy of the report of any local inquiry held with respect to objections considered in connection with the making of the order contained in that instrument shall be so laid at the same time.”;**]**

[[F127](c) in paragraph 21A (byelaws with respect to fixed engines), after the word “not” there shall be inserted the words “without the consent of the local fisheries committee in question” ;**]**

[[F127](d) for paragraph 32 (returns to be made by persons fishing), there shall be substituted the following paragraph—

“32 Requiring persons to send to the National Rivers Authority returns, in such form, giving such particulars and at such times as may be specified in the byelaws, of the period or periods during which they have fished for salmon, trout, freshwater fish or eels, of whether they have taken any and, if they have, of what they have taken.”;**]**

[[F127](e) in paragraph 37 (power of water authority to acquire certain interests etc.), for the words from “paragraph 2” to “water authority” there shall be substituted the words “section 145 of the Water Act 1989, the powers conferred on the National Rivers Authority by that section, by section 151 of that Act and by section 155 of that Act include power”;**]**

[[F127](f) in paragraph 38 (powers of water authorities), for the words “paragraph 2” there shall be substituted the words “section 145”; and**]**

(g) in paragraph 39 (powers of water authorities)—

[[F127](i) in sub-paragraph (1), in the words before paragraph (a), for the words “paragraph 2” there shall be substituted the words “section 145”; and**]**

(ii) in paragraph (a) of that sub-paragraph, for the words “the fisheries in their area” there shall be substituted the words “any fisheries”.

(15) In paragraph 9 of Part II of Schedule 4 (disqualification of offenders)—

(a) the words “and is subsequently convicted of any such offence” shall be omitted;

(b) for the words “or for fishing in a water authority area” there shall be substituted the words “for having his name entered on a licence in pursuance of paragraphs 9 to 14 of Schedule 2 to this Act or for fishing (either in a particular area or generally)”; and

(c) for the words “one year” there shall be substituted the words “five years”.

[[F127](16) Section 181 of this Act shall apply in relation to any local inquiry under the said Act of 1975 as it applies in relation to local inquiries under this Act.**]**

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Textual Amendments

F127 Schs. 5, 15, 17 paras. 6(b), 7(2)(7)(a)(14)(a)–(f)(g)(i)(16) repealed (E. W.) 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)

F128 Sch. 17 para. 7(3) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

F129 Sch. 17 para. 7(4) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

F130 Sch. 17 para. 7(9)(b) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

F131 Sch. 17 para. 7(9)(d) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

F132 Sch. 17 para. 7(12) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

Marginal Citations

M73 1974 c. 40.

The Diseases of Fish Act 1983 (c. 30)

F133F134 8 . . . . . .

Textual Amendments

F133 Sch. 17 para. 8 omitted (E.W.) (27.3.2009) by virtue of The Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463), reg. 1(2), **Sch. 2 para. 8(a)** (with reg. 2(2))

F134 Sch. 17 para. 8 omitted (S.) (27.3.2009) by virtue of The Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), reg. 1(2)(c), **sch. 2 para. 8(b)** (with reg. 2.)

The Salmon Act 1986 (c. 62)

9 F135(1) . . . . . .

(2) In section 39(3) of that Act (areas in respect of which a review of certain salmon net fishing is to be made), the reference to the areas of the Yorkshire and Northumbrian water authorities shall be construed on and after the transfer date as a reference to the areas which, immediately before that date, were the areas of those authorities for the purposes of their functions relating to fisheries.

Textual Amendments

F135 Sch. 17 para. 9(1) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

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[F136]SCHEDULES 18—21

. . . . . .

Textual Amendments

F136 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)

SCHEDULE 22

Section 168.

WATER QUALITY IN SCOTLAND

1 In the [M74]Water (Scotland) Act 1980, after section 76, there shall be inserted the following Part—

"PART VI A

QUALITY OF WATER

76A Duties of water authorities with respect to water quality.

(1) It shall be the duty of a water authority—

(a) when supplying water to any premises for domestic purposes to supply only water which is wholesome at the time of supply; and

(b) so far as reasonably practicable, to ensure, in relation to each source or combination of sources from which that authority supplies water to premises for domestic purposes, that there is, in general, no deterioration in the quality of the water which is supplied from time to time from that source or combination of sources.

(2) For the purposes of this section and section 76B below and subject to subsection (3) below, water supplied by a water authority to any premises shall not be regarded as unwholesome at the time of supply where it has ceased to be wholesome only after leaving the authority's pipes.

(3) For the purposes of this section where water supplied by a water authority to any premises would not otherwise be regarded as unwholesome at the time of supply, that water shall be regarded as unwholesome at that time if—

(a) it has ceased to be wholesome after leaving the authority's pipes but while in a pipe which is subject to water pressure from a main or which would be so subject but for the closing of some valve; and

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(b) it has so ceased in consequence of the failure of the authority, before supplying the water, to take such steps as may be prescribed for the purpose of securing the elimination or reduction to a minimum of any prescribed risk that the water would cease to be wholesome after leaving the authority's pipes.

(4) The provisions of this section shall apply in relation to water which is supplied by a water authority whether or not the water is water which the authority is required to supply by virtue of any provision of this Act.

76B Regulations for preserving water quality.

(1) The Secretary of State may by regulations require a water authority to take all such steps as may be prescribed for the purpose of securing compliance with section 76A above; and, without prejudice to the generality of that power, regulations under this subsection may impose an obligation on a water authority—

(a) to take all such steps as may be prescribed for monitoring and recording whether the water which that authority supplies to premises for domestic purposes is wholesome at the time of supply;

(b) to take all such steps as may be prescribed for monitoring and recording the quality of the water from any source, or combination of sources, which that authority uses or is proposing to use for supplying water to any premises for domestic purposes;

(c) to ensure that a source which that authority is using or proposing to use for supplying water for domestic purposes is not so used until prescribed requirements for establishing the quality of water which may be supplied from that source have been complied with;

(d) to keep records of the localities within which all the premises supplied with water for domestic purposes by that authority are normally supplied from the same source or combination of sources;

(e) to comply with prescribed requirements with respect to the analysis of water samples or with respect to internal reporting or organisational arrangements.

(2) Without prejudice to subsection (1) above, the Secretary of State may by regulations make provision with respect to the use by water authorities, for the purposes of or in connection with the carrying out of their functions, of such processes and substances, and of products that contain or are made with such substances or materials, as he considers might affect the quality of any water; and, without prejudice to the generality of that power, regulations under this subsection may—

(a) forbid the use by water authorities of processes, substances and products which have not been approved under the regulations or which contravene the regulations;

(b) for the purposes of provision made by virtue of paragraph (a) above, require processes, substances and products used by water authorities to conform to such standards as may be prescribed by or approved under the regulations;

(c) impose such other requirements as may be prescribed with respect to the use by water authorities of prescribed processes, substances and products;

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(d) provide for the giving, refusal and revocation, by prescribed persons, of approvals required for the purposes of the regulations, for such approvals to be capable of being made subject to such conditions as may be prescribed and for the modification and revocation of any such condition;

(e) impose obligations to furnish prescribed persons with information reasonably required by those persons for the purpose of carrying out functions under the regulations;

(f) provide for a contravention of the regulations to constitute—

(i) an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale or such smaller sum as may be prescribed; or

(ii) an offence triable either summarily or on indictment and punishable, on summary conviction, by a fine not exceeding the statutory maximum and, on conviction on indictment, by a fine; and

(g) require prescribed charges to be paid to persons carrying out functions under the regulations.

(3) The Secretary of State may by regulations require a water authority—

(a) to publish information about the quality of water supplied for domestic purposes to any premises by that authority; and

(b) to provide information to prescribed persons about the quality of water so supplied.

(4) Regulations under subsection (3) above—

(a) shall prescribe both the information which is to be published or provided in pursuance of the regulations and the manner and circumstances in which it is to be published or provided;

(b) may require the provision of information by a water authority to any person to be free of charge or may authorise it to be subject to the payment by that person to the authority of a prescribed charge; and

(c) may impose such other conditions on the provision of information by a water authority to any person as may be prescribed.

76C Offence of supplying water unfit for human consumption.

(1) Subject to subsection (4) below, where a water authority supplies water by means of pipes to any premises and that water is unfit for human consumption the authority shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(2) Where an offence under this section is proved to be attributable to any neglect on the part of an employee of the water authority, he as well as the water authority shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of subsection (2) above, the penalty on conviction on indictment shall include imprisonment (in addition to or instead of a fine) for a term not exceeding two years.

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(4) In any proceedings for an offence under this section it shall be a defence to show that—
  (a) there were no reasonable grounds for suspecting that the water would be used for human consumption; or
  (b) all reasonable steps had been taken and all due diligence exercised for securing that the water was fit for human consumption on leaving the pipes or was not used for human consumption.

76D Provision of water where piped supplies insufficient or unwholesome.

(1) Where—
  (a) it is not practicable at reasonable cost for a water authority, by supplying water in pipes, to provide or maintain such a supply of wholesome water to any particular premises in its limits of supply as (so far as those premises are concerned) is sufficient for domestic purposes;
  (b) it is practicable at reasonable cost for the authority to provide such a supply to those premises otherwise than in pipes;
  (c) the insufficiency or unwholesomeness of the supply of water for domestic purposes to those premises is such as to cause a danger to life or health; and
  (d) the local authority in whose area those premises are situated notify the water authority of that danger and require the water authority to provide a supply otherwise than in pipes,

it shall be the duty of the water authority, for such period as may be required by that local authority, to provide any supply to those premises which it is practicable at reasonable cost to provide otherwise than in pipes and which it is required to provide by that local authority.

(2) Where under subsection (1) above a local authority require the provision by a water authority of a supply of water to any premises, that local authority—
  (a) shall be liable to the water authority for any charges payable in respect of the provision of that supply; but
  (b) shall have power to recover the whole or any part of any charges paid by virtue of this subsection from the owner or occupier of the premises to which the supply is provided.

(3) In this section references to the provision of a supply of water to any premises otherwise than in pipes shall have effect, in a case in which it is practicable at reasonable cost to provide a supply (whether or not in pipes) to a place within a reasonable distance of those premises, as including references to the provision of a supply to that place.

76E Enforcement of sections 76A to 76D.

(1) This section applies to enforcement of the duties of water authorities under sections 76A and 76D(1) and under regulations made under section 76B.

(2) Without prejudice to its generality, section 11 above (power of Secretary of State to make a default order) shall have effect, subject to the following provisions of this section, for the enforcement by the Secretary of State of the duties referred to in subsection (1) above.

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(3) The Secretary of State may make an order under subsection (2) of section 11 without having caused a local inquiry to be held into the matter.

(4) If he is satisfied that a water authority has failed in any of the duties referred to in subsection (1) above, the Secretary of State shall make an order under subsection (2) of section 11 unless he is satisfied—

(a) that the failures complained of were of a trivial nature; or

(b) that the water authority have given, and are complying with, an undertaking to take all such steps as it appears to the Secretary of State to be appropriate, for the time being, for them to take for the purpose of securing or facilitating compliance with these duties.

76F General functions of local authorities in relation to water quality.

(1) It shall be the duty of every local authority to take all such steps as they consider appropriate for keeping themselves informed about the wholesomeness and sufficiency of water supplies provided to premises in their area, including every private supply to any such premises.

(2) It shall be the duty of a local authority to notify any water authority of anything appearing to the local authority to suggest—

(a) that any supply by that water authority of water for domestic purposes to any premises in the area of that local authority is, has been, or is likely to become unwholesome or (so far as any such premises are concerned) insufficient for those purposes;

(b) that the unwholesomeness or insufficency of any such supply is, was or is likely to be such as to cause a danger to life or health; or

(c) that the duty imposed on that water authority by virtue of section 76A(1)(b) above is being, has been or is likely to be so contravened as to affect any supply of water to premises in that area;

and it shall be the duty of a local authority to require the provision of a supply in pursuance of section 76D above whenever, in a case falling within paragraph (a) of subsection (1) of that section, they are satisfied, in relation to any premises in their area, as to the matters specified in paragraphs (b) and (c) of that subsection.

(3) Where a local authority have notified a water authority of any such matter as is mentioned in subsection (2) above, it shall be the duty of that local authority, if they are not satisfied that all such remedial action as is appropriate will be taken by the water authority, to inform the Secretary of State about the contents of the notification.

(4) It shall be the duty of a local authority to comply with any direction given by the Secretary of State to that local authority or to local authorities generally as to—

(a) the cases and circumstances in which they are or are not to exercise any of the powers conferred on them by this Part in relation to private supplies; and

(b) the manner in which those powers are to be exercised.

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(5) The Secretary of State may by regulations make such provision, supplementing the provisions of this section, as he considers appropriate for—

(a) imposing duties and conferring powers on local authorities with respect to the acquisition of information about the quality and sufficiency of water supplies provided to premises in their areas; and

(b) regulating the performance of any duty imposed by or under this section.

(6) Without prejudice to the generality of subsection (5) above, regulations under that subsection may—

(a) prescribe the matters to be taken into account by a local authority in determining, for the purposes of subsection (1) above, what is appropriate;

(b) provide, for the purposes of the exercise or performance of any power or duty conferred or imposed on a local authority by or under this section, for such samples of water to be taken and analysed at such times and in such manner as may be prescribed;

(c) authorise local authorities to exercise or perform any such power or duty through prescribed persons;

(d) provide for the recovery by a local authority, from prescribed persons, of such amounts as may be prescribed in respect of expenses reasonably incurred by the authority in the exercise of any such power or the performance of any such duty.

76G Remedial powers of local authorities in relation to private supplies.

(1) Subject to the following provisions of this section, where a local authority are satisfied in relation to any premises in their area which are supplied with water for domestic purposes by means of a private supply—

(a) that any water which is being, has been or is likely to be supplied for those purposes to those premises by means of that private supply is not, was not or, as the case may be, is likely not to be wholesome; or

(b) that that private supply is failing, has failed or is likely to fail to provide to any house on those premises such a supply of wholesome water as (so far as that house is concerned) is sufficient for domestic purposes,

the local authority may serve a notice in relation to that private supply on one or more of the relevant persons.

(2) A notice under this section in relation to a private supply of water to any premises shall—

(a) give particulars of the matters mentioned in subsection (1) above in respect of which the notice is served;

(b) specify the steps which, in the opinion of the local authority serving the notice, are required to be taken for ensuring that there is a supply of water to those premises which is both wholesome and (so far as any house on those premises is concerned) sufficient for domestic purposes;

(c) specify a period ending not less than 28 days after the day on which the notice is served within which any representations or objections

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with respect to the notice must be received by that local authority; and

(d) state the effect in relation to that notice of section 76H(2) and (3) below.

(3) Subject to section 76H below, where a local authority serve a notice under this section on any relevant person they may do one or more of the following, that is to say—

(a) by that notice designate as steps to be taken by the authority themselves such of the steps specified in the notice as they consider it appropriate to so designate;

(b) by that notice require that person, within such reasonable period as may be specified in the notice, to take one or more of the steps so specified;

(c) by that notice require that person, at such times as may be determined in accordance with provision contained in the notice, to make to another relevant person or to that authority such payments as may be so determined in respect of expenses reasonably incurred by that other person or that authority in taking any step specified in the notice;

(d) by that notice undertake from time to time to make such payments to that person as may be so determined in respect of expenses reasonably incurred by that person in taking any step specified in the notice.

(4) The power of a local authority to serve a notice under this section specifying the steps which are required to be taken in relation to any source from which a private supply is provided both to premises in the area of that authority and to premises in the area of another local authority shall be exercisable only where—

(a) the other authority consent to the service of the notice; or

(b) the authorities act jointly in exercising their respective powers under this section in relation to that source.

(5) The powers conferred by this section and section 76H below shall be so exercised in relation to a private supply of water to any premises where there is no house as to secure that no local authority are required to bear any of the expenses incurred (whether by the authority or by any other person) in taking any steps for ensuring that the supply is wholesome which are specified in any notice under this section.

(6) The steps that a relevant person may be required by a notice under this section to take in relation to any premises shall include—

(a) requiring a supply of water to be provided to those premises by a water authority or by any other person; and

(b) taking such steps for the purpose of securing that such a requirement is complied with, and of enabling such a supply to be so provided, as may be specified in the notice.

(7) For the purposes of this section and section 76H below the relevant persons, in relation to a private supply of water to any premises in the area of a local authority, are the owners and occupiers of those premises and (whether or not the source of the private supply is in that authority's area) the owners and

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occupiers of the premises where that source is situated and any other person who exercises powers of management or control in relation to that source.

76H Effect, confirmation and variation of notice under section 76G.

(1) Subject to subsection (2) below, a notice served by a local authority under section 76G above shall not take effect until the end of the period specified in the notice as the period within which representations or objections with respect to the notice must be received by that authority.

(2) Where any written representation or objection with respect to a notice by a local authority under section 76G above is received by the authority, before the end of the period specified in the notice, from a person on whom the notice was served, that notice shall not take effect unless—

(a) the notice is submitted by the authority to the Secretary of State and is confirmed by him either with or without modifications; or

(b) the representation or objection is withdrawn.

(3) If a local authority submit a notice under section 76G above to the Secretary of State for confirmation, the Secretary of State—

(a) shall consider whether the notice should be confirmed and whether, if it is confirmed, it should be confirmed with or without modifications;

(b) may, with respect to the matters specified in the notice or any proposed modification of it, direct the local authority to serve a notice under section 76G above, in such terms as may be specified in the direction, on any relevant person who has not previously been so served;

(c) may, for the purposes of paragraph (a) or (b) above—

(i) cause a local inquiry to be held; or

(ii) afford to the local authority and to every person who has made representations or objections with respect to the notice or a proposed direction under paragraph (b) above an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose;

and

(d) may, if he is satisfied that the person on whom any notice to be served in pursuance of a direction under paragraph (b) above has had a proper opportunity of having his representations or objections with respect to the proposal for the direction considered, dispense in relation to the notice so served with the provisions of subsections (1) and (2) above and of section 76G(2)(c) and (d) above.

(4) Where the Secretary of State confirms a notice under section 76G above (whether with or without modifications)—

(a) he, or if he so directs, the local authority concerned shall serve notice of that confirmation on every person originally served with the notice under that section; and

(b) that notice shall take effect, with any modifications made by the Secretary of State, at such time as may be specified in the notice served under this subsection.

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(5) Where any relevant person who is required by virtue of a notice under section 76G above to take any step in relation to any premises fails to take that step within the period specified in the notice, the authority which served the notice may, in accordance with any applicable provision having effect by virtue of section 76I below, take that step themselves.

(6) Where any step is taken by a local authority in relation to any premises by virtue of subsection (5) above—

(a) the authority may recover from the person who failed to take that step within the specified period any expenses reasonably incurred by the authority in taking that step; and

(b) for the purposes of any requirement under which payments are required to be made to that person by any person other than the authority, sums paid by virtue of paragraph (a) above in respect of the taking of any step shall be deemed to be expenses incurred in the taking of that step by the person who failed to take it.

(7) Nothing in this Act shall confer any right of action on any person in respect of any loss or damage sustained by that person in consequence of the failure by any other person to take any step specified in a notice under section 76G above; but any sum required to be paid to any person by virtue of any requirement or undertaking contained in such a notice shall be recoverable by that person from the person who is required to pay it.

(8) Any requirement which is imposed by virtue of a notice under section 76G above on the owner or occupier of any premises and is expressed to bind those premises in relation to the owners or occupiers from time to time shall bind successive owners or, as the case may be, occupiers of those premises; and section 65 above (power of local authority to make a charging order in respect of costs) shall apply to a requirement under section 76G above as if that requirement were a requirement under section 64 above.

(9) Subject to subsection (10) below, a local authority may by notice served on any person modify or revoke the effect in relation to that person of any notice under section 76G above or this subsection (including a notice which has been confirmed, with or without modifications, by the Secretary of State).

(10) Section 76G(2)(c) and (d) and subsections (1) to (4) above shall apply, as they apply in relation to a notice under section 76G above, in relation to any notice served by a local authority on any person under subsection (9) above except where the notice—

(a) extends the period within which any step is required to be taken by that person; or

(b) discharges, postpones or abates any obligation of that person to make a payment to the local authority.

76I Incidental powers of local authorities.

(1) Subject to subsection (5) below, a local authority may serve on any person a notice requiring him to furnish that authority, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by that authority for the purpose of

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exercising or performing any power or duty conferred or imposed on that authority by or under any of sections 76F to 76H above.

(2) Any person designated in writing for the purpose by any local authority may—

(a) enter any premises for the purpose, in relation to any private supply, of—

(i) determining whether, and if so in what manner, any power or duty conferred or imposed on that authority by or under any of sections 76F to 76H above should be exercised or performed; or

(ii) exercising any such power or performing any such duty;

(b) enter any premises to which a supply of water is provided by a water authority for the purpose, in relation to a supply so provided, of determining whether, and if so in what manner, such a power should be exercised or such a duty performed or of exercising such a power or performing such a duty; or

(c) carry out such inspections, measurements and tests on premises entered by that person or of articles found on any such premises, and take away such samples of water or of any land or articles, as the local authority—

(i) consider appropriate for the purposes of any such power or duty; and

(ii) have authorised that person to carry out or take away,

and the provisions of subsections (3) to (7) of section 38 shall apply to the right of entry given by this subsection to any person designated by a local authority as they apply to the right of entry of an authorised officer of a water authority.

(3) Entry into any premises shall not be demanded as of right by virtue of this section except—

(a) in an emergency, or

(b) at a reasonable time and after 24 hours' notice of the intended entry has been given to the occupier of the premises.

(4) The Secretary of State may by regulations make provision for restricting the information which may be required under subsection (1) above and for determining the form in which the information is to be so required.

(5) A person who fails to comply with the requirements of a notice served on him under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale; and it shall be a defence for a person charged with an offence under this subsection to show that he had a reasonable excuse.

76J Standards of wholesomeness.

(1) The Secretary of State may by regulations make provision that water that is supplied to any premises is or is not to be regarded as wholesome for the purposes of this Part if it satisfies or, as the case may be, fails to satisfy such requirements as may be prescribed.

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(2) Without prejudice to the generality of subsection (1) above, regulations under this section may, for the purpose of determining the wholesomeness of any water—

(a) prescribe general requirements as to the purposes for which the water is to be suitable;

(b) prescribe specific requirements as to the substances that are to be present in or absent from the water and as to the concentrations of substances which are or are required to be present in the water;

(c) prescribe specific requirements as to other characteristics of the water;

(d) provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed;

(e) enable the Secretary of State to authorise such relaxations of and departures from the prescribed requirements (or from any of them) as may be prescribed, to make any such authorisation subject to such conditions as may be prescribed and to modify or revoke any such authorisation or condition; and

(f) enable the Secretary of State to authorise a local authority (either instead of the Secretary of State or concurrently with him) to exercise in relation to a private supply any power conferred on the Secretary of State by regulations made by virtue of paragraph (e) above.

76K Power to give effect to international obligations.

The Secretary of State may by regulations provide that the provisions of this Part shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom to give effect to—

(a) any **[**[F67]EU**]** obligations; or

(b) any international agreement to which the United Kingdom is for the time being a party.

76L Interpretation etc. of Part VI A.

(1) In this Part—

"analyse", in relation to any sample of land or water, includes subjecting the sample to a test of any description, and cognate expressions shall be construed accordingly;

"local authority" means an islands or district council;

"micro-organism" includes any microscopic biological entity which is capable of replication;

"private supply" means, subject to subsection (2) below, a supply of water provided otherwise than by a water authority (including a supply provided for the purposes of the bottling of water) and cognate expressions shall be construed accordingly;

"substance" includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

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"wholesome" and cognate expressions shall be construed subject to the provisions of any regulations made under section 76J.

(2) For the purposes of any reference in this Part to a private supply, or to supplying water by means of a private supply, water shall be treated as supplied to any premises not only where it is supplied from outside those premises, but also where it is abstracted, for the purpose of being used or consumed on those premises, from a source which is situated on the premises themselves; and for the purposes of this subsection water shall be treated as used on any premises where it is bottled on those premises for use or consumption elsewhere.

(3) The rights conferred by virtue of this Part as against the owner or occupier of any premises shall be without prejudice to any rights and obligations, as between themselves, of the owner and occupier of the premises in question."

Textual Amendments

F67 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with art. 3(2)(3)4(2)6(4)(5))

Marginal Citations

M74 1980 c. 45.

SCHEDULE 23

Section 168.

CONTROL OF WATER POLLUTION IN SCOTLAND

1 The [M75]Control of Pollution Act 1974 as it applies to Scotland is amended in accordance with the provisions of this Schedule.

Marginal Citations

M75 1974 c. 40.

2 **[**[F137]In subsection (4) of section 4 (meaning of "land"), for the words "in a stream" there shall be substituted the words "in inland waters".**]**

Textual Amendments

F137 Sch. 23 para. 2 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 21**; S.S.I. 2014/160, art. 2(1)(2), sch.

3 **[**[F138]In subsection (9) of section 11, for the words "relevant waters" there shall be substituted the words "controlled waters".**]**

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Textual Amendments

F138 Sch. 23 para. 3 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 21**; S.S.I. 2014/160, art. 2(1)(2), sch.

4 For sections 31 to 42 there shall be substituted the following sections—

" General provisions

30A Waters to which Part II applies.

(1) This part applies to any waters (in this Part referred to as "controlled waters") of any of the following classes—

(a) relevant territorial waters, that is to say, subject to subsection (5) below, the waters which extend seaward for three miles from the baselines from which the breadth of the territorial sea adjacent to Scotland is measured;

(b) coastal waters, that is to say, any waters which are within the area which extends landward from those baselines as far as the limit of the highest tide or, in the case of the waters of any relevant river or watercourse, as far as the fresh-water limit of the river or watercourse, together with the waters of any enclosed dock which adjoins waters within that area;

(c) inland waters, that is to say, the waters of any relevant loch or pond or of so much of any relevant river or watercourse as is above the fresh-water limit;

(d) ground waters, that is to say, any waters contained in underground strata, or in—

(i) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or

(ii) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.

(2) The Secretary of State—

(a) shall deposit maps with each river purification authority showing what appear to him to be the fresh-water limits of every relevant river or watercourse in the area of that authority; and

(b) may from time to time, if he considers it appropriate to do so by reason of any change of what appears to him to be the fresh-water limit of any river or watercourse, deposit a map showing a revised limit for that river or watercourse;

and in subsection (1) above "fresh-water limit", in relation to any river or watercourse, means the place for the time being shown as the fresh-water limit of that river or watercourse in the latest map deposited for that river or watercourse under this subsection.

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(3) It shall be the duty of each river purification authority to keep any maps deposited with it under subsection (2) above available, at all reasonable times, for inspection by the public free of charge.

(4) In this section—

"miles" means international nautical miles of 1,852 metres;

"loch or pond" includes a reservoir of any description;

"relevant loch or pond" means (subject to subsection (5) below) any loch or pond which (whether it is natural or artificial or above or below ground) discharges into a relevant river or watercourse or into another loch or pond which is itself a relevant loch or pond;

"relevant river or watercourse" means any river or watercourse (including an underground river or watercourse and an artificial river or watercourse) which is neither a public sewer nor a sewer or drain which drains into a public sewer.

(5) The Secretary of State may by order provide—

(a) that any area of the territorial sea adjacent to Scotland is to be treated as if it were an area of relevant territorial waters for the purposes of this Part;

(b) that any loch or pond which does not discharge into a relevant river or watercourse or into a relevant loch or pond is to be treated for those purposes as a relevant loch or pond.

(6) The power of the Secretary of State to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and such an order may—

(a) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and

(b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities.

30B Classification of quality of waters.

(1) The Secretary of State may, in relation to any description of controlled waters (being a description applying to some or all of the waters of a particular class or of two or more different classes), by regulations prescribe a system of classifying the quality of those waters according to criteria specified in the regulations.

(2) The criteria specified in regulations under this section in relation to any classification shall consist of one or more of the following, that is to say—

(a) general requirements as to the purposes for which the waters to which the classification is applied are to be suitable;

(b) specific requirements as to the substances that are to be present in or absent from the water and as to the concentrations of substances which are or are required to be present in the water;

(c) specific requirements as to other characteristics of those waters;

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and, for the purposes of any such classification, regulations under this section may provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed.

30C Water quality objectives.

(1) For the purpose of maintaining and improving the quality of controlled waters the Secretary of State may, by serving a notice on a river purification authority specifying—

(a) one or more of the classifications for the time being prescribed under section 30B above; and

(b) in relation to each specified classification, a date,

establish the water quality objectives for any waters within the area of that authority which are, or are included in, waters of a description prescribed for the purposes of that section.

(2) The water quality objectives for any waters to which a notice under this section relates shall be the satisfaction by those waters, on and at all times after each date specified in the notice, of the requirements which at the time of the notice were the requirements for the classification in relation to which that date is so specified.

(3) Where the Secretary of State has established water quality objectives under this section for any waters he may review objectives for those waters if—

(a) five years or more have elapsed since the service of the last notice under subsection (1) or (6) of this section to be served in respect of those waters; or

(b) the river purification authority on which that notice has been served, after consultation with such persons as it considers appropriate, requests a review;

and the Secretary of State shall not exercise his power to establish objectives for any waters by varying the existing objectives for those waters except in consequence of such a review.

(4) Where the Secretary of State proposes to exercise his power under this section to establish or vary the objectives for any waters in the area of a river purification authority he shall—

(a) give notice to that authority setting out his proposal and specifying the period (not being less than three months from the date of publication of the notice) within which representations with respect to the proposal may be made; and

(b) consider any representations which are duly made;

and if he decides, after considering any such representations, to exercise his power to establish or vary those objectives, he may do so either in accordance with the proposal contained in the notice or in accordance with that proposal as modified in such manner as he considers appropriate.

(5) A notice under subsection (4) above shall be given—

(a) by publishing the notice in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons likely to be affected by it; and

(b) by serving a copy of the notice on the authority.

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(6) If, on a review under this section or in consequence of any representations made following such a review for the purposes of subsection (4) above, the Secretary of State decides that the water quality objectives for any waters in the area of a river purification authority should remain unchanged, he shall serve notice of that decision on that authority.

30D General duties to achieve and maintain objectives etc.

(1) It shall be the duty of the Secretary of State and of each river purification authority to exercise the powers conferred on him or it by or under the following provisions of this Part or the provisions of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 in such manner as ensures, so far as it is practicable by the exercise of those powers to do so, that the water quality objectives specified for any waters in a notice under section 30C above, or in a notice under section 105 of the Water Act 1989, are achieved at all times.

(2) It shall be the duty of each river purification authority, for the purposes of the carrying out of its functions under the following provisions of this Part or the provisions of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965, to monitor the extent of pollution in controlled waters.

30E Consultation and collaboration.

In the performance of their functions in relation to waters partly in Scotland and partly in England river purification authorities shall, in matters of common interest, consult and collaborate with the National Rivers Authority.

Control of entry of polluting matter and effluents into water

31 Control of pollution of rivers and coastal waters etc.

(1) Subject to subsections (2) and (3) of this section, a person shall be guilty of an offence if he causes or knowingly permits—
   (a) any poisonous, noxious or polluting matter to enter controlled waters; or
   (b) any matter to enter any inland waters so as to tend (either directly or in combination with other matter which he or another person causes or permits to enter those waters) to impede the proper flow of the waters in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of the consequences of such pollution; or
   (c) any solid waste matter to enter controlled waters.

(2) A person shall not be guilty of an offence by virtue of the preceding subsection if—
   (a) the entry in question is authorised by, or is a consequence of an act authorised by, a disposal licence or a consent given by the Secretary of State or a river purification authority in pursuance of this Act and the entry or act is in accordance with the conditions, if any, to which the licence or consent is subject; or

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(b) the entry in question is authorised by, or is a consequence of an act authorised by—

(i) section 33 of the Water (Scotland) Act 1980 (which among other things relates to temporary discharges by water authorities in connection with the construction of works) or any prescribed enactment, or

(ii) any provision of a local Act or statutory order which expressly confers power to discharge effluent into water, or

(iii) any licence granted under Part II of the Food and Environment Protection Act 1985; or

(iv) any consent given under Chapter I of Part III of the Water Act 1989; or

(c) the entry in question is caused or permitted in an emergency in order to avoid danger to life or health and—

(i) he takes all such steps as are reasonably practicable in the circumstances for minimising the extent of the entry in question and of its polluting effects; and

(ii) as soon as reasonably practicable after the entry occurs, particulars of the entry are furnished to the river purification authority in whose area it occurs; or

(d) the matter in question is trade or sewage effluent discharged as mentioned in paragraph (a) of subsection (1) of section 32 or matter discharged as mentioned in paragraph (b) or (c) of that subsection and the entry in question is not from a vessel;

and a person shall not be guilty of an offence by virtue of the preceding subsection by reason only of his permitting water from an abandoned mine to enter controlled waters.

(3) A person shall not by virtue of paragraph (b) or (c) of subsection (1) of this section be guilty of an offence by reason of his depositing the solid refuse of a mine or quarry on any land so that it falls or is carried into inland waters if—

(a) he deposits the refuse on the land with the consent (which shall not be unreasonably withheld) of the river purification authority in whose area the land is situated; and

(b) no other site for the deposit is reasonably practicable; and

(c) he takes all reasonably practicable steps to prevent the refuse from entering those inland waters.

(4) Where it appears to the Secretary of State that, with a view to preventing poisonous, noxious or polluting matter from entering any controlled waters, it is appropriate to prohibit or restrict the carrying on in a particular area of activities which he considers are likely to result in pollution of the waters, then, subject to subsection (5) below, he may by regulations—

(a) designate that area; and

(b) provide that prescribed activities shall not be carried on at any place within the area except with the consent (which shall not be unreasonably withheld) of the river purification authority in whose area the place is situated and in accordance with any reasonable conditions to which the consent is subject;

(c) provide that a contravention of the regulations shall be an offence and prescribe the maximum penalty for the offence; and

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(d) make provision for the imposition by river purification authorities of charges in respect of the consent mentioned in paragraph (b) above.

(5) It shall be the duty of the Secretary of State, before he makes any regulations under subsection (4) above—

(a) to publish in the Edinburgh Gazette and in at least one newspaper circulating in the area in question a copy of the proposed regulations and a notice specifying—

(i) a period of not less than twenty-eight days, beginning with the date on which the notice is first published, within which objections to the proposed regulations may be made, and

(ii) the person to whom such objections may be made; and

(b) to consider any objections to the proposed regulations which are made within that period and, if such an objection is so made by a prescribed person and is not withdrawn, to cause a local inquiry to be held in pursuance of section 96 of this Act with respect to the proposed regulations;

and the Secretary of State may, after considering any such objections as are mentioned in paragraph (b) of this subsection and the report of any person appointed to hold a local inquiry with respect to the proposed regulations, make the regulations either in the form in which a copy of them was published in pursuance of this subsection or in that form with such modifications as he considers appropriate.

(6) A river purification authority may by byelaws make such provision as the authority considers appropriate for prohibiting or regulating the washing or cleaning, in any controlled waters in its area, of things of a kind specified in the byelaws; and a person who contravenes any byelaws made by virtue of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale or such smaller sum as is specified in the byelaws.

(7) A person guilty of an offence by virtue of subsection (1) of this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(8) The maximum penalty prescribed in pursuance of subsection (4) of this section shall not exceed the penalties specified in paragraphs (a) and (b) of the preceding subsection.

(9) In subsection (4) of this section, the reference to the entry of poisonous, noxious or polluting matter into controlled waters shall not include a reference to the entry of nitrate into controlled waters as a result of, or of anything done in connection with, the use of any land for agricultural purposes.

(10) In subsection (2) of this section—

"disposal licence" has the same meaning as in Part I of this Act;

"local Act" includes enactments in a public general Act which amend a local Act;

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"statutory order" means an order, byelaw, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure.

31A Requirements to take precautions against pollution.

(1) The Secretary of State may by regulations make provision—

(a) for prohibiting a person from having custody or control of any poisonous, noxious or polluting matter unless prescribed works and prescribed precautions and other steps have been carried out or taken for the purpose of preventing the matter from entering controlled waters;

(b) for requiring a person who already has custody or control of, or makes use of, any such matter to carry out such works for that purpose and to take such precautions and other steps for that purpose as may be prescribed.

(2) Without prejudice to the generality of the power conferred by subsection (1) above, regulations under that subsection may—

(a) confer power on the river purification authorities—

(i) to determine for the purposes of the regulations the circumstances in which a person is required to carry out works or take any precautions or other steps; and

(ii) by notice to that person, to impose the requirement and to specify or describe the works, precautions or other steps which that person is required to carry out or take;

(b) provide for appeals to the Secretary of State against notices served by a river purification authority in pursuance of provision made by virtue of paragraph (a) above; and

(c) provide that a contravention of the regulations shall be an offence the penalty for which shall be—

(i) on summary conviction, imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both;

(ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.

31B Nitrate sensitive areas.

(1) Where the Secretary of State considers that it is appropriate to do so with a view to achieving the following purpose, that is to say, preventing or controlling the entry of nitrate into controlled waters as a result of, or of anything done in connection with, the use of any land for agricultural purposes, he may by order designate that land, together with any other land to which he considers it appropriate to apply the designation, as a nitrate sensitive area.

(2) Where any area has been designated as a nitrate sensitive area by an order under this section and the Secretary of State considers that it is appropriate to do so with a view to achieving the purpose mentioned in subsection (1) above, he may, subject to such restrictions (if any) as may be set out in the

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order, enter into an agreement under which, in consideration of payments to be made by him—

(a) the absolute owner (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 1949) of any agricultural land in that area; or

(b) where any such owner has given his written consent to the agreement being entered into by any person having another interest in that land, that other person,

accepts such obligations with respect to the management of that land or otherwise as may be imposed by the agreement.

(3) Where it appears to the Secretary of State in relation to any area which is, or is to be, designated by an order under this section as a nitrate sensitive area that it is appropriate for provision for the imposition of requirements, prohibitions or restrictions to be contained in an order under this section (as well as for him to be able to enter into such agreements as are mentioned in subsection (2) above), he may, by a subsequent order under this section or, as the case may be, by the order designating that area—

(a) with a view to achieving the purpose mentioned in subsection (1) above, require, prohibit or restrict the carrying on on or in relation to any agricultural land in that area of such activities as may be specified or described in the order; and

(b) provide for such amounts (if any) as may be specified in or determined under the order to be paid by the Secretary of State, to such persons as may be so specified or determined, in respect of the obligations imposed in relation to that area on those persons by virtue of paragraph (a) above.

(4) Without prejudice to the generality of subsection (3) above, provision contained in an order under this section by virtue of that subsection may—

(a) confer power upon the Secretary of State to determine for the purposes of the order the circumstances in which the carrying on of any activities is required, prohibited or restricted and to determine the activities to which any such requirement, prohibition or restriction applies;

(b) provide for any requirement to carry on any activity not to apply in cases where the Secretary of State has consented to a failure to carry on that activity and any conditions on which the consent has been given are complied with;

(c) apply a prohibition or restriction in respect of any activities to cases where the activities are carried on without the consent of the Secretary of State or in contravention of any conditions subject to which any such consent is given;

(d) provide that a contravention of a requirement, prohibition or restriction contained in the order or in a condition of a consent given in relation to or for the purposes of any such requirement, prohibition or restriction shall be an offence the maximum penalties for which shall not exceed the maximum penalties specified in subsection (7) of section 31 above;

(e) provide for amounts paid in pursuance of any provision contained in the order to be repaid at such times and in such circumstances

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and with such interest as may be specified in or determined under the order;

(f) provide (subject to any regulations under subsection (6) below) for anything falling to be determined under the order by any person to be determined in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be specified in the order.

(5) The Secretary of State shall not make an order under this section except in accordance with any applicable provisions of Schedule 1A to this Act.

(6) The Secretary of State may, for the purposes of any orders under this section which require his consent to the carrying on of any activities or to any failure to carry on any activity, by regulations make provision with respect to—

(a) applications for any such consent;

(b) the conditions of any such consent;

(c) the revocation or variation of any such consent;

(d) the reference to arbitration of disputes about determinations on any such application;

(e) the imposition of charges where such an application has been made, such a consent has been given or there has been any act or omission in pursuance of any such consent; and

(f) the registration of any such application or consent.

31C Registering of agreement.

(1) An agreement under subsection (2) of section 31B above may—

(a) where the land is registered in the Land Register of Scotland, be registered in that register;

(b) in any other case, be recorded in the appropriate Division of the General Register of Sasines.

(2) An agreement registered or recorded under subsection (1) above shall be enforceable at the instance of the Secretary of State against persons deriving title to the land (including any person acquiring right to a tenancy by assignation or succession) from the person who entered into the agreement; provided that such an agreement shall not be enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infeftment or not) to the land prior to the agreement being registered or recorded as aforesaid, or against any person deriving title from such third party.

(3) Notwithstanding the terms of any agreement registered or recorded under subsection (1) above, the parties to the agreement or any persons deriving title from them may at any time agree to terminate it; and such an agreement to terminate it shall be registered or recorded in the same manner as was the original agreement.

31D Powers of entry in relation to agreements under section 31B.

The powers which by virtue of subsection (1) of section 91 of this Act are conferred in relation to any premises for the purpose—

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(a) of enabling the Secretary of State to determine whether or in what manner to exercise any power conferred on him by or under section 31B of this Act or to determine whether any provision of an order under that section is being or has been contravened; or

(b) of enabling a river purification authority to determine whether to make an application for the purpose of paragraph 1 of Schedule 1A to this Act,

shall include power, in order to obtain 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.

32 Control of discharges of trade and sewage effluent etc. into rivers and coastal waters etc.

(1) Subject to subsections (3) to (5) of this section, a person shall be guilty of an offence if he causes or knowingly permits—

(a) any trade effluent or sewage effluent to be discharged—

(i) into any controlled waters, or

(ii) from land in Scotland through a pipe into the sea outside the seaward limits of controlled waters, or

(iii) from a building or from plant on to or into any land or into any waters of a loch or pond which are not inland waters; or

(b) any matter other than trade or sewage effluent to be discharged into controlled waters from a sewer as defined by section 59(1) of the Sewerage (Scotland) Act 1968 or from a drain as so defined; or

(c) any matter other than trade or sewage effluent to be discharged into controlled waters from a drain which a roads authority is obliged or entitled to keep open by virtue of section 31 of the Roads (Scotland) Act 1984, and in respect of which the river purification authority in whose area the discharge occurs has, not later than the beginning of the period of three months ending with the date of the discharge, served on the roads authority a notice stating that this paragraph is to apply to the drain,

unless the discharge is made with the consent in pursuance of section 34 of this Act of the river purification authority in whose area the discharge occurs (or, in a case falling within paragraph (a)(ii) of this subsection, of the river purification authority whose area includes the point at which the pipe passes or first passes into or under controlled waters from the sea outside them) and is in accordance with the conditions, if any, to which the consent is subject.

(2) Where any sewage effluent is discharged as mentioned in paragraph (a) of the preceding subsection from any works or sewer vested in a local authority and the authority did not cause or knowingly permit the discharge but was bound to receive into the works or sewer, either unconditionally or subject to conditions which were observed, matter included in the discharge, the authority shall be deemed for the purposes of that subsection to have caused the discharge.

(3) The Secretary of State may—

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(a) by an order made before subsection (1) of this section comes into force provide that that subsection shall not, while the order is in force, apply to discharges which are of a kind or in an area specified in the order and for which, if this Act had not been passed, consent in pursuance of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 would not have been required;

(b) by order vary or revoke any order in force by virtue of the preceding paragraph;

and an order made by virtue of this subsection may require any river purification authority specified in the order to publish in a manner so specified such information about the order as is so specified.

(4) Subsection (1) of this section shall not apply to any discharge which—

(a) is from a vessel; or

(b) is authorised by a licence granted under Part II of the Food and Environment Protection Act 1985,

and a person shall not be guilty of an offence under subsection (1) if—

(i) the discharge is caused or permitted in an emergency in order to avoid danger to life or health;

(ii) he takes all such steps as are reasonably practicable in the circumstances for minimising the extent of the discharge and of its polluting effects; and

(iii) as soon as reasonably practicable after the discharge occurs, particulars of the discharge are furnished to the river purification authority in whose area it occurs.

(5) A local authority shall not be guilty of an offence by virtue of subsection (1) of this section by reason only of the fact that a discharge from a sewer or works vested in the authority contravenes conditions of a consent relating to the discharge if—

(a) the contravention is attributable to a discharge which another person caused or permitted to be made into the sewer or works; and

(b) the authority either was not bound to receive the discharge into the sewer or works or was bound to receive it there subject to conditions but the conditions were not observed; and

(c) the authority could not reasonably have been expected to prevent the discharge into the sewer or works;

and a person shall not be guilty of such an offence in consequence of a discharge which he caused or permitted to be made into a sewer or works vested in a local authority if the authority was bound to receive the discharge there either unconditionally or subject to conditions which were observed.

(6) In subsection (2) of this section and the preceding subsection, "local authority" means a local authority within the meaning of the Sewerage (Scotland) Act 1968.

(7) A person who is guilty of an offence by virtue of subsection (1) of this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;

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(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

33 Control of sanitary appliances on vessels.

(1) A river purification authority may by byelaws make such provision as the authority considers appropriate for prohibiting or regulating the keeping or use, on any controlled waters in the area of the authority, of vessels of a kind specified in the byelaws which are provided with sanitary appliances; and a person who contravenes any byelaw made by virtue of this section shall be guilty of an offence.

(2) The Secretary of State may by order provide that any byelaws specified in the order which were made by virtue of section 25(1)(c) of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (byelaws) shall have effect, with such modifications (if any) as are so specified, as if made by virtue of the preceding subsection.

(3) In this section "sanitary appliance" means a water closet or other prescribed appliance (except a sink, bath and a shower-bath) which is designed to permit polluting matter to pass into the water on which the vessel in question is for the time being situated.

(4) A person guilty of an offence by virtue of any of the preceding provisions of this section shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale or such smaller sum as may be specified in the byelaws.

Consents for discharges

34 Consents for discharges of trade and sewage effluent etc.

(1) An application to a river purification authority for consent in pursuance of this section for discharges of any effluent or other matter shall be accompanied or supplemented by all such information as the authority may reasonably require; and the authority may if it thinks fit treat an application for consent for discharges at two or more places as separate applications for consent for discharges at each of those places.

(2) Subject to the following section, it shall be the duty of a river purification authority to which an application for consent is made in pursuance of this section—

(a) to give the consent either unconditionally or subject to conditions or to refuse it; and

(b) not to withhold the consent unreasonably;

and if within the period of three months beginning with the date when an application for consent is received by the authority, or within such longer period as may at any time be agreed upon in writing between the authority and the applicant, the authority has neither given nor refused the consent nor informedthe applicant that the application has been transmitted to the Secretary of State in pursuance of the following section, the authority shall be deemed to have refused the consent.

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(3) If it appears to the authority that a person has, without the authority's consent, caused or permitted matter to be discharged in its area in contravention of section 32(1) of this Act and that a similar contravention by that person is likely, the authority may if it thinks fit serve on him an instrument in writing giving its consent, subject to conditions specified in the instrument, for discharges of a kind so specified; but consent given in pursuance of this subsection shall not relate to any discharge which occurred before the instrument giving the consent was served on the recipient of the instrument.

(4) The conditions subject to which the authority may give its consent in pursuance of this section shall be such reasonable conditions as the authority thinks fit; and without prejudice to the generality of the preceding provisions of this subsection those conditions may include reasonable conditions—

(a) as to the places at which the discharges to which the consent relates may be made and as to the design and construction of any outlets for the discharges;

(b) as to the nature, origin, composition, temperature, volume and rate of the discharges and as to the period during which the discharges may be made;

(c) as to the provision of facilities for taking samples of the matter discharged and in particular as to the provision, maintenance and use of manholes, inspection chambers, observation wells and boreholes in connection with the discharges;

(d) as to the provision, maintenance and testing of meters for measuring the volume and rate of the discharges and apparatus for determining the nature, composition and temperature of the discharges;

(e) as to the keeping of records of the nature, origin, composition, temperature, volume and rate of the discharges and in particular of records of readings of meters and other recording apparatus provided in accordance with any other condition attached to the consent;

(f) as to the making of returns and the giving of other information to the authority about the nature, origin, composition, temperature, volume and rate of the discharges; and

(g) as to the steps to be taken, in relation to the discharges or by way of subjecting any substance likely to affect the description of matter discharged to treatment or any other process, for minimising the polluting effects of the discharges on any controlled waters;

and it is hereby declared that consent may be given in pursuance of this section subject to different conditions in respect of different periods.

(5) A person who, in an application for consent in pursuance of this section, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

35 Reference to Secretary of State of certain applications for consent.

(1) The Secretary of State may, either in consequence of representations made to him or otherwise, direct a river purification authority to transmit to him for

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determination applications for consent in pursuance of the preceding section which are specified in the direction or are of a kind so specified, and it shall be the duty of the authority to comply with the direction and to inform each relevant applicant that his application has been transmitted to the Secretary of State.

(2) Before determining an application transmitted to him by a river purification authority in pursuance of this section the Secretary of State may if he thinks fit, and shall if a request to be heard with respect to the application is made to him in accordance with regulations by the applicant or the authority, cause a local inquiry to be held in pursuance of section 96 of this Act into the application or afford to the applicant and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where in pursuance of the preceding subsection the Secretary of State affords to an applicant and a river purification authority an opportunity of appearing before and being heard by a person with respect to the application in question, it shall be the duty of the Secretary of State to afford an opportunity of appearing before and being heard by that person to any person who, in pursuance of subsection (1)(c) or (5) of the following section, has made representations relating to the application.

(4) It shall be the duty of the Secretary of State to determine an application transmitted to him by a river purification authority in pursuance of this section by directing the authority to refuse its consent in pursuance of the preceding section in consequence of the application or to give the consent either unconditionally or subject to such conditions as are specified in the direction, and it shall be the duty of the authority to comply with the direction.

36 Provisions supplementary to ss. 34 and 35.

(1) Where a river purification authority receives an application for consent in pursuance of section 34 of this Act or serves an instrument in pursuance of subsection (3) of that section, it shall be the duty of the authority, before deciding whether to give or refuse consent in pursuance of the application or, as the case may be, after serving the instrument—

(a) to publish in the prescribed form notice of the application or instrument in two successive weeks in a newspaper or newspapers circulating in—

(i) the area or areas in which the places are situated at which it is proposed in the application that the discharges should be made or, as the case may be, at which discharges are the subject of consent given by the instrument, and

(ii) the area or areas appearing to the authority to be in the vicinity of any controlled waters which the authority considers likely to be affected by the discharges,

and, not earlier than the day following that on which the first publication of the notice is completed in all relevant areas in pursuance of the preceding provisions of this paragraph, to publish such a notice in the Edinburgh Gazette;

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(b) to send copies of the application or instrument to each local authority in whose area it is proposed in the application that a discharge should be made or in whose area a discharge is the subject of consent given by the instrument and, in the case of an application or instrument relating to coastal waters, relevant territorial waters or an application relating to waters outside the seaward limits of relevant territorial waters, to the Secretary of State; and

(c) to consider any written representations relating to the application or instrument which are made to the authority by any person within the period of six weeks beginning with the date on which the notice of the application or instrument is published in the Edinburgh Gazette.

(2) For the purposes of subsection (1) above, "local authority" means a regional or district council, and any place at sea at which it is proposed in an application that a discharge should be made shall be treated as situated at the point on land nearest to that place.

(3) Where notice of an application is published by a river purification authority in pursuance of subsection (1)(a) of this section, the authority shall be entitled to recover the cost of publication from the applicant.

(4) A river purification authority shall be entitled to disregard the provisions of subsection (1) of this section in relation to an application (except so much of paragraph (b) of that subsection as requires copies of the application to be sent to the Secretary of State) if the authority proposes to give consent in pursuance of the application and considers that the discharges in question will have no appreciable effect on the water into which they are proposed to be made.

(5) The preceding provisions of this section shall have effect with prescribed modifications in relation to an application which is the subject of a direction in pursuance of subsection (1) of the preceding section.

(6) Where a river purification authority proposes to give consent in pursuance of section 34 of this Act in consequence of an application in respect of which representations have been made in pursuance of subsection (1)(c) of this section then—

(a) it shall be the duty of the authority to serve notice of the proposal on the person who made the representations and to include in the notice a statement of the effect of the following paragraph; and

(b) that person may, within the period of twenty-one days beginning with the day on which the notice of the proposal is served on him, request the Secretary of State in accordance with regulations to give a direction in pursuance of subsection (1) of the preceding section in respect of the application; and

(c) it shall be the duty of the authority not to give consent in consequence of the application before the expiration of that period and, if within that period the said person makes a request in pursuance of the preceding paragraph and serves notice of the request on the authority, not to give consent in pursuance of the application unless the Secretary of State has given notice to the authority that he declines to comply with the request;

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and in calculating in the case of any application the period of three months mentioned in section 34(2) of this Act or a longer period there mentioned there shall be disregarded any period during which the authority to which the application was made is prohibited by virtue of paragraph (c) of this subsection from giving consent in consequence of the application.

(7) A consent for any discharges which is given in pursuance of section 34 of this Act is not limited to discharges by a particular person and accordingly extends to the discharges in question which are made by any person.

37 Revocation of consents and alteration and imposition of conditions.

(1) It shall be the duty of a river purification authority by which a consent is given in pursuance of section 34 of this Act to review from time to time the consent and the conditions, if any, to which the consent is subject; and subject to the following section the authority may, by a notice served on the person making a discharge in pursuance of the consent, revoke the consent if it is reasonable to do so or make reasonable modifications of the said conditions or, in the case of an unconditional consent, provide that it shall be subject to reasonable conditions specified in the notice.

(2) Subject to the following section, the Secretary of State may—

(a) for the purpose of enabling Her Majesty's Government in the United Kingdom to give effect to any **[**[F67]EU**]** obligation or to any international agreement to which the United Kingdom is for the time being a party;

(b) for the protection of public health or of flora and fauna dependent on an aquatic environment; or

(c) in consequence of any representations made to him or otherwise,

direct a river purification authority to serve a notice in pursuance of the preceding subsection containing such provisions as are specified in the direction and it shall be the duty of the authority to comply with the direction; and if the authority fails to serve the notice within such period as the Secretary of State may allow he may serve the notice on behalf of the authority, and it is hereby declared that for the purposes of this Part of the Act a notice served on behalf of an authority by virtue of this subsection is served by the authority.

38 Restriction on variation and revocation of consent and of previous variation.

(1) Each instrument signifying the consent of a river purification authority in pursuance of section 34 of this Act shall specify a period during which no notice in pursuance of subsection (1) or (2)(c) of the preceding section is to be served in respect of the consent without the written agreement of a person making a discharge in pursuance of the consent; and the said period shall be a reasonable period of not less than two years beginning with the day on which the consent takes effect.

(2) Each notice served by a river purification authority in pursuance of subsection (1) or (2)(c) of the preceding section (except a notice which only revokes a consent or conditions) shall specify a period during which a subsequent notice in pursuance of that subsection which alters the effect of

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the first-mentioned notice is not to be served without the written agreement of a person making a discharge in pursuance of the consent to which the first-mentioned notice relates; and the said period shall be a reasonable period of not less than two years beginning with the day on which the first-mentioned notice is served.

(3) The authority shall be liable to pay compensation to any person in respect of any loss or damage sustained by that person as a result of the authority's compliance with a direction given in relation to any consent by virtue of section 37(2)(b) of this Act if—

(a) in complying with that direction the authority does anything which, apart from that direction, it would be precluded from doing by a restriction imposed under subsection (1) or (2) above; and

(b) the direction is not shown to have been in consequence of—

(i) a change of circumstances which could not reasonably have been foreseen at the beginning of the period to which the restriction relates; or

(ii) consideration by the Secretary of State of material information which was not reasonably available to the authority at the beginning of that period;

and in this paragraph information is material, in relation to a consent, if it relates to any discharge made or to be made by virtue of the consent, to the interaction of any such discharge with any other discharge or to the combined effect of the matter discharged and any other matter.

(4) A restriction imposed under subsection (1) or (2) of this section shall not prevent the service by the authority of a notice by virtue of section 37(1) or (2)(c) of this Act in respect of a consent given under section 34(3) of this Act if—

(a) the notice is served not more than three months after the beginning of the period specified in section 36(1)(c) of this Act for the making of representations with respect to the consent; and

(b) the authority or, as the case may be, the Secretary of State considers, in consequence of any representations received by it or him within that period, that it is appropriate for the notice to be served.

39 Appeals to Secretary of State.

(1) Any questions as to whether—

(a) a river purification authority has unreasonably withheld its consent in pursuance of section 31(3) or 34 of this Act or regulations made by virtue of section 31(4) of this Act or has given its consent in pursuance of the said section 34 or such regulations subject to conditions which are unreasonable; or

(b) a notice served in pursuance of section 37(1) of this Act contains terms (other than a term required by subsection (2) of the preceding section) which are unreasonable; or

(c) the period specified in any instrument or notice in pursuance of subsection (1) or (2) of the preceding section is unreasonable,

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shall be determined for the purposes of this Part of this Act by the Secretary of State; but no question relating to a determination of the Secretary of State in pursuance of section 35(4) of this Act shall be referred to him in pursuance of this subsection and any such determination shall be final.

(2) Provision may be made by regulations as to the manner in which and the time within which a question may be referred or a request may be made in pursuance of the preceding provisions of this section and as to the procedure for dealing with such a reference or request.

(3) In any case where—

(a) a question as to whether a river purification authority has unreasonably withheld its consent in pursuance of section 34 of this Act, or has given its consent in pursuance of that section subject to conditions which are unreasonable, is referred to the Secretary of State in pursuance of this section; and

(b) representations relating to the application for the consent in question were made to the authority in pursuance of section 36(1)(c) of this Act,

it shall be the duty of the Secretary of State, before he determines the question, to secure that the authority has served notice of the reference on the persons who made the representations and to take account of any further written representations relating to the application which are received by him from those persons within a prescribed period.

(4) Where a question is referred to the Secretary of State in pursuance of subsection (1) of this section and he determines that the consent in question was unreasonably withheld or that the conditions or terms or period in question are or is unreasonable, he shall give to the relevant river purification authority such a direction as he thinks fit with regard to the consent, conditions, terms or period and it shall be the duty of the authority to comply with the direction.

(5) The withholding by a river purification authority of such a consent as is mentioned in subsection (1) of this section, the conditions subject to which such a consent is given and such terms and period as are so mentioned shall be treated as reasonable for the purposes of this Part of this Act until the contrary is determined in pursuance of subsection (1) of this section except that where a question as to the reasonableness of the conditions of a consent given in pursuance of regulations made by virtue of section 31(4) of this Act is referred to the Secretary of State in pursuance of this section the consent shall be treated for those purposes as unconditional while the reference is pending.

(6) At any stage of the proceedings on a reference to the Secretary of State in pursuance of this section he may, and shall if so directed by the Court of Session, state in the form of a special case for the decision of the court any question of law arising in those proceedings.

40 Transitional provisions relating to consents.

(1) Regulations may provide—

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(a) for any consent for discharges which was given in pursuance of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 to have effect for any of the purposes of this Part of this Act as if given in pursuance of prescribed provisions of section 34 of this Act; and

(b) for any conditions to which such a consent was subject in pursuance of any of those enactments to have effect for any of those purposes as if attached to the consent in pursuance of prescribed provisions of this Part of this Act.

(2) Regulations may provide for the terms of a consent for an outlet which was given in pursuance of the Rivers (Prevention of Pollution) (Scotland) Act 1951 and for conditions to which such a consent was subject in pursuance of that Act or which were imposed with respect to the outlet in pursuance of section 28(4) of that Act—

(a) to have effect, with or without modifications, for any of the purposes of this Part of this Act as if the terms or conditions were conditions attached to a consent given in pursuance of section 34 of this Act for discharges from the outlet; or

(b) to be treated, with or without modifications, for any of those purposes in such other manner as may be prescribed.

(3) An application for such a consent as is mentioned in subsection (1) of this section which is pending immediately before the relevant day shall be treated on and after that day as an application for consent in pursuance of section 34 of this Act which was made on the day on which it was actually made.

(4) Where an application for consent in pursuance of section 34 of this Act in respect of any discharge is duly made to a river purification authority before the relevant day and the discharge in question is not such as is mentioned in section 32(3)(a) of this Act and is substantially a continuation of a previous discharge which during the year ending with the 30th April 1974 was lawfully made without such consent as is so mentioned (any reduction of the temperature, volume or rate of the discharge as compared with that of the previous discharge being disregarded), the authority shall be deemed to have given unconditionally the consent applied for—

(a) until the authority actually gives the consent unconditionally; or

(b) if the authority decides to refuse consent or to give it subject to conditions, until the expiration of the period of three months beginning with the date when the authority serves on the applicant notice of the decision; or

(c) if during that period the applicant appeals to the Secretary of State against the decision in pursuance of the preceding section, until the determination of the appeal.

(5) Regulations may provide for any appeal which immediately before the relevant day is pending in pursuance of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 to be treated on and after that day as an appeal in pursuance of prescribed provisions of this Part of this Act.

(6) In this section “the relevant day” means 31st January 1985.

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Ancillary provisions relating to control of discharges

41 Registers.

(1) It shall be the duty of river purification authorities to maintain in accordance with regulations, registers containing prescribed particulars of—

(a) any notices of water quality objectives or other notices served under section 30C above;

(b) application for consents—

(i) made to the authorities in pursuance of this Part of this Act;

(ii) sent to the Secretary of State in pursuance of section 34 of this Act (as modified by regulations made under section 55 of this Act);

(c) consents given in pursuance of any provision of this Part of this Act (except section 40(4)) and the conditions to which the consents are subject;

(d) samples—

(i) of effluent taken by the authorities in pursuance of section 19 of the Rivers (Prevention of Pollution) (Scotland) Act 1951;

(ii) of effluent taken by islands councils from discharges made by them in their own areas for the purposes of their functions relating to the pollution of controlled waters; and

(iii) of water taken by the authorities;

and information produced by analyses of the samples and the steps taken in consequence of the information;

(e) certificates issued in pursuance of the following section.

(2) It shall be the duty of a river purification authority—

(a) to secure that registers maintained by the authority in pursuance of the preceding subsection are, after such date as is prescribed with respect to the registers, open to inspection by the public free of charge at all reasonable hours; and

(b) to afford members of the public reasonable facilities for obtaining from the authority, on payment of reasonable charges, copies of entries in the register.

42 Power of Secretary of State to exempt applications, consents and conditions etc. from publicity.

(1) If a person who proposes to make or has made an application to a river purification authority for any consent in pursuance of section 34 of this Act (hereafter in this subsection referred to as "the relevant application")—

(a) applies to the Secretary of State within a prescribed period for a certificate providing that section 36(1) of this Act and paragraphs (b) to (d) of subsection (1) of the preceding section shall not apply to the relevant application or to any consent given or conditions imposed in consequence of the relevant application or to any sample of effluent taken from a discharge for which consent is given in consequence

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of the relevant application or to information produced by analysis of such a sample; and

(b) satisfies the Secretary of State that it would—

(i) prejudice to an unreasonable degree some private interest by disclosing information about a trade secret, or

(ii) be contrary to the public interest,

if a certificate were not issued in pursuance of his application to the Secretary of State,

the Secretary of State may issue a certificate to that person providing that section 36(1) of this Act and those paragraphs shall not apply to such of the things mentioned in paragraph (a) of this subsection as are specified in the certificate.

(2) If a person who is making or proposes to make a discharge which is the subject of a consent given in pursuance of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965—

(a) applies to the Secretary of State for a certificate providing that subsection (1)(c) or (d) of the preceding section shall not apply to the consent or any conditions to which the consent is subject or any sample of effluent taken from a discharge to which the consent relates or any information produced by analysis of such a sample; and

(b) satisfies the Secretary of State as mentioned in paragraph (b) of the preceding subsection,

the Secretary of State may issue a certificate to that person providing that the said subsection (1)(c) or (d) shall not apply to such of the things mentioned in paragraph (a) of this subsection as are specified in the certificate.”.

Textual Amendments

F67 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with art. 3(2)(3)4(2)6(4)(5))

5 For sections 46 to 51 there shall be substituted the following sections—

“ Miscellaneous

46 Operations by river purification authorities to remedy or forestall pollution of water.

(1) Where it appears to a river purification authority that any poisonous, noxious or polluting matter or any solid waste matter is likely to enter, or is or was present in, any controlled waters in its area, the authority may carry out in its area or elsewhere such operations as it considers appropriate—

(a) in a case where the matter appears likely to enter such waters, for the purpose of preventing it from doing so; and

(b) in a case where the matter appears to be or to have been present in such waters, for the purpose of removing or disposing of the matter or of remedying or mitigating any pollution caused by its presence in the waters or of restoring the waters (including the fauna and flora

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dependent on the aquatic environment of the waters), so far as it is reasonably practicable to do so, to the state in which they were immediately before the matter became present in the waters;

but nothing in this subsection empowers a river purification authority to impede or prevent the making of any discharge in pursuance of a consent given by any authority by virtue of section 34 of this Act.

(2) Where a river purification authority carries out any operations in pursuance of this section the authority shall, subject to the following subsection, be entitled to recover the costs of doing so from any persons who caused or knowingly permitted the matter in question to be present at the place from which it was likely in the opinion of the authority to enter the controlled waters or, as the case may be, to be present in the controlled waters.

(3) No such costs shall be payable by a person—

(a) in so far as he satisfies the court in which it is sought to recover the costs that the costs were incurred unnecessarily; or

(b) for any operations in respect of water from an abandoned mine which that person permitted to reach such a place as is mentioned in the preceding subsection or to enter the controlled waters.

(4) In determining the damage which a person has suffered in consequence of pollution in respect of which operations have been or may be carried out in pursuance of this section, account shall be taken of the extent to which it is shown that the damage has been reduced by operations in pursuance of this section and of the extent to which it is shown that the damage is likely to be so reduced.

47 Duty of river purification authorities to deal with waste from vessels etc.

(1) It shall be the duty of each river purification authority—

(a) to arrange for the collection and disposal of waste from vessels in its area which appears to the authority to need collection in consequence of the provisions of section 33 of this Act; and

(b) to arrange for the provision of facilities for the washing out of prescribed appliances from vessels in its area.

(2) A river purification authority may arrange for the provision of facilities by way of water closets, urinals and wash basins for the use of persons from vessels in the authority's area.

(3) A port local authority constituted under Part X of the Public Health (Scotland) Act 1897 shall have power to make arrangements with a river purification authority for the purposes of any of the preceding provisions of this section.

48 Power of river purification authorities to exclude unregistered vessels from rivers etc.

(1) Where it appears to a river purification authority to be appropriate to do so for the purpose of preventing the pollution of inland waters in its area, the authority may make byelaws providing that vessels shall not be on any such waters which are specified in the byelaws unless the vessels are registered by the authority in accordance with the byelaws or are exempted by the byelaws

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from registration; and a person who causes or knowingly permits a vessel to be on inland waters in contravention of byelaws made by virtue of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or such smaller sum as may be specified in the byelaws.

(2) Byelaws made by a river purification authority in pursuance of the preceding subsection may authorise the authority to make reasonable charges in respect of the registration of vessels in pursuance of the byelaws; and no charges shall be payable, by persons in or from vessels registered by the authority in pursuance of the byelaws, in respect of the use by those persons of facilities provided in pursuance of the preceding section by or by arrangement with the authority.

49 Deposits and vegetation in rivers etc.

(1) If without the consent of the relevant river purification authority, which shall not be unreasonably withheld,—

(a) a person removes from any part of the bottom, channel or bed of any inland waters a deposit accumulated by reason of any dam, weir or sluice holding back the waters and does so by causing the deposit to be carried away in suspension in the waters; or

(b) any substantial amount of vegetation cut or uprooted in any inland waters, or so near to any such waters that it falls into it, is allowed to remain in the waters by the wilful default of any person,

then, subject to the following subsection, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Nothing in paragraph (a) of the preceding subsection applies to anything done in the exercise of statutory powers conferred by or under any enactment relating to land drainage, flood prevention or navigation.

(3) Regulations may provide that any reference to inland waters in subsection (1) of this section shall be construed as including a reference to such coastal waters as are prescribed for the purposes of that subsection.

(4) Any question as to whether the consent of a river purification authority in pursuance of subsection (1) of this section is unreasonably withheld shall be determined by the Secretary of State; and any consent given in pursuance of section 24 of the Rivers (Prevention of Pollution) (Scotland) Act 1951 (which is superseded by this section) shall be treated for the purposes of this section as given in pursuance of this section.

50 Investigation of water pollution problems arising from closure of mines.

Each river purification authority shall have power to carry out studies for the purpose of ascertaining—

(a) what problems relating to the pollution of controlled waters may arise or have arisen in consequence of the abandonment of any mine in its area or might arise if any such mine were abandoned; and

(b) what steps are likely to be appropriate for the purpose of dealing with the problems and what the cost of taking those steps would be.

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51 Codes of good agricultural practice.

(1) The Secretary of State may by order made by statutory instrument approve any code of practice issued (whether by him or by another person) for the purpose of—

(a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters; and

(b) promoting what appear to him to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,

and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.

(2) A contravention of a code of practice as for the time being approved under this section shall not of itself give rise to any criminal or civil liability, but a river purification authority shall take into account whether there has been or is likely to be any such contravention in determining when and how it should exercise any powers conferred on it by regulations under section 31A of this Act.

(3) The Secretary of State shall not make an order under this section unless he has first consulted the river purification authorities.”.

6 For sections 53 to 56 there shall be substituted the following sections—

“**53 Charges in respect of consents, etc.**

(1) Where—

(a) an application is made to a river purification authority for a consent for the purposes of sections 31(3), 32 or 49 of this Act;

(b) the authority gives a consent under section 34(3) of this Act or a consent for the purposes of section 31(3) or 49 of this Act; or

(c) a consent for the purposes of sections 31(3), 32 or 49 of this Act is for the time being in force,

the authority may require the payment to it of such charges as may be specified in or determined under a scheme made by it under this section.

(2) The persons who shall be liable to pay charges which are required to be paid by virtue of a scheme under this section shall be—

(a) in the case of a charge by virtue of subsection (1)(a) above, the person who makes the application;

(b) in the case of a charge by virtue of subsection (1)(b) above, any person who is authorised to do anything by virtue of the consent and on whom the instrument giving the consent is served; and

(c) in the case of a charge by virtue of subsection (1)(c) above, any person who makes a discharge in pursuance of the consent at any time during the period to which, in accordance with the scheme, the charge relates;

and provision made by a scheme for the purposes of paragraph (c) above may impose a single charge in respect of the whole period for which the consent is in force or separate charges in respect of different parts of that period or both such a single charge and such separate charges.

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(3) An authority shall not make a scheme under this section unless its provisions have been approved by the Secretary of State; and the consent of the Treasury shall be required for the giving of such an approval.

(4) Before submitting a scheme under this section to the Secretary of State for his approval an authority shall, in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by it, publish a notice setting out its proposals and specifying the period within which representations with respect to the proposals may be made to the Secretary of State.

(5) Where any proposed scheme has been submitted to the Secretary of State for his approval, it shall be the duty of the Secretary of State, in determining whether or not to approve the scheme or to approve it subject to modifications—

(a) to consider any representations duly made to him; and

(b) to have regard to the matters specified in subsection (6) below.

(6) The matters mentioned in subsection (5)(b) above are—

(a) the desirability of ensuring that the amount recovered by the authority by way of charges fixed by or under schemes under this section does not exceed, taking one year with another, such amount as appears to the Secretary of State to be reasonably attributable to the expenses incurred by the authority in carrying out its functions under sections 34 to 38 and 49 of this Act and otherwise in relation to discharges into controlled waters; and

(b) the need to ensure that no undue preference is shown, and that there is no undue discrimination, in the fixing of charges by or under the scheme.

(7) A scheme under this section may—

(a) make provision with respect to the times and methods of payment of the charges which are required to be paid by virtue of the scheme;

(b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(c) contain supplemental, consequential and transitional provision for the purposes of the scheme;

and such a scheme may revoke or amend a previous scheme under this section.

(8) It shall be the duty of a river purification authority to take such steps as it considers appropriate for bringing the provisions of any scheme under this section which is for the time being in force to the attention of persons likely to be affected by them.

54 Directions to the river purification authority.

(1) Directions of a general or specific character may be given to each river purification authority by the Secretary of State with respect to the carrying out of its functions and it shall be the duty of each river purification authority to comply with any such direction.

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(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, directions under that subsection may include such directions as the Secretary of State considers appropriate in order to enable Her Majesty's Government in the United Kingdom to give effect to—
  (a) any Community obligations; or
  (b) any international agreement to which the United Kingdom is for the time being a party.

(3) Any power of the Secretary of State otherwise than by virtue of this section to give direction to a river purification authority shall be without prejudice to the power conferred by this section.

Supplemental

55 Discharges by islands councils.

(1) This part of this Act shall have effect with prescribed modifications in relation to discharges by an islands council in its area.

(2) Without prejudice to the generality of the power to make regulations conferred by the preceding subsection, any regulations made in pursuance of that subsection may provide for consents required by islands councils for the purposes of this Part of this Act as modified by virtue of that subsection to be or be deemed to be given by the Secretary of State.

56 Interpretation etc. of Part II.

(1) Except where the context otherwise requires, in this Part of this Act—

"agriculture" and "agricultural" have the same meanings as in the Agriculture (Scotland) Act 1948;

"coastal waters", "controlled waters", "ground waters", "inland waters" and "relevant territorial waters" have the meanings given by section 30A(1) above;

"effluent" means any liquid, including particles of matter and other substances in suspension in the liquid;

"micro-organism" includes any microscopic biological entity which is capable of replication;

"sewage effluent" includes any effluent from the sewage disposal or sewerage works of a local authority within the meaning of the Sewerage (Scotland) Act 1968;

"substance" includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

"trade effluent" includes any effluent which is discharged from premises used for carrying on any trade or industry, other than surface water and domestic sewage;

"underground strata" means strata subjacent to the surface of any land;

"water authority" means an authority established in accordance with section 3 of the Water (Scotland) Act 1980;

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"watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers, and passages through which water flows except mains and other pipes which belong to the water authority or are used by a water authority or any other person for the purposes only of providing a supply of water to any premises.

(2) In this Part of this Act—

(a) any reference to the waters of any loch or pond or of any river or watercourse includes a reference to the bottom, channel or bed of any loch, pond, river or, as the case may be, watercourse which is for the time being dry; and

(b) any reference to water contained in underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

(3) For the purposes of the definition of "trade effluent" in subsection (1) above any premises (whether on land or not) wholly or mainly used (whether for profit or not) for agricultural purposes or for the purposes of fish farming or for scientific research or experiment shall be deemed to be (and in the case of fish farms, always to have been) premises used for carrying on a trade.

(4) For the purposes of this Part of this Act the area of a river purification authority shall include all controlled waters off the coast of the area which is the authority's area apart from this subsection; and any question as to whether any place is included in the area of a river purification authority by virtue of this subsection shall be determined by the Secretary of State.

(5) For the purposes of this Part of this Act a notice imposing conditions with respect to discharges which was given by a river purification authority in pursuance of—

(a) section 28(4) of the Rivers (Prevention of Pollution) (Scotland) Act 1951; or

(b) section 1(5) of the Rivers (Prevention of Pollution) (Scotland) Act 1965,

shall be treated as having given the authority's consent in pursuance of the Act in question for those discharges subject to those conditions.

(6) Section 30(5) of this Act shall have effect in relation to this Part of this Act as if for any reference to Part I of this Act there were substituted a reference to this Part of this Act."

7 In subsection (1) of section 104 (orders and regulations), for the words "section 33(4), 44(5), 52, 53 or 109(2)" there shall be substituted the words "section 44(5) or 109(2)".

8 After Schedule 1 there shall be inserted the following Schedule—

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"SCHEDULE
1A

ORDERS DESIGNATING NITRATE SENSITIVE AREAS: SCOTLAND

PART I

APPLICATIONS BY RIVER PURIFICATION AUTHORITIES FOR DESIGNATION ORDERS

Orders made only on application

1 (1) Subject to sub-paragraph (2) below, the Secretary of State shall not make an order under section 31B of this Act by virtue of which any land is designated as a nitrate sensitive area, except with the consent of the Treasury and on an application which—
(a) has been made by a river purification authority in accordance with paragraph 2 below; and
(b) by virtue of sub-paragraph (2)(a) of that paragraph identifies the controlled waters with respect to which that land is so comprised by the order.

(2) This paragraph shall not apply to an order which reproduces or amends an existing order without adding any land appearing to the Secretary of State to constitute a significant area to the land already comprised in the areas for the time being designated as nitrate sensitive areas.

Procedure for applications

2 (1) A river purification authority shall not, for the purposes of paragraph 1 above, apply for the making of any order under section 31B of this Act, by which any land would be comprised in the areas for the time being designated as nitrate sensitive areas unless it appears to the authority—
(a) that pollution is or is likely to be caused by the entry of nitrate into controlled waters as a result of, or of anything done in connection with, the use of particular land for agricultural purposes; and
(b) that the provisions for the time being in force in relation to those waters and that land are not sufficient, in the opinion of the authority, for preventing or controlling such an entry of nitrate into those waters.

(2) An application under this paragraph shall identify—
(a) the controlled waters appearing to the authority to be the waters which the nitrate is entering or is likely to enter; and
(b) the land appearing to the authority to be the land the use of which for agricultural purposes, or the doing of anything in connection with whose use for agricultural purposes, is resulting or is likely to result in the entry of nitrate into those waters.

(3) An application under this paragraph shall be made by serving a notice containing the application on the Secretary of State.

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PART II

ORDERS CONTAINING MANDATORY PROVISIONS ETC.

Publication of proposal for order containing mandatory provisions

3 (1) This paragraph applies where the Secretary of State proposes to make an order under section 31B of this Act which—

(a) makes or modifies any such provision as is authorised by subsection (3)(a) of that section; and

(b) in doing so, contains provision which is not of one of the following descriptions, that is to say—

(i) provision reproducing existing provisions without modification and in relation to substantially the same area; and

(ii) provision modifying any existing provisions so as to make them less onerous.

(2) The Secretary of State shall, before making any such order as is mentioned in sub-paragraph (1) above—

(a) publish a notice with respect to the proposed order at least once in each of two successive weeks, in one or more newspapers circulating in the locality in relation to which the proposed order will have effect;

(b) not later than the date on which that notice is first published, serve a copy of the notice on—

(i) the river purification authority;

(ii) every local authority whose area includes the whole or any part of that locality; and

(iii) in the case of an order containing any such provision as is authorised by section 31B(3)(b) of this Act, such owners and occupiers of agricultural land in that locality as appear to the Secretary of State to be likely to be affected by the obligations in respect of which payments are to be made under that provision;

and

(c) publish a notice in the Edinburgh Gazette which—

(i) names every local authority on whom a notice is required to be served under this paragraph;

(ii) specifies a place where a copy of the proposed order and of any relevant map or plan may be inspected; and

(iii) gives the name of every newspaper in which the notice required by virtue of paragraph (a) above was published and the date of an issue containing the notice.

(3) The notice required by virtue of sub-paragraph (2)(a) above to be published with respect to any proposed order shall—

(a) state the general effect of the proposed order;

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(b) specify a place where a copy of the proposed order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of forty-two days beginning with the date of the first publication of the notice; and

(c) state that any person may, within that period, by notice to the Secretary of State object to the making of the order.

Supply of copies of proposed orders

4 The Secretary of State shall, at the request of any person and on payment by that person of such charge (if any) as the Secretary of State may reasonably require, furnish that person with a copy of any proposed order of which notice has been published under paragraph 3 above.

Modifications of proposals

5 (1) Where notices with respect to any proposed order have been published and served in accordance with paragraph 3 above and the period of forty-two days mentioned in sub-paragraph (3)(b) of that paragraph has expired, the Secretary of State may make the order either in the proposed terms or, subject to sub-paragraph (2) below (but without any further compliance with paragraph 3 above), in those terms as modified in such manner as he thinks fit, or may decide not to make any order.

(2) The Secretary of State shall not make such a modification of a proposed order of which notice has been so published and served as he considers is likely adversely to affect any persons unless he has given such notices as he considers appropriate for enabling those persons to object to the modification.

(3) Subject to sub-paragraph (2) above and to the service of notices of the proposed modification on such local authorities as appear to him to be likely to be interested in it, the modifications that may be made by the Secretary of State include any modification of the area designated by the proposed order as a nitrate sensitive area.

Consideration of objections etc.

6 Without prejudice to section 96 of this Act, where notices with respect to any proposed order have been published and served in accordance with paragraph 3 above, the Secretary of State may, if he considers it appropriate to do so, hold a local inquiry before deciding whether or not to make the proposed order or to make it with modifications.

Consent of Treasury for payment provisions

7 The consent of the Treasury shall be required for the making of any order under section 31B of this Act the making of which does not require the consent of the Treasury by virtue of paragraph 1 above but which contains any such provision as is authorised by subsection (3)(b) of that section.

8 In this Part, “local authority” means a regional, islands or district council.”

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[F139]SCHEDULE 24

. . . . . .

Textual Amendments

F139 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)

SCHEDULE 25

Section 190.

MINOR AND CONSEQUENTIAL AMENDMENTS

Adaptation of enactments relating to statutory undertakers etc.

1 (1) Each of the following, that is to say—

(a) **[**[F140]the Environment Agency**]**;

[[F141](aa) the Natural Resources Body for Wales;**]**

(b) every water undertaker; and

(c) every sewerage undertaker,

shall be deemed to be statutory undertakers, and its undertaking a statutory undertaking, for the purposes of the enactments specified in sub-paragraph (2) below.

(2) The enactments mentioned in sub-paragraph (1) above are—

(i) the [M76]Public Health Act 1925;

(ii) the [M77]Public Health Act 1936;

(iii) section 4 of the [M78]Requisitioned Land and War Works Act 1948;

(iv) the National Parks and Access to the [M79]Countryside Act 1949;

(v) sections 20 and 30 of the [M80]Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;

(vi) the [M81]Landlord and Tenant Act 1954;

(vii) . . . . . [F142]

(viii) the [M82]Opencast Coal Act 1958;

(ix) section 17(10) of the [M83]Public Health Act 1961;

(x) the [M84]Pipe-lines Act 1962;

(xi) Schedule 3 to the [M85]Harbours Act 1964;

(xii) Schedule 6 to the [M86]Gas Act 1965;

(xiii) section 40 of the [M87]Forestry Act 1967;

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(xiv) section 2 of the [M88]Countryside Act 1968, in so far as references in that section to a public body are to be construed as references to a statutory undertaker, and sections 13 and 16 of, and Schedule 2 to, that Act;

(xv) section 5 of the [M89]Development of Tourism Act 1969;

(xvi) . . . . . [F143]

(xviii) sections 51 . . . [F144] of the [M90]Land Compensation Act 1973;

(xix) section 73 of the [M91]Control of Pollution Act 1974;

(xx) the [M92]Welsh Development Agency Act 1975;

(xxi) Part I of the [M93]Local Government (Miscellaneous Provisions) Act 1976;

[F145](xxii) . . . . . .

(xxiii) the [M94]Ancient Monuments and Archaeological Areas Act 1979;

(xxiv) **[**[F146]Part**]**XVI of the [M95]Local Government, Planning and Land Act 1980;

(xxv) the [M96]Highways Act 1980;

(xxvi) subject to sub-paragraph (5) below, the [M97]New Towns Act 1981;

(xxvii) the [M98]Acquisition of Land Act 1981;

(xxviii) the [M99]Civil Aviation Act 1982;

(xxix) section 30 of the [M100]Local Government (Miscellaneous Provisions) Act 1982;

(xxx) section 2(2)(c) of the [M101]Cycle Tracks Act 1984;

(xxxi) the [M102]Building Act 1984;

(xxxii) Part IX and section 611 of the [M103]Housing Act 1985.

(3) **[**[F140]The Environment Agency**]**, **[**[F147]the Natural Resources Body for Wales,**]** a water undertaker or a sewerage undertaker shall be deemed to be a statutory company for the purposes of the [M104]Landlord and Tenant Act 1927.

[F148](4) . . . . . .

(5) The references in section 39 of the New Towns Act 1981 (power of development corporation to transfer undertakings) to statutory undertakers do not include references to any water undertaker or sewerage undertaker and, accordingly, references in that section to a statutory undertaking do not include references to the statutory undertaking of such an undertaker.

(6) References in section 26 of the [M105]Land Compensation Act 1973 (acquisition of land in connection with public works) to a responsible authority shall not include references to **[**[F149]the Environment Agency**][**[F150]the Natural Resources Body for Wales,**]** , a water undertaker or a sewerage undertaker.

(7) A water undertaker or sewerage undertaker shall be deemed to be statutory undertakers for the purposes of section 9(3) of the [M106]Inner Urban Areas Act 1978 (loans for site preparation).

(8) A water undertaker or sewerage undertaker shall be deemed to be public utility undertakers for the purposes of the Highways Act 1980 [F151]. . .

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(9) In the enactments specified in sub-paragraph (10) below, "the appropriate Minister", in relation to statutory undertakers, means—

(a) in the case of **[**[F140]the Environment Agency**][**[F152]or the Natural Resources Body for Wales**]** , the Secretary of State or the Minister; and

(b) in the case of a water undertaker or sewerage undertaker, the Secretary of State.

(10) The enactments mentioned in sub-paragraph (9) above are—

(i) the [M107]Opencast Coal Act 1958;

(ii) Schedule 3 to the [M108]Harbours Act 1964;

(iii) paragraph 2 of Schedule 6 to the [M109]Gas Act 1965;

(iv) . . . . . [F143]

(v) the [M110]Welsh Development Agency Act 1975;

[F145](vi) . . . . . .

(vii) sections 121 and 290 of the [M111]Highways Act 1980;

(viii) the [M112]New Towns Act 1981;

(ix) the [M113]Acquisition of Land Act 1981.

(11) References to a local authority in the following enactments . . . [F153] shall not include references to **[**[F149]the Environment Agency**][**[F154]or the Natural Resources Body for Wales**]** , namely—

(i) the [M114]Opencast Coal Act 1958;

(ii) . . . . . [F143]

(iii) Part I of Schedule 6 to the Highways Act 1980;

(iv) the New Towns Act 1981;

(v) the Acquisition of Land Act 1981.

Textual Amendments

F140 Words in Sch. 25 para. 1(1)(a)(3)(4)(9)(a) substituted (1.4.1996) by S.I. 1996/396, reg. 3, **Sch. 2 para. 4(2)**

F141 Sch. 25 para. 1(aa) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 193(2)** (with Sch. 7)

F142 Sch. 25 para. 1(2)(vii) repealed by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 53(2), **Sch. 8** (with s. 53(1), Sch. 7)

F143 Sch. 25 paras. 1(2)(xvi)(xvii), (10)(iv), (11)(ii), 42 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I** (with Sch. 3 paras. 1, 2, 4, 6)

F144 Words repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I** (with Sch. 3 paras. 1, 2, 4, 6)

F145 Sch. 25 para. 1(2)(xxii)(10)(vi) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

F146 Words in Sch. 25 para. 1(2)(xxiv) substituted (1.10.1998) by 1998 c. 38, **s. 135(2)(a)** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

F147 Words in Sch. 25 para. 1(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. 193(3)** (with Sch. 7)

F148 Sch. 25 para. 1(4) repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

F149 Words in Sch. 25 para. 1(6)(11) substituted (1.4.1996) by S.I. 1996/396, reg. 3, **Sch. 2 para. 4(3)**

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F150 Words in Sch. 25 para. 1(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. 193(4)** (with Sch. 7)

F151 Words in Sch. 25 para. 1(8) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(2), **Sch. 9** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch. 2**.

F152 Words in Sch. 25 para. 1(9)(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. 193(5)** (with Sch. 7)

F153 Words repealed by S.I. 1990/776, art. 8, **Sch. 3 para. 28**

F154 Words in Sch. 25 para. 1(11) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 193(6)** (with Sch. 7)

Marginal Citations

M76 1925 c. 71.
M77 1936 c. 49.
M78 1948 c. 17.
M79 1949 c. 97.
M80 1951 c. 65.
M81 1954 c. 56.
M82 1958 c. 69.
M83 1961 c. 64.
M84 1962 c. 58.
M85 1964 c. 40.
M86 1965 c. 36.
M87 1967 c. 10.
M88 1968 c. 41.
M89 1969 c. 51.
M90 1973 c. 26.
M91 1974 c. 40.
M92 1975 c. 70.
M93 1976 c. 57.
M94 1979 c. 46.
M95 1980 c. 65.
M96 1980 c. 66.
M97 1981 c. 64.
M98 1981 c. 67.
M99 1982 c. 16.
M100 1982 c. 30.
M101 1984 c. 38.
M102 1984 c. 55.
M103 1985 c. 68.
M104 1927 c. 36.
M105 1973 c. 26.
M106 1978 c. 50.
M107 1958 c. 69.
M108 1964 c. 40.
M109 1965 c. 36.
M110 1975 c. 70.
M111 1980 c. 66.
M112 1981 c. 64.
M113 1981 c. 67.
M114 1958 c. 69.

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Adaptation of enactments referring to the Drought Act 1976

2 . . . . . F155

Textual Amendments

F155 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)

The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)[F156F156]

Textual Amendments

F156 Sch. 25 para. 3 repealed (19.11.1998) by 1998 c. 43, **s. 1(1) Sch. 1 Pt. X** Group 3

3 . . . . . .

The Public Health (Scotland) Act 1897 (c. 38)

4 In section 16 of the Public Health (Scotland) Act 1897 (definition of nuisance), in the proviso, after paragraph (b) there shall be inserted the following paragraph—

"(c) paragraphs (2) and (3) above shall not apply in relation to the supply of water for domestic purposes within the meaning of section 7 of the Water (Scotland) Act 1980."

The Public Health Act 1936 (c. 49)

5 In section 227 of the Public Health Act 1936 (power of local authority to lay pipes for the purposes of baths), at the end there shall be inserted the words "and for the purposes of the provision, laying down or maintenance in any street of any such pipes or apparatus—

(a) the authority shall be entitled in relation to any such pipes or apparatus to exercise the same powers as, for the purpose of carrying out its functions, are conferred on a water undertaker in relation to relevant pipes by paragraph 2 of Schedule 19 to the Water Act 1989 (street works); and

(b) the provisions of that Act shall apply, with the necessary modifications, in relation to the power conferred by virtue of paragraph (a) above as they apply in relation to the power conferred by the said paragraph 2;

and in this section "street" has the same meaning as in that Schedule. "

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The Requisitioned Land and War Works Act 1948 (c. 17)

6,7. . . . . F157

Textual Amendments

F157 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)

The Requisitioned Land and War Works Act 1945 (c. 43)

8 In section 17(1) of the Requisitioned Land and War Works Act 1945 (publication of proposed orders relating to highways)—

(a) in paragraph (b), after the word "water," there shall be inserted the word "sewerage,"; and

(b) after that paragraph there shall be inserted the following paragraph—

"(bb) to be sent to the National Rivers Authority where the National Rivers Authority has any mains or pipes laid along, across, over or under any such highways as aforesaid; and".

The Fire Services Act 1947 (c. 41)

F158 9 . . . . . .

Textual Amendments

F158 Sch. 25 para. 9 repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 2**; S.I. 2004/2304, art. 2; W.S.I. 2004/2917, art. 2

10 . . . . . F159

Textual Amendments

F159 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)

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The Coast Protection Act 1949 (c. 74)

11 (1) In section 2 of the Coast Protection Act 1949 (constitution of coast protection boards) —

(a) in subsection (2)(b), for the words from the beginning to "drainage authority" there shall be substituted the words "the National Rivers Authority and any sea defence commissioners, internal drainage board"; and

(b) in subsection (8)(a), for the words from the beginning to "drainage authority" there shall be substituted the words "in relation to the National Rivers Authority, an internal drainage board".

(2) In section 5 of that Act (objections to, and approval of, proposals to carry out coast protection work)—

(a) in subsection (1), for the words from "on any" to "whose area" there shall be substituted the words "on the National Rivers Authority and on any internal drainage board in whose district"; and

(b) in subsection (6), for the words from "in the area" onwards there shall be substituted the words "the coast protection authority shall, before or as soon as possible after the commencement of the work, give notice of the nature of the work—

(a) to the National Rivers Authority where it is not represented on the coast protection authority; and

(b) to any internal drainage board which are not so represented and in whose district the work is to be or has been carried out."

(3) In section 8(1) of that Act (notice to be given where a coast protection authority prepares a works scheme), for the words from "on any" to "whose area" there shall be substituted the words "on the National Rivers Authority and on any internal drainage board in whose district".

(4) In section 16(4) of that Act (notice to be given to a coast protection authority for an adjoining area before an application relating to coast protection work is determined), for the words from "and to any" onwards there shall be substituted the words "and to the National Rivers Authority and to any internal drainage board whose district comprises the whole or any part of their area, and shall consider any representations made by the National Rivers Authority or by any such authority or board."

(5) In section 17 of that Act (notification to coast protection authority of coast protection work to be carried out by certain authorities)—

(a) in subsection (3), for the words from "and to any" to "whose area" there shall be substituted the words "to the National Rivers Authority and to any internal drainage board whose district"; and

(b) in subsection (9), for the words from "served" to "drainage authority" there shall be substituted the words "served by the National Rivers Authority or an internal drainage board".

(6) In section 45(1)(b) of that Act (service of notices and other documents), for the words from "or a coast" to "drainage authority" there shall be substituted the words "including the National Rivers Authority and an internal drainage board, or a coast protection board".

(7) In section 47 of that Act (savings), for paragraph (c) there shall be substituted the following paragraph—

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"(c) authorise or require any person—

(i) to carry out any work of alteration, improvement, repair, maintenance, demolition or removal on any works constructed or maintainable by the National Rivers Authority or an internal drainage board, or

(ii) to carry out any work on land on which the sowing or planting of vegetation is carried out or vegetation is maintained by the National Rivers Authority or an internal drainage board,

unless the National Rivers Authority or the internal drainage board consents or the work is done by, or under a scheme prepared by, a coast protection board on which the National Rivers Authority or the internal drainage board is represented and is to be carried out in the area of that coast protection board;".

(8) In paragraph 1(b) of Schedule 1 to that Act (procedure for making orders), for the words from the beginning to "drainage authority" there shall be substituted the words "on the National Rivers Authority and on any sea defence commissioners, coast protection board, internal drainage board".

(9) In Schedule 2 to that Act (provisions as to orders restricting excavation of materials from the seashore), in each of paragraphs 2 and 12, for the words from "any catchment" to "whose area" there shall be substituted the words "the National Rivers Authority and on any catchment board, conservancy authority, harbour authority or navigation authority whose area, and on any internal drainage board whose district,".

The Agricultural Holdings (Scotland) Act 1949 (c. 75)

12 In section 28 of the Agricultural Holdings (Scotland) Act 1949 (Land Court may grant certificate of failure to fulfil responsibilities to farm in accordance with rules of good husbandry), at the end there shall be added the words—

" Provided that in determining whether to grant a certificate under this section, the Land Court shall disregard any practice adopted by the tenant in compliance with any obligation imposed on him by or accepted by him under section 31B of the Control of Pollution Act 1974. "

The National Parks and Access to the Countryside Act 1949 (c. 97)

13 (1) In section 20(2) of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves), in the proviso, for the words from "undertakers" to "drainage authority" there shall be substituted the words "undertakers, or an internal drainage board".

(2) In section 99(6) of that Act (contributions by local authorities), for the words from "incurred by" to "being" there shall be substituted the words "incurred by the National Rivers Authority or an internal drainage board being".

(3) In Schedule 1 to that Act (provisions as to making, confirmation, coming into operation and validity of certain instruments), in paragraph 2(4)—

(a) for the words "the persons carrying on a statutory undertaking, being a water undertaking," there shall be substituted the words "the National Rivers Authority or a water undertaker"; and

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(b) for the words "the undertaking" there shall be substituted the words "the statutory undertaking carried on by that Authority or, as the case may be, undertaker".

F160 14 . . . . . .

Textual Amendments

F160 Sch. 25 para. 14 repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(2), **Sch. 9** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch.2**.

The Border Rivers (Prevention of Pollution) Act 1951 (c. 7)

15 The Border Rivers (Prevention of Pollution) Act 1951 shall cease to have effect.

The Reserve and Auxiliary Forces (Protection of Civil Interests)Act 1951 (c. 65)

16 In section 20(4) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (modifications of Rent Acts as respects occupation by employees), for the words from "or to provide" onwards there shall be substituted the words "or being powers or duties of an internal drainage board."

The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)

17 In section 18(6) and section 19(3) of the Rivers (Prevention of Pollution) (Scotland) Act 1951, for the words from "tidal waters" to "an authority" there shall be substituted the words "controlled waters within the meaning of section 30A of the Control of Pollution Act 1974" and for the word "authority's" there shall be substituted the words "river purification authority's".

The Finance Act 1952 (c. 33)

18 Subsections (1)(a) and (2) of section 74 of the Finance Act 1952 (stamp duties in relation to the transfer of undertakings of any water undertakers) shall cease to have effect.

The Town Development Act 1952 (c. 54)

F161 19 (1) In section 2(2) of the Town Development Act 1952 (contributions to specified expenses)—

(a) for paragraph (e) there shall be substituted the following paragraph—

"(e) payments under section 41 of the Water Act 1989 in respect of the provision of a water main needed for the purposes or in consequence of the development;"

(b) in paragraph (ee), for the words "section 16 of the Water Act 1973" there shall be substituted the words "section 72 of the Water Act 1989"; and

(c) in paragraph (f), for the words from "to a" to "drainage authority", in the second place where those words occur, there shall be substituted the words "to the National Rivers Authority or to an internal drainage board in respect of expenses incurred by the National Rivers Authority or the internal drainage board".

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(2) In section 8(1)(b) of that Act (the kinds of action for which provision for participation by agreement may be made), for the words from "participating council" to "being action" there shall be substituted the words "participating council, being action".

(3) In section 16 of that Act (contributions to expenses of land drainage works), for the words from "incurred by" to "drainage authority" there shall be substituted the words "incurred by the National Rivers Authority or by an internal drainage board".

Textual Amendments

F161 Sch. 25 para. 19 repealed (prosp .) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2)(3), **Sch. 12 Pt. II**

The Local Government (Miscellaneous Provisions) Act 1953 (c. 26)

20 Section 6(2) of the Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to access to sewers and other apparatus) shall have effect as if the references to water undertakers included references to the Authority, a water undertaker and a sewerage undertaker.

The Rural Water Supplies and Sewerage Act 1955 (c. 13)

21 . . . . . **F162**

Textual Amendments

F162 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)

[F163 The Valuation and Rating (Scotland) Act 1956 (c. 60)

Textual Amendments

F163 Sch. 25 para. 22 repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(d), **Sch. 2**

22 . . . . . .]

The Coal-Mining (Subsidence) Act 1957 (c. 59)

23 . . . . . **F164**

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Textual Amendments

F164 Sch. 25 para. 23 repealed by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 53(2), **Sch.8** (with s. 53(1), Sch. 7)

The Manoeuvres Act 1958 (c. 7)

24 (1) In section 1(3)(a) of the Manoeuvres Act 1958 (notice to certain bodies where provision to authorise execution of manoeuvres is proposed in parts of their areas), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

"(i) to the National Rivers Authority and to any local authority or parish or community council any part of whose area is included in the manoeuvres area;".

(2) In section 2(1) of that Act (powers exercisable for purposes of manoeuvres)—

(a) in the proviso, for the words "source of supply belonging to a private owner or public authority" there shall be substituted the words "relevant source of supply"; and

(b) after the proviso there shall be inserted the words—

"In this section "relevant source of supply" means a source of supply which belongs to the National Rivers Authority, a water undertaker or a private owner, or from which the National Rivers Authority, a water undertaker or a private owner is authorised to take water."

The Finance Act 1958 (c. 56)

25 Subsection (5) of section 35 of the Finance Act 1958 (miscellaneous amendments in connection with stamp duty) shall cease to have effect.

The Opencast Coal Act 1958 (c. 69)

26 (1) In section 7 of the Opencast Coal Act 1958 (limitation on compulsory rights orders)—

(a) in subsection (2)(c), for the words from "or of the body" to "drainage authority," there shall be substituted the words "or of any internal drainage board"; and

F165(b) . . . . . .

(2) In section 12(1) of that Act (removal and disposal of chattels from land comprised in compulsory rights order), in the proviso, for the words from "or to the body" to "that authority" there shall be substituted the words "and used by those undertakers for the purposes of their undertaking or belonging to an internal drainage board and used by that board".

F165(3) . . . . . .

(4) In section 39(6)(b) of that Act (restrictions on powers to enter land for the purpose of carrying out operations), for the words from "a sewerage" to "drainage authority, to" there shall be substituted the words "by an internal drainage board, and those persons or that board object to the proposed operations on the ground that the carrying out of

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the operations would be seriously detrimental to the carrying on of their undertaking, or, in the case of an internal drainage board, to".

(5) In section 51(1) of that Act (interpretation), in the definition of "appropriate Minister", in paragraph (e), for the words "drainage authority" there shall be substituted the words "internal drainage board".

Textual Amendments

F165 Sch. 25 para. 26(1)(b)(3) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**

The Radioactive Substances Act 1960 (c. 34)

F166 27 . . . . . .

Textual Amendments

F166 S. 27 repealed (27.8.1993) by 1993 c. 12, ss. 50, 51(2), **Sch. 6 Pt.I** (with ss. 42, 46).

The Public Bodies (Admission to Meetings) Act 1960 (c. 67)

28 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which Act applies in England and Wales), at the end there shall be inserted the following sub-paragraphs—

"(i) regional and local flood defence committees;

(j) advisory committees established and maintained under section 2 or 141 of the Water Act 1989;

(k) customer service committees established and maintained under section 6 of that Act.";

and the functions of those committees shall be regarded as public functions for the purposes of that Act.

The Trustee Investments Act 1961 (c. 62)

29 (1) In section 11(4)(a) of the Trustee Investments Act 1961 (authorities who may invest property in accordance with Local Authority investment schemes), for the words from "parish" to "the Common" there shall be substituted the words "parish, the Common".

(2) Paragraph 10 of Part II of Schedule 1 to that Act (investments in debentures or in guaranteed or preference stock of a statutory water company to be narrower-range investment) shall cease to have effect except in so far as it relates to the debentures or guaranteed or preference stock of a company which is a statutory water undertaker within the meaning of an enactment in force in Northern Ireland.

(3) Sub-paragraph (2) above shall not require any property which immediately before the coming into force of this paragraph is, by virtue of the said paragraph 10, comprised in a particular part of any fund to be treated, for the purposes of that Act or any other purpose, as comprised in a different part of that fund.

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The Pipe-lines Act 1962 (c. 58)

30 (1) In section 37 of the Pipe-lines Act 1962 (fire brigades, police etc. to be notified of certain pipe-line accidents and to be furnished with information)—

(a) in subsection (1)—

(i) in paragraph (b), for the words from the beginning to "statutory water" there shall be substituted the words "to all statutory water"; and

(ii) in paragraph (c), for the words "sewerage authorities" there shall be substituted the words "sewerage undertakers";

(b) in subsection (2)—

(i) in paragraph (b), for the words from the beginning to "statutory water" there shall be substituted the words "in the case of any statutory water"; and

(ii) in paragraph (c), for the words "sewerage authority" there shall be substituted the words "sewerage undertaker".

(2) In section 66(1) of that Act (interpretation)—

(a) in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power"; and

(b) for the definition of "statutory water undertakers" there shall be substituted the following definition—

""statutory water undertakers" means the National Rivers Authority or a water undertaker;".

The Harbours Act 1964 (c. 40)

31 (1) F167

(2) In section 58 of that Act (drainage and river authorities not to be harbour authorities for purposes of that Act if not possessing exceptional powers), for the words "a water authority" there shall be substituted the words "the National Rivers Authority, a water undertaker".

(3) In paragraph 6(2) of Schedule 3 to that Act (procedure for making harbour revision and empowerment orders), in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

Textual Amendments

F167 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)

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The Gas Act 1965 (c. 36)

32 (1) In section 8(5) of the Gas Act 1965 (liability to pay compensation where consent to controlled operations is refused), for the words from "or by" to "it shall" there shall be substituted the words "or by the National Rivers Authority, it shall".

(2) In section 9(5) of that Act (compensation for withdrawal of consent or variation of conditions), for the words from "or by" to "it shall" there shall be substituted the words "or by the National Rivers Authority, it shall".

(3) In section 15 of that Act (responsibility of public gas supplier for interference with supplies of water)—

(a) in subsection (2)(a), for the words from "undertakers" to "shall" there shall be substituted the words "undertakers or the National Rivers Authority, the public gas supplier shall";

(b) in subsection (3), for the words from "undertakers", in the first place where it occurs, to "provide" there shall be substituted the words "undertakers or the National Rivers Authority, the public gas supplier shall, if the statutory water undertakers or the National Rivers Authority provide";

(c) in subsection (4), for the words from "undertakers" to "shall" there shall be substituted the words "undertakers or the National Rivers Authority, the public gas supplier shall";

(d) in subsection (5)(b), for the words from "charges", in the first place where it occurs, to "so payable" there shall be substituted the words "amounts payable —

(i) by virtue of section 129 of the Water Act 1989; and

(ii) in respect of the alternative supply of water to which subsection (3) or subsection (4) of this section relates,

having regard to the amount, if any, which would have been payable as mentioned in sub-paragraph (i) above "; and

(e) in subsection (10), for the words from "undertakers" to "or any" there shall be substituted the words "undertakers, the National Rivers Authority or any".

(4) In section 17(5) of that Act (duty of public gas supplier to make arrangements with various bodies on the occurrence of any accident), in paragraph (a) for the words from the beginning to "undertakers" there shall be substituted the words "for the National Rivers Authority and for every police force, fire authority, statutory water undertakers and sewerage undertaker".

(5) In section 28 of that Act (interpretation)—

(a) in subsection (1), in the definition of "Minister concerned with water resources", for paragraphs (a) to (c) there shall be substituted the following paragraph—

"(a) in relation to England and Wales, the Secretary of State;"

and

(b) for the definition of "statutory water undertakers" in that subsection there shall be substituted the following definition—

""statutory water undertakers" means any water undertaker";

. . . . . F168

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(6) In Schedule 2 to that Act (storage authorisation orders), in each of paragraphs 4(2), 7(3), 12(1) and 16(2)—

(a) in paragraph (a), for the words from "authority, every" to "within" there shall be substituted the words "authority and every local authority who are not a local planning authority, being, in either case, an authority within";

(b) in paragraph (b), for the words "limits of supply" there shall be substituted the word "area"; and

(c) after paragraph (b) there shall be inserted the following paragraph—

"(bb) on the National Rivers Authority, and" ;

and, in paragraph 12(6), after the words "paragraph (b)" there shall be inserted the words "or paragraph (bb)".

(7) In Schedule 3 to that Act (certificates as respects planning permission and grant of statutory licences to abstract water)—

(a) in paragraph 4—

(i) in sub-paragraph (1), for the words from "apply to" onwards there shall be substituted the words "apply to the National Rivers Authority for a certificate under this Schedule as respects those controlled operations.";

(ii) in sub-paragraph (2), for the words from the beginning to "shall" there shall be substituted the words "Where such an application is made, the National Rivers Authority shall";

(iii) in sub-paragraph (3), for the words from the beginning to "statutory" there shall be substituted the words "Where, in the opinion of the National Rivers Authority, a statutory"; and

(iv) in sub-paragraph (4), for the words from the beginning to "shall" there shall be substituted the words "On issuing the certificate, the National Rivers Authority shall";

(b) in paragraph 5—

(i) in sub-paragraph (1), for the words from the beginning to "have issued" there shall be substituted the words "Where the National Rivers Authority has issued";

(ii) in sub-paragraph (3), for the words from "and to" to "opportunity" there shall be substituted the words "and to the National Rivers Authority an opportunity"; and

(iii) in sub-paragraph (4), for the words from the beginning to "had issued" there shall be substituted the words "Where an application is made to the National Rivers Authority for a certificate under this Schedule and at the expiry of any period prescribed by regulations under this Schedule (or if an extended period is at any time agreed upon in writing by the applicant and the National Rivers Authority, at the end of that period) no certificate has been issued by the National Rivers Authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the National Rivers Authority had issued";

and

(c) in paragraph 6, for the words from "Schedule, the" to "or as" there shall be substituted the words "Schedule, the National Rivers Authority or as".

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(8) In Part II of Schedule 4 to that Act (compulsory purchases affecting supplies of water), in paragraph 5—

(a) in sub-paragraph (1), for the words from "undertakers or a" to "provide" there shall be substituted the words "undertakers or the National Rivers Authority, the public gas supplier shall, if the statutory water undertakers or the National Rivers Authority provide";

(b) in sub-paragraph (2), for the words from "undertakers" to "shall" there shall be substituted the words "undertakers or the National Rivers Authority, the public gas supplier shall"; and

(c) in sub-paragraph (4)(b), for the words from "charges", in the first place where it occurs, to "fees", in the fourth place where it occurs, there shall be substituted the words "amounts payable, by virtue of section 129 of the Water Act 1989, in respect of an alternative supply of water to which the foregoing provisions of this paragraph relate exceed the amounts payable by virtue of that section in respect of the protected right (or where amounts are payable by virtue of that section in respect of an alternative supply but no amounts".

(9) In Schedule 6 to that Act (power to enter on land and to prospect and survey land), in paragraph 2—

(a) for sub-paragraph (3) there shall be substituted the following sub-paragraph—

"(3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers or by an internal drainage board, and the statutory undertakers or the internal drainage board object to the proposed operations on the ground that the carrying out of the operations would be seriously detrimental to the carrying on of their undertaking or, in the case of an internal drainage board, to the performance of their functions, the operations shall not be carried out except with the consent of the appropriate Minister."

(b) in sub-paragraph (4), for the words from "statutory" to "the undertakers" there shall be substituted the words "the National Rivers Authority or by statutory water undertakers unless he complies with any reasonable requirements imposed by the National Rivers Authority or, as the case may be, by the undertakers"; and

(c) in sub-paragraph (6), for paragraph (c) there shall be substituted the following paragraph—

"(c) when used in relation to an internal drainage board, means the Secretary of State or the Minister of Agriculture, Fisheries and Food."

Textual Amendments

F168 Words 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)

The Nuclear Installations Act 1965 (c. 57)

F169 33 . . . . . .

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Textual Amendments

F169 Sch. 25 para. 33 repealed (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 30**; S.I. 2014/251, art. 4

The Agriculture Act 1967 (c. 22)

34 In section 50(3) of the Agriculture Act 1967 (bodies which are excepted from control of sale of certain land), for paragraph (g) there shall be substituted the following paragraph—

"(g) the National Rivers Authority or any water undertaker or sewerage undertaker;".

The Leasehold Reform Act 1967 (c. 88)

35 In section 28(5) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after paragraph (e) there shall be inserted the following paragraph—

"(ee) to the National Rivers Authority;".

The Capital Allowances Act 1968 (c. 3)

36 . . . . . **F170**

Textual Amendments

F170 Sch. 25 para. 36 repealed by Capital Allowances Act 1990 (c.1, SIF 63:1), s. 164(4)(5), **Sch. 2**

The Countryside Act 1968 (c. 41)

37 (1) In section 8(4) of the Countryside Act 1968 (local authority to consult various bodies before providing certain recreational facilities), for the words from "of, any" to "such other" there shall be substituted the words "of, the National Rivers Authority and such".

(2) In section 12(4) of that Act (local planning authorities to consult various bodies before providing facilities in or near National Parks), for the words from "of, any" to "such other" there shall be substituted the words "of the National Rivers Authority and such".

(3) In section 13(7) of that Act (lakes in National Parks - exemption from the making of byelaws for lakes owned by certain bodies), for the words from "managed" onwards there shall be substituted the words "managed by any statutory undertakers".

(4) In section 16(7) of that Act (local planning authorities to consult certain bodies before making agreement or order relating to access to open country), for the words from "of, any" to "question and" there shall be substituted the words "of the National Rivers Authority, and".

(5) In section 38 of that Act (avoidance of pollution), for the words "statutory water undertakers or which statutory water undertakers are" there shall be substituted the

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words "the National Rivers Authority or a water undertaker or which that Authority or a water undertaker is".

The Transport Act 1968 (c. 73)

38 (1) In section 109 of the Transport Act 1968 (powers to maintain or take over waterways and connected works)—

(a) in subsection (2)—

(i) for paragraph (b) there shall be substituted the following paragraph—

"(b) the National Rivers Authority;"

(ii) for paragraph (h) there shall be substituted the following paragraph—

"(h) a water undertaker;"

(b) in subsection (3), for paragraph (b) there shall be substituted the following paragraph—

"(b) the National Rivers Authority unless the Ministers (as defined in section 82(9) of the Water Resources Act 1963) have consented to the agreement or transfer;"

and

(c) in subsection (5)—

(i) for the words from "authority or" to "may" there shall be substituted the words "authority may"; and

(ii) for the words from "authorities (whether" to "who" there shall be substituted the words "authorities who".

(2) In section 112 of that Act (power to extinguish statutory rights and obligations in respect of canals not comprised in undertaking of Waterways Board)—

(a) in subsection (2), for the words from "any local" to "in whose" there shall be substituted the words "the National Rivers Authority or any local authority in whose"; and

(b) in subsection (3)(a), for the words from "local authority" to "or the" there shall be substituted the words "local authority, the National Rivers Authority or the".

(3) In section 113(5) of that Act (byelaws in respect of waterways owned or managed by certain bodies), in the definition of "relevant authority", for the words from "means" to "order)" there shall be substituted the words "means, except in a case where it is itself the applicant for the order, the National Rivers Authority or any local authority".

(4) In paragraph 5(2) of Schedule 13 to that Act (inquiries in connection with proposed orders relating to inland waterways), in paragraph (a), for the words from "authority or" onwards there shall be substituted the words "authority or the National Rivers Authority".

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The Post Office Act 1969 (c. 48)[F171][F171]

Textual Amendments

F171 Sch. 25 para. 39 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.**

39 . . . . . .

The Local Authorities (Goods and Services) Act 1970 (c. 39)

40 . . . . . [F172]

Textual Amendments

F172 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)

The Agriculture Act 1970 (c. 40)

41 (1) In section 98 of the Agriculture Act 1970 (extent of Part VI of that Act), for the words from "regional" to "1973" there shall be substituted the words "National Rivers Authority".

(2) Where before the transfer date there is power, by virtue of any saving under Part I of Schedule 3 to that Act, for grants to be made for any purposes to statutory water undertakers, then on and after that date that power shall be exercisable by virtue of that saving as a power to make grants for those purposes to water undertakers.

The Town and Country Planning Act 1971 (c. 78)

42 . . . . . [F173]

Textual Amendments

F173 Sch. 25 paras. 1(2)(xvi)(xvii), (10)(iv), (11)(ii), 42 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I** (with Sch. 3 paras. 1, 2, 4, 6)

The Local Government Act 1972 (c. 70)

43 [F174](1) . . . . . .

(2) In Schedule 13 to that Act (borrowing and lending by local authorities)—

(a) in paragraph 1(a), for the words from "police" to "harbour" there shall be substituted the words "police or harbour"; and

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(b) in paragraph 13(2), for the words from "police" onwards there shall be substituted the words "police authority".

Textual Amendments

F174 Sch. 25 para. 43(1) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

The Land Compensation Act 1973 (c. 26)

44 (1) In section 44(2) of the Land Compensation Act 1973 (compensation for injurious affection), after the words "Gas Act 1986" there shall be inserted the words "paragraph 3 of Schedule 18 to the Water Act 1989".

(2) In section 58(2) of that Act (determination of material detriment where part of house etc. proposed for compulsory acquisition), after the words "Gas Act 1986" there shall be inserted the words "paragraph 4 of Schedule 18 to the Water Act 1989".

The Fair Trading Act 1973 (c. 41)

45 F175(1) . . . . . .

F176(3) . . . . . .

F177(4) . . . . . .

Textual Amendments

F175 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)

F176 Sch. 25 para. 45(3) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

F177 Sch. 25 para. 45(4) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 8(2)**

The Health and Safety at Work etc. Act 1974 (c. 37)

46 In section 28 of the Health and Safety at Work etc. Act 1974 (restrictions on disclosure of information)—

(a) in subsection (3)(c), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

"(ii) an officer of the National Rivers Authority or of a water undertaker, sewerage undertaker, water authority or water development board who is

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authorised by that Authority, undertaker, authority or board to receive it,";

and

(b) in subsection (5)(b), for the words from "local authority" to "or board" there shall be substituted the words "body which is a local authority, the National Rivers Authority, a water undertaker, a sewerage undertaker, a water authority, a river purification board or a water development board, the purposes of the body".

The Consumer Credit Act 1974 (c. 39)

F178 47 . . . . . .

Textual Amendments

F178 Sch. 25 para. 47 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

The Control of Pollution Act 1974 (c. 40)

48 (1) In section 2(3)(a) of the Control of Pollution Act 1974 (duty of a disposal authority to consult various bodies in preparing or revising a waste disposal plan), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

"(i) the National Rivers Authority, and".

(2) In section 3 of that Act (prohibition on unlicensed disposal of waste), after subsection (4) there shall be inserted the following subsection—

"(5) In this section and subsections (5) and (6) of the following section "land" includes land covered with waters where the land is above the low-water mark of ordinary spring tides and the waters are not inland waters (within the meaning of Chapter I of Part III of the Water Act 1989)."

F179 (3) . . . . . .

F179 (4) . . . . . .

(5) In section 14 of that Act (disposal of waste in England and Wales)—

(a) in subsection (9), for the words "water authority", wherever they occur, there shall be substituted the words "sewerage undertaker";

(b) in subsection (10)—

(i) for the words "water authority", in both places where they occur, there shall be substituted the words "sewerage undertaker"; and

(ii) for the words "the authority" there shall be substituted the words "the undertaker";

and

(c) for subsection (11) there shall be substituted the following subsection—

"(11) For the purposes of so much of the Water Act 1989 as relates to charging by sewerage undertakers the reception and disposal by a sewerage undertaker or other person of matter delivered to it or him by another sewerage undertaker in pursuance of subsection (9)

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of this section shall be treated as a service provided for that other undertaker by the sewerage undertaker in the course of carrying out its functions."

(6) In section 28(1) of that Act (supplementary provisions relating to pipes), for the words "21(4) or 26" there shall be substituted the words "or 21(4)".

(7) In section 62(2)(a) of that Act (exceptions to restrictions on the use of loudspeakers in a street), for the words "a water authority" there shall be substituted the words "the National Rivers Authority, a water undertaker or a sewerage undertaker".

(8) In section 73(1) of that Act (interpretation of Part III of that Act), in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

(9) In section 90(2) of that Act (establishment charges and interest in respect of certain expenses of authorities), for the words from the beginning to "any other" there shall be substituted the words "Where a sum is payable to a".

(10) For section 95 of that Act there shall be substituted the following section—

"**95 Service of documents on and by certain undertakers.**

Section 187 of the Water Act 1989 (service of documents) shall apply for the purposes of the service of any document required or authorised by virtue of this Act to be served on or by a water undertaker or sewerage undertaker as it applies for the purposes of the service of any document required or authorised by virtue of that Act to be served on or by any person."

(11) In section 98 of that Act (interpretation of Part V of that Act), in the definition of "relevant authority", after the words "Middle Temple" there shall be inserted the words "and, for the purposes of sections 91 to 93 of this Act, a sewerage undertaker".

Textual Amendments

F179 Sch. 25 para. 48(3)(4) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxv)**

The Reservoirs Act 1975 (c. 23)

49 In section 1(4)(a) of the Reservoirs Act 1975 (meaning of "undertakers" for the purposes of that Act), for the words "a water authority, that authority" there shall be substituted the words "the National Rivers Authority or a water undertaker, that Authority or, as the case may be, undertaker".

The Coal Industry Act 1975 (c. 56)[F180F180]

Textual Amendments

F180 Sch. 25 para. 50 repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 11 Pt. II** (with s. 40(7); S.I. 1994/2553, **art. 2**

50 . . . . . .

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The Welsh Development Agency Act 1975 (c. 70)

51 In section 27(1) of the Welsh Development Agency Act 1975 (interpretation), in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

The Local Land Charges Act 1975 (c. 76)

52 In section 1(1)(a) of the Local Land Charges Act 1975 (local land charges), after the words "water authority" there shall be inserted the words "sewerage undertaker".

The Restrictive Trade Practices Act 1976 (c. 34)

53 In section 41(1)(a) of the Restrictive Trade Practices Act 1976 (disclosure of information), after the words "the Civil Aviation Authority," there shall be inserted the words "the Director General of Water Services," and after the words "or the Airports Act 1986" there shall be inserted the words "or the Water Act 1989".

The Development of Rural Wales Act 1976 (c. 75)[F181][F181]

Textual Amendments

F181 Sch. 25 para. 54 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

54 . . . . . .

The Interpretation Act 1978 (c. 30)

55 (1) Schedule 1 to the Interpretation Act 1978 (definitions of words and expressions) shall be amended as follows.

(2) After the definition of "Secretary of State" there shall be inserted the following definition—

> ""Sewerage undertaker", in relation to England and Wales, shall be construed in accordance with section 11 of the Water Act 1989."

(3) For the definitions of "Water authority" and "water authority area" there shall be substituted the following definition—

> ""Water undertaker", in relation to England and Wales, shall be construed in accordance with section 11 of the Water Act 1989."

The Employment Protection (Consolidation) Act 1978 (c. 44)[F182][F182]

Textual Amendments

F182 Sch. 25 para. 56 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

56 . . . . . .

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The Estate Agents Act 1979 (c. 38)

[F183]57 . . . . . .

Textual Amendments

F183 Sch. 25 para. 57 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

The Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

58 In section 61(2) of the Ancient Monuments and Archaeological Areas Act 1979 (meaning of "statutory undertakers" for the purposes of that Act), in paragraph (a), for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

The Competition Act 1980 (c. 21)

59 (1) For paragraph (c) of section 11(3) of the Competition Act 1980 (references of public bodies etc. to the Monopolies Commission) there shall be substituted the following paragraph—

"(c) the National Rivers Authority;".

[F184](2) . . . . . .

Textual Amendments

F184 Sch. 25 para. 59(2) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

The Water (Scotland) Act 1980 (c. 45)

60 (1) In section 31 of the Water (Scotland) Act 1980 (consultation with authorities in England), for the words "water authorities" there shall be substituted the words "water undertakers".

[F185](2) . . . . . .

Textual Amendments

F185 Sch. 25 para. 60(2) repealed (4.1.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, **art. 3(d)(e)(iii)**

The Local Government, Planning and Land Act 1980 (c. 65)

61 (1) In section 4 of the Local Government, Planning and Land Act 1980 (power to direct bodies to publish information)—

(a) for paragraph (c) of subsection (4) there shall be substituted the following paragraph—

"(c) the National Rivers Authority."

(b) after subsection (5) there shall be inserted the following subsection—

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"(5A) In this section "the relevant Minister" means, in relation to the National Rivers Authority, the Secretary of State or the Minister of Agriculture, Fisheries and Food."

and

(c) in subsection (6), for the words "subsection (5)" there shall be substituted the words "subsections (5) and (5A)".

(2) In section 8(1)(b) of that Act (meaning of "functional work"), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

"(ii) a sewerage undertaker; or".

F186(3) . . . . . .

(4) In section 170(1) of that Act (meaning of "statutory undertakers" for the purposes of Part XVI of that Act), in paragraph (a) for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

(5) F187

(6) In Schedule 16 to that Act (bodies to whom Part X of that Act applies)—

(a) after paragraph 17 there shall be inserted the following paragraph—

"17A The National Rivers Authority";

and

(b) in the definition of "statutory undertakers", for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

F186(7) . . . . . .

Textual Amendments

F186 Sch. 25 para. 61(3)(7) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

F187 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)

The Highways Act 1980 (c. 66)

62 (1) After subsection (4) of section 21 of the Highways Act 1980 (extinguishment of rights of statutory undertakers as to apparatus etc.) there shall be inserted the following subsection—

"(4A) Subsection (4) above shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that subsection, any person who is—

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(a) the owner or occupier of premises the drains of which communicated with that sewer; or

(b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant."

(2) In section 73 of that Act (power to prescribe improvement line for widening streets)—

(a) in subsection (3), after the word "main," there shall be inserted the word "sewer,"; and

(b) in subsection (11)(c), at the end there shall be inserted the words "or by sewerage undertakers as a pumping station or sewage disposal works".

(3) In section 74 of that Act (power to prescribe a building line)—

(a) in subsection (3)—

(i) for the words "or water undertakers" there shall be substituted the words "water undertakers or sewerage undertakers"; and

(ii) after the word "main," there shall be inserted the word "sewer,";

(b) in subsection (11)(b), at the end there shall be inserted the words "or by sewerage undertakers as a pumping station or sewage disposal works".

(4) In section 100 of that Act (drainage of highways)—

(a) in subsection (5), for the words from "water authority" onwards there shall be substituted the words "sewerage undertaker under Schedule 19 to the Water Act 1989 for the purposes of the drainage of highways within the area of that undertaker"; and

(b) in subsection (6)—

(i) for the words "under the Public Health Act 1936" there shall be substituted the words "under Schedule 19 to the Water Act 1989"; and

(ii) for the words "water authority", in both places where they occur, there shall be substituted the words "sewerage undertaker".

(5) In section 107(4) of that Act (orders and schemes providing for construction of bridges or tunnels to be subject to special parliamentary procedure), for the words "any navigation authority or water authority" there shall be substituted the words "the National Rivers Authority or any navigation authority".

(6) In section 121(6) of that Act (definition of "appropriate Minister"), in paragraph (a) for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

(7) In section 185(3)(b) of that Act (protection of undertakings where power to install refuse or storage bins in streets is exercised), for the words "or water undertakers" there shall be substituted the words "water or sewerage undertakers".

(8) In section 241(2) of that Act (acquisition of land between improvement line and boundary of street), after the words "removal of" there shall be inserted the word "sewers,".

(9) In section 254(4) of that Act (drainage of highway into watercourse)—

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(a) in paragraph (a), for the words "water authority without the consent of that board or authority" there shall be substituted the words "the National Rivers Authority without the consent of that board or that Authority"; and

(b) in paragraph (b), after the word "culvert," there shall be inserted the word "sewer,".

(10) In section 264(3)(c) of that Act (determination of differences between various bodies relating to use of sewers), for the words "water authority" there shall be substituted the words "sewerage undertaker".

(11) In section 276 of that Act (contributions to land drainage works which will benefit trunk roads)—

(a) for the words "a water authority" there shall be substituted the words "the National Rivers Authority"; and

(b) for the words "the authority" there shall be substituted the words "that Authority".

(12) In section 329(1) of that Act (further provision as to interpretation)—

(a) in the definition of "drainage authority", for the words "a water authority" there shall be substituted the words "the National Rivers Authority"; and

(b) for the definition of "water undertakers" there shall be substituted the following definition—

> ""water undertakers" means the National Rivers Authority or a water undertaker."

(13) In section 339 of that Act (saving for works etc. of drainage authorities etc.)—

(a) in subsection (1)—

(i) for the words "a water authority" there shall be substituted the words "the National Rivers Authority"; and

(ii) for the words "that authority or" there shall be substituted the words "the National Rivers Authority or that";

and

(b) in subsection (4), for the words "a water authority" there shall be substituted the words "the National Rivers Authority".

(14) In Schedule 1 to that Act (procedures for making or confirming certain orders and schemes)—

(a) in item (ii) of the Table set out at the end of paragraph 3, for the words "Every navigation authority and water authority" there shall be substituted the words "The National Rivers Authority and every navigation authority"; and

(b) in paragraph 11(b), for the words "every navigation authority and water authority" there shall be substituted the words "the National Rivers Authority and every navigation authority".

(15) In Schedule 11 to that Act (provisions as to orders under section 93 of that Act), in paragraph 13(1), after the word "mains," there shall be inserted the word "sewers,".

The Water Act 1981 (c. 12)

63 . . . . . F188

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Textual Amendments

F188 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)

The New Towns Act 1981 (c. 64)

64 (1) In section 5(5)(a) of the New Towns Act 1981 (restrictions on powers of development corporations), after the words "or gas" there shall be inserted the words "or for the provision of sewerage services".

(2) In section 79(1)(a) of that Act (meaning of "statutory undertakers"), in sub-paragraph (iii) for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

The Acquisition of Land Act 1981 (c. 67)

65 In section 8(1)(a)(iii) of the Acquisition of Land Act 1981 (definition of "statutory undertakers"), for the words "hydraulic power or water" there shall be substituted the words "or hydraulic power".

The Wildlife and Countryside Act 1981 (c. 69)

66 (1) In section 27(1) of the Wildlife and Countryside Act 1981 (interpretation of Part I of that Act), in the definition of "authorised person", after paragraph (c) there shall be inserted the following paragraph—

"(d) any person authorised in writing by the National Rivers Authority, a water undertaker or a sewerage undertaker;".

(2) **[**[F189]In section 36(7) of that Act (marine nature reserves), in the definition of "relevant authority", for the words "a water authority or any other statutory water undertakers," there shall be substituted the words "the National Rivers Authority, a water undertaker, a sewerage undertaker,".**]**

Textual Amendments

F189 Sch. 25 para. 66(2) repealed (E.W.) (12.1.2010 for specified purposes, 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), s. 324(4), **Sch. 22 Pt. 3**; S.I. 2014/3088, art. 2(c)

The Civil Aviation Act 1982 (c. 16)

67 (1) In section 46(2)(d) of the Civil Aviation Act 1982 (power to exercise control over land in interests of civil aviation), after the word "mains," there shall be inserted the word "sewers,".

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(2) In section 48 of that Act (power of Secretary of State to stop up and divert highways etc. in interests of civil aviation)—

(a) in each of subsections (3)(e) and (6)(c), after the word "mains," there shall be inserted the word "sewers,"; and

(b) at the end of paragraph (b) of subsection (7) there shall be inserted the words "and

(c) the reference in paragraph (c) to water undertakers is a reference to the National Rivers Authority, a water undertaker or a sewerage undertaker."

The Telecommunications Act 1984 (c. 12)

68 (1) In section 98 of the Telecommunications Act 1984 (use of certain conduits)—

(a) in subsection (7)(b), for the word "authority" there shall be substituted the word "person";

(b) in subsection (8)—

(i) in paragraph (a), for the words "another authority" there shall be substituted the words "another person"; and

(ii) for the words "other authority", wherever they occur, there shall be substituted the words "other person";

and

(c) in subsection (9)—

(i) for paragraph (a) of the definition of "water authority" there shall be substituted the following paragraph—

"(a) in England and Wales, means the National Rivers Authority or a water undertaker;"

(ii) for paragraph (a) of the definition of "water main" there shall be substituted the following paragraph—

"(a) in England and Wales, means a water main within the meaning of the Water Act 1989 or any resource main within the meaning of paragraph 1 of Schedule 19 to that Act;".

(2) In section 101 of that Act (general restrictions on disclosure of information)—

F190(a) . . . . . .

(b) in subsection (3), after paragraph (i) there shall be inserted the following paragraph—

"(j) the Water Act 1989."

(3) In paragraph 23(10) of Schedule 2 to that Act (undertaker's works), in paragraph (a)(i) of the definition of "relevant undertaker", after the word "undertaking;" there shall be inserted the word "or".

Textual Amendments

F190 Sch. 25 para. 68(2)(a) repealed (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(6), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 4(f)(g)

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The Road Traffic Regulation Act 1984 (c. 27)

69 In paragraph 4 of Schedule 5 to the Road Traffic Regulation Act 1984 (buildings in relation to which a Secretary of State is the appropriate authority for the purposes of section 74 of that Act), for the words "a water authority or by a statutory water company as defined in section 38 of the Water Act 1973" there shall be substituted the words "the National Rivers Authority, a water undertaker or a sewerage undertaker".

The Building Act 1984 (c. 55)

70 (1) In section 25 of the Building Act 1984 (provision of water supply), after subsection (6) there shall be inserted the following subsection—

"(7) Section 65 of the Water Act 1989 (standards of wholesomeness of water) and any regulations made under that section shall apply for the purposes of subsection (1) above as they apply for the purposes of Chapter II of Part II of that Act."

(2) In section 82 of that Act (notices under section 81 of that Act relating to demolition) —

(a) in subsection (4), for the words "gas or water" there shall be substituted the words "or gas or with apparatus or works of a water undertaker or sewerage undertaker"; and

(b) in subsection (5)(a), for the words from "section 67" onwards there shall be substituted the words "section 167 of the Water Act 1989 (interference with water supplies or with waterworks)".

(3) In section 101 of that Act (incorporation of Part VI of Schedule 3 to the 1945 Act)—

(a) in subsection (1), for the words from "Part VI" onwards there shall be substituted the words "paragraphs 2 and 3 of Schedule 19 of the Water Act 1989 (street works) shall apply, with the necessary modifications, as they apply for the purpose of conferring power on a water undertaker or sewerage undertaker to lay a relevant pipe, within the meaning of that Schedule."; and

(b) for subsection (2) there shall be substituted the following subsection—

"(2) Those paragraphs shall also so apply so far as necessary for the purposes of any power to lay or maintain a sewer or drain which is conferred by this Act on a person other than a local authority."

(4) In section 126 of that Act, for the definition of "public sewer" there shall be substituted the following definition—

""public sewer" has the same meaning as in the Public Health Act 1936;".

The Companies Act 1985 (c. 6)

71 (1) F191

F192(3) . . . . . .

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Textual Amendments

F191 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)

F192 Sch. 25 para. 71(3) repealed (1.10.2007) by Companies Act 2006 (c. 46), s. 1300(2), **Sch. 16**; S.I. 2007/2194, art. 8, Sch. 2 Pt. 1 (with arts. 712Sch. 3 para. 48)

The Business Names Act 1985 (c. 7)

72 . . . . . **F193**

Textual Amendments

F193 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)

The Water (Fluoridation) Act 1985 (c. 63)

73 . . . . . **F194**

Textual Amendments

F194 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)

The Housing Act 1985 (c. 68)

74 (1) In section 573(1) of the Housing Act 1985 (meaning of "public sector authority"), for the words "a water authority" there shall be substituted the words "the National Rivers Authority".

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(2) In paragraph 4(6) of Schedule 8 to that Act (calculation of rent in relation to shared ownership leases), for the words from "for services" onwards there shall be substituted the words "in respect of any services provided by a water undertaker or sewerage undertaker in the course of the carrying out of its functions".

(3) In item 2 of Part II of Schedule 14 to that Act (debits to the Housing Revenue Account of amounts equal to rents, rates etc.), for the words "water rates or charges" there shall be substituted the words "charges for the supply of water or for the provision of sewerage services".

The Agricultural Holdings Act 1986 (c. 5)

75 In Part II of Schedule 3 to the Agricultural Holdings Act 1986—

(a) in paragraph 9 (provisions applicable to Case C—failure to farm in accordance with rules of good husbandry), after sub-paragraph (2) there shall be inserted the following sub-paragraph—

"(3) In determining whether to grant a certificate under this paragraph, the Tribunal shall disregard any practice adopted by the tenant in compliance with any obligation accepted by or imposed on the tenant under section 112 of the Water Act 1989.";

and

(b) in each of paragraphs 10 and 11 (provisions applicable to Cases D and E), after sub-paragraph (2) there shall be inserted the following sub-paragraph—

"(3) For the purposes of that Case compliance with any obligation accepted by or imposed on the tenant under section 112 of the Water Act 1989 shall not be capable of constituting a breach by the tenant of the terms or conditions of his tenancy."

The Airports Act 1986 (c. 31)

76 In section 74 of the Airports Act 1986 (restriction on disclosure of information)—

F195(a) . . . . . .

(b) in subsection (3), after paragraph (j) there shall be inserted the following paragraph—

"(k) the Water Act 1989."

Textual Amendments

F195 Sch. 25 para. 76(a) repealed (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(6), **Sch. 9 Pt. 3**; S.I. 2005/2714, art. 4(f)(g)

The Gas Act 1986 (c. 44)

77 In section 42 of the Gas Act 1986 (general restrictions on disclosure of information)—

(a) in subsection (2)(b), after the words "Director General of Fair Trading" there shall be inserted the words "the Director General of Water Services"; and

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(b) in subsection (3), after paragraph (k) there shall be inserted the following paragraph—

"(l) the Water Act 1989."

The Insolvency Act 1986 (c. 45)

78 (1) In each of sections 233(3)(c) and 372(4)(c) of the Insolvency Act 1986 (supplies of gas, water etc. in a case of insolvency), for the words "statutory water undertakers" there shall be substituted the words "a water undertaker".

(2) In section 413(2) of that Act (consultation with the Insolvency Rules Committee), at the end there shall be inserted the words "other than rules which contain a statement that the only provision made by the rules is provision applying rules made under section 411, with or without modifications, for the purposes of provision made by section 23 or 24 of or Schedule 6 to the Water Act 1989."

The Local Government Act 1988 (c. 9)

79 (1) In section 3(3) of the Local Government Act 1988 (qualification of definition of works contract for the purposes of Part I of that Act), for the words "water authority" there shall be substituted the words "sewerage undertaker".

(2) In section 25(2) of that Act (assistance not requiring consent), for paragraph (b) there shall be substituted the following paragraph—

"(b) the assistance or benefit is provided in consequence of, or in connection with, the making by the authority, or by persons who include the authority, of a requirement under section 40 or 71 of the Water Act 1989 for the provision of a water main or public sewer;".

The Local Government Finance Act 1988 (c. 41)

80 (1) . . . . . [F196]

(2) The power of the Secretary of State **[**[F197]to make regulations under section 119 of the said Act of 1988 (statutory references to rating), his power**]** by virtue of sub-paragraph (1) above to make regulations under section 74(2) of that Act and his power to make an order under section 147 of that Act (power to make supplementary provision) shall each include power to make such modifications of any provision of this Act relating to the said functions, or of any enactment amended by any such provision, as the Secretary of State considers appropriate for the purposes for which those powers are conferred.

(3) In paragraph 10(1)(b) of Schedule 5 to that Act (exemption for hereditaments subject to contributions under paragraph 1(a) of Schedule 3 to the [M115]Salmon and Freshwater Fisheries Act 1975), for the words from "paragraph 1(a)" onwards there shall be substituted the words "section 28(3)(a) of that Act."

Textual Amendments

F196 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)

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(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)

F197 Words repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2)(3), **Sch. 12 Pt. II**

Marginal Citations

M115 1975 c. 51.

SCHEDULE 26

Section 190.

Transitional Provisions and Savings

Part I

Water Authorities

Water authority members

1 (1) Notwithstanding the repeals made by this Act, any regulations under paragraph 3 of Part I of Schedule 3 to the 1973 Act which are in force immediately before the transfer date and paragraphs 4 to 7 of that Part of that Schedule shall continue, to such extent as the Secretary of State may direct, to have effect on and after that date in the case of any person who is or who has been (whether before, on or after the transfer date) chairman or member of a water authority.

(2) The Secretary of State may by regulations provide for any liability which is—

(a) saved by virtue of this paragraph; and

(b) transferred in accordance with a scheme under Schedule 2 to this Act to a successor company,

to be transferred, at a time when that company is wholly owned by the Crown, to that company's nominated holding company.

Pensions etc.

2 (1) The repeal by this Act of section 27 of the 1973 Act (superannuation of employees of statutory water undertakers) shall not, 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 the scheme, affect the operation on and after the transfer date, in relation to any period of employment before that date, of any scheme made or designated under that section.

(2) The Secretary of State may by regulations make such transitional provisions and savings as he considers appropriate in relation to so much of any provision having effect immediately before the transfer date by or under any enactment as provides for or relates to the payment by a water authority of pensions, allowances or gratuities to or in respect of persons who have been—

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(a) officers or employees of any person whose activities at any time before the transfer date appear to the Secretary of State to have consisted in, or to have been connected with, the carrying out of any function which is transferred by this Act or which corresponds to any such function or to any other function under this Act; or

(b) chairmen or members of any body whose activities at any such time so appear to the Secretary of State.

(3) Without prejudice to the generality of sub-paragraph (2) above or to any transfer in accordance with a scheme under Schedule 2 to this Act of any liability saved by regulations under that sub-paragraph, such regulations may—

(a) subject to sub-paragraphs (4) and (5) below, impose requirements on the Authority, on any successor company or on the nominated holding company of any successor company;

(b) modify any such provision as is mentioned in sub-paragraph (2) above;

(c) in the case of regulations made after the transfer date, require provision contained in the regulations to be treated as if it came into force on that date.

(4) No requirement shall be imposed on any company by any regulations under sub-paragraph (2) above made after the company has ceased to be wholly owned by the Crown; but a company's ceasing to be wholly owned by the Crown shall not affect any requirement imposed on it by any regulations under that sub-paragraph made before the company ceased to be so wholly owned.

(5) It shall be the duty of the Secretary of State to pay to the Authority out of money provided by Parliament all such sums as the Authority may require for fulfilling requirements imposed on it by regulations under sub-paragraph (2) above.

(6) The reference in sub-paragraph (2) above to the payment of pensions, allowances or gratuities includes a reference to the payment of compensation for loss of office or of any such compensation as is payable for any other reason to or in respect of any person who holds or has held any such office or employment as is mentioned in that sub-paragraph.

The Local Government Act 1974 (c. 7)

3 (1) Nothing in this Act shall prevent the completion on or after the transfer date by a Local Commissioner of any investigation which he began to conduct before that date and which is an investigation under Part III of the Local Government Act 1974 in pursuance of a complaint made in relation to a water authority.

(2) Nothing in this Act shall prevent the making on or after the transfer date of a complaint under the said Part III in respect of any action which was taken by or on behalf of a water authority before that date.

(3) Notwithstanding the amendment of the said Part III by paragraph 12 of Schedule 1 to this Act, the provisions of that Part shall have effect on and after the transfer date in relation to any complaint to which sub-paragraph (1) or (2) above applies and to its investigation as they would have had effect before that date; but, in so far as the provisions of a scheme under Schedule 2 to this Act allocate a water authority's rights or liabilities in relation to any such complaint to any person, that person shall, on and after that date, stand in the place of the water authority for the purposes of this paragraph.

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PART II

WATER AND SEWERAGE SERVICES

Arrangements with statutory water companies

4 (1) Subject to sub-paragraph (2) below, where any arrangements for the purposes of section 12 of the 1973 Act (supply by statutory water companies on behalf of water authorities) are in force immediately before the transfer date, those arrangements shall cease to have effect on that date but their so ceasing to have effect shall not affect their operation on and after that date (subject to the transfer of rights and liabilities in accordance with a scheme under Schedule 2 to this Act) in relation to—

(a) proceedings for, or any indemnity in respect of or of proceedings for, any breach of duty occurring before the transfer date (whether or not any right of action has arisen in respect of that breach before that day); and

(b) claims for, or the payment of any sums in respect of, a contribution payable under section 1 of the [M116]Rural Water Supplies and Sewerage Act 1944.

(2) In so far as any such arrangements relate to matters for which provision could have been made by an agreement under section 12 of the 1945 Act (supply of water in bulk) those arrangements shall (in accordance with paragraph 5 below) continue to have effect on and after the transfer date as if they had been contained in such an agreement.

Marginal Citations

M116 1944 c. 26.

Agreements for water supply in bulk

5 (1) Any agreement made or having effect as if made under section 12 of the 1945 Act (supply of water in bulk) which is in force immediately before the transfer date shall continue in force on and after that date notwithstanding the repeal of that section but subject to the transfer of rights and liabilities under the agreement in accordance with a scheme under Schedule 2 to this Act.

(2) . . . . . [F198]

Textual Amendments

F198 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)

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Water main requisitions

6 (1) Where—

(a) any water authority have, at any time before the transfer date, been required for the purposes of any of the provisions of sections 36 or 37 of the 1945 Act or of section 29 of Schedule 3 to that Act (water main requisitions) to lay any main or do any other thing for bringing water to any place; and

(b) the requirement has not been complied with before the transfer date,

then, notwithstanding any repeal made by this Act, the provisions of that Act shall have effect for the purpose of making the water undertaker for the area in which that place is situated liable for any contravention of that requirement occurring on or after the transfer date (including so much of any continuing contravention as occurs on or after that date), and for the purpose of preserving on and after that date the effect of any obligation to make payments, to pay interest or to comply with any undertaking.

(2) Provisions which have effect for any purpose by virtue of sub-paragraph (1) above shall so have effect as if the water undertaker in question were the same person in law as the water authority and as if any reference in the 1945 Act to water rates or to charges payable under Part III of the 1973 Act included a reference to any charges imposed by virtue of this Act **[**[F199]or Chapter I of Part V of the Water Industry Act 1991**]** in respect of the supply of water by that undertaker.

Textual Amendments

F199 Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(a)**

Domestic connections

7 . . . . . [F200]

Textual Amendments

F200 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)

Non-domestic supplies

8 . . . . . [F201]

Textual Amendments

F201 Sch. 26 para. 8 repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I** (subject to savings in s. 2, Sch. 2 paras. 8, 10, 14(1), 15)

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9—12. . . . . F202

Textual Amendments

F202 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)

Sewerage functions under the Public Health Acts

13 (1) F203

(2) The provisions of Schedule 8 to this Act which vest functions of the Secretary of State in the Director in relation to appeals, references and applications under—

(a) the said Act of 1937;

(b) the said Part V; or

(c) section 43(5) or 45(4) of the [M117]Control of Pollution Act 1974,

shall not, on and after the transfer date, affect the powers and duties of the Secretary of State in relation to any such appeal, reference or application which was made before that date; and any written permission given before the transfer date for the purposes of section 60(5) of the Public Health Act 1961 (extension of time) shall have effect in relation to any appeal made on or after that date as if given by the Director.

(3) So much of any provision of the said Act of 1936 as, by virtue of section 338 of that Act (sewers and drains of collegiate and other corporate bodies and Government departments), has effect in accordance with that section shall continue so to have effect on and after the transfer date notwithstanding the amendments and repeals made by this Act, but shall so have effect subject to the power conferred by section 191(1) of this Act.

Textual Amendments

F203 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)

Marginal Citations

M117 1974 c. 40.

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Sewer requisitions

14 (1) . . . . . [F204]

(3) Subject to sub-paragraph (4) below, where any rights or liabilities of a water authority in respect of any agreement or undertaking entered into before the transfer date for the purposes of section 16 of the 1973 Act, or in respect of any sums deposited with them before that date for those purposes, are transferred in accordance with a scheme under Schedule 2 to this Act to the authority's successor company, those rights and liabilities shall continue to have effect, on and after that date, as rights and liabilities of that company and, in the case of any such right which was subject to subsection (5) of that section (twelve year limit on payments), shall continue to be so subject notwithstanding the repeal of that section.

(4) On and after the transfer date subsection (8) of section 72 of this Act shall apply, as it applies in relation to the sums mentioned in that subsection, in relation to sums deposited under subsection (6) of section 16 of the 1973 Act.

(5) Notwithstanding the repeal by this Act of section 16 of the 1973 Act, subsection (10) of that section (determination of certain matters by referee) shall continue to have effect on and after the transfer date for the purposes of anything saved by sub-paragraph . . . [F205] (3) above.

Textual Amendments

F204 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)

F205 Words 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)

Modifications etc. (not altering text)

C16 Sch. 26 para. 14(5) extended by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 2 para. 9(1)**

Arrangements for carrying out sewerage functions

15 (1) This paragraph applies to any arrangements between a water authority and a relevant authority which have been made under section 15 of the 1973 Act (arrangements for carrying out sewerage functions) **[**[F206]continue to have effect (notwithstanding the repeal of sub-paragraph (2) of this paragraph) in accordance with paragraph 1 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 and were**]** in force immediately before the transfer date.

(2) . . . . . [F207]

(3) Subject to sub-paragraph (5) below, on and after the transfer date the arrangements shall be varied only by agreement between the sewerage undertaker for the relevant

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area and the relevant authority and shall be brought to an end only by such agreement or under sub-paragraph (4) below.

(4) Subject to sub-paragraph (6) below, the arrangements may be brought to an end by the sewerage undertaker for the relevant area or the relevant authority giving reasonable notice to the other.

(5) Any reasonable notice with respect to the arrangements which has been given before the transfer date under paragraph 5(1)(b) of Schedule 4A to the 1973 Act (termination of arrangements by relevant authority) shall, if it expires after the transfer date, take effect when it expires as if it had been reasonable notice given under sub-paragraph (4) above to the sewerage undertaker for the relevant area.

(6) The sewerage undertaker for the relevant area shall not give any notice under sub-paragraph (4) above which expires before 1st April 1992.

(7) Section 101(2) of the [M118]Local Government Act 1972 (delegation by committee or sub-committee) shall apply for the purposes of the arrangements only if and to the extent that the sewerage undertaker for the relevant area does not otherwise direct.

(8) In this paragraph "relevant authority" has the same meaning as in section 73 of this Act.

Textual Amendments

F206 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(b)**

F207 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)

Marginal Citations

M118 1972 c. 70.

Water charges etc.

16 (1) **F208**

(3) So much of any such scheme as is mentioned in sub-paragraph (1) above as has effect immediately before the transfer date and relates to charges in respect of anything which does not fall to be done on and after that date in the course of the carrying out of the functions of the Authority or any water undertaker or sewerage undertaker shall have effect on and after that date, in relation to the doing of that thing by the successor company of the water authority which made the scheme, as if it were contained in an agreement for the doing of that thing between that company and the person who would have been liable to the charge under the scheme.

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(4) The repeal by this Act of section 30 of the 1973 Act (charges) and the preceding provisions of this paragraph shall not affect the liability of any person for any charge which—

(a) has been fixed before the transfer date by virtue of subsection (1)(b)(ii) of that section (environmental services charge); and

(b) is due to a water authority immediately before that date or would have become due to such an authority on or after that date in respect of a period ending no later than with the end of the financial year current on that date;

and such a charge shall, subject to the provisions of the scheme, be payable on or after that date to the person to whom the right to receive it is transferred in accordance with a scheme under Schedule 2 to this Act.

(5) F208

(8) The repeal by this Act of section 123 of the M119Public Health Act 1936 (power of local authorities to give guarantees to water companies) shall not affect any liability arising under any undertaking given under that section before the transfer date to a water authority or statutory water company; but any such undertaking given before that date to a water authority shall have effect on and after that date as if given to the water undertaker for the area to which, or to any part of which, the undertaking relates.

(9) The repeal by this Act of subsection (4) of section 38 of the 1945 Act (liability for charges etc.) shall not affect the right under that subsection of the occupier of any premises to deduct from his rent at any time on or after the transfer date any sum paid by him (whether or not before that date) in respect of any charge arising under Part III of the 1973 Act in respect of services performed, facilities provided or rights made available before that date.

(10) F208

Textual Amendments

F208 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)

Marginal Citations

M119 1936 c. 49.

Joint water boards and joint water committees

17 Subject to any transfer of property, rights or liabilities in accordance with a scheme under Schedule 2 to this Act, nothing in this Act shall affect—

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Changes to legislation: *Water Act 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the existence or constitution of any joint water board or joint water committee constituted by virtue of an order made under section 9 of the 1945 Act before the transfer date;

(b) any rights or liabilities arising by virtue of any agreement made in pursuance of such an order; or

(c) the application in relation to any such board or committee of any provision of Schedule 3 to the 1945 Act or the operation of Part V of that Act in relation to any such provision.

18, 19. . . . . F209

Textual Amendments

F209 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)

The Building Act 1984 (c. 55)

20 (1) Any directions given before the transfer date by a water authority under subsection (3) of section 18 of the Building Act 1984 which are effective immediately before that date in relation to any drain or sewer shall have effect on and after that date as if they were notifications given under that subsection by the sewerage undertaker for the area which immediately before that date is the water authority's area for the purposes of section 14 of the 1973 Act.

(2) Notwithstanding its repeal by this Act, section 69 of the Building Act 1984 (notices requiring provision of water supply to occupied house), except subsection (7), shall continue to have effect on and after the transfer date for the purposes of any notice served under that section before that date; but, in relation to any such notice, the water undertaker for the area in which the house in question is situated shall, on and after that date, stand in the place of the statutory water undertakers on whom any obligation or power is imposed or conferred by virtue of the notice.

PART III

CONTROL OF POLLUTION

21—25. . . . . F210

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Water Act 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F210 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

26 . . . . . **F211**

Textual Amendments

F211 Sch. 26 para. 26 repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I**(subject to savings in s. 2, Sch. 2 paras. 4(6), 10, 14(1), 15)

27, 28. . . . . **F212**

Textual Amendments

F212 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)

PART IV

WATER RESOURCES

General transitional provision

29 . . . . . **F213**

Textual Amendments

F213 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)

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(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)

30,31. . . . . **F214**

Textual Amendments

F214 Sch. 26 paras. 30, 31 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) subject to savings with modifications by Water Resources Act 1991 (c. 57, SIF 130), ss. 48, 55, 60, 61, 65, **Sch. 7** (with ss. 16 (6), 178, 179, 222(3), 224(1), Sch. 22 paras. 1, 2, Sch. 23 para. 6)

32—35. . . . . **F215**

Textual Amendments

F215 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)

PART V

FLOOD DEFENCE

General

36—39. . . . . **F216**

Textual Amendments

F216 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)

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PART VI

FISHERIES

40 (1) Subject to the following provisions of this paragraph, any byelaw or appointment made, permission given, licence granted or other thing done by a water authority which—

(a) is made, given, granted or done under any enactment or subordinate legislation which relates to the functions of the authority relating to fisheries; and

(b) is in force or effective immediately before the transfer date,

shall have effect on and after that date as if it were made, given, granted or done by the Authority.

(2) . . . . . [F217]

(3)

. . . [F218]nothing in paragraph 7(7) or (14) of Schedule 17 to this Act shall affect the validity or effect of any order under **[**[F219]section 28(3) of the Salmon and Freshwater Fisheries Act 1975**]** which is in force immediately before the transfer date

(4) Nothing in this Act shall be construed as preventing so much of any order under section 28(3) of the Salmon and Freshwater Fisheries Act 1975 or of any licence under Part I of Schedule 3 to that Act as—

(a) is in force immediately before the transfer date; and

(b) has the effect for the purposes of section 6 of that Act (prohibition on placing and use of unauthorised fixed engines) of authorising the placing or use of any fixed engine,

from continuing to have that effect on and after that date.

Textual Amendments

F217 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)

F218 Words 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)

F219 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(c)**

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PART VII

COMPULSORY PURCHASE AND WORKS POWERS

Compulsory purchase orders and works orders

41 (1) Where—

(a) any compulsory purchase order made by virtue of any enactment repealed by this Act;

(b) any order made under section 23 of the 1945 Act, section 67 of the [M120]Water Resources Act 1963 or section 1 of the [M121]Water Resources Act 1971 (compulsory works orders etc.); or

(c) any resolution for extinguishing a right of way under section 9 of Schedule 3 to the 1945 Act,

is in force or effective immediately before the transfer date, then, notwithstanding any repeal made by this Act, that order or resolution, and any enactment repealed by this Act in so far as it relates to that order or resolution, shall continue to have effect on and after that date, as they had effect before that date, subject to such modifications as are necessary for the purposes of sub-paragraph (4) below.

(2) . . . . . [F220]

(4) In so far as the provisions of a scheme under Schedule 2 to this Act allocate a water authority's rights or liabilities in relation to any order or application saved by sub-paragraph (1) . . . [F221] above to any person, that person shall, on and after the transfer date, stand in the place of that water authority for the purposes of the provision made by that sub-paragraph.

(5) On and after the transfer date, any obligation of a water authority by virtue of section 20(5) of the 1973 Act (obligation to provide recreational facilities etc.) which, in accordance with this paragraph and a scheme under Schedule 2 to this Act, becomes an obligation of a water undertaker shall be enforceable under **[**[F222]section 18 of the Water Industry Act 1991**]** by the Secretary of State.

Textual Amendments

F220 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)

F221 Words 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)

F222 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(d)**

Marginal Citations

M120 1963 c. 38.

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Water Act 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M121 1971 c. 34.

42—45. . . . . F223

Textual Amendments

F223 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)

The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)

46 . . . . . F224

Textual Amendments

F224 Sch. 26 para. 46 repealed (19.11.1998) by 1998 c. 43, ss. 1(1), **Sch. 1 Pt. X** Group 3

Maps of sewers etc.

47 Where immediately before the transfer date a local authority keep a map deposited at their offices under section 32 of the M122Public Health Act 1936 (sewer maps), it shall be the duty of that authority—

(a) to provide a copy of that map to every sewerage undertaker which is required, by virtue of the coming into force on that date of an appointment under Chapter I of Part II of this Act, to include information shown on the map in records to be kept by that undertaker under section 166 of this Act; and

(b) themselves to keep a copy of that map until they have performed the duty imposed by paragraph (a) above.

Marginal Citations

M122 1936 c. 49.

PART VIII

MISCELLANEOUS AND GENERAL

Notifications by Nature Conservancy Council etc.

48 . . . . . F225

Status: *Point in time view as at 26/05/2015. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F225 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 [M123]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 **[**[F226]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

F226 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(e)**

Marginal Citations

M123 1968 c. 41.

Overseas activities

50 . . . . . [F227]

Textual Amendments

F227 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)

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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 [M124]Local Authorities (Goods and Services) Act 1970.

Marginal Citations
M124 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—

(a) sections 12(7) and 14(5) of the [M125]Control of Pollution Act 1974; and

(b) sections 11(5) and 12(2) of the [M126]Local Government (Miscellaneous Provisions) Act 1976.

Marginal Citations
M125 1974 c. 40.
M126 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

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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 **[**[F228]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 [M127]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.

Textual Amendments

F228 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(f)**

Marginal Citations

M127 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 and which confers powers on any internal drainage board or any joint board or joint committee.

Transitory provision relating to rating

56 . . . . . [F229]

Textual Amendments

F229 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)

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Byelaws

57 (1) F230

(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) F230

Textual Amendments

F230 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 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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SCHEDULE 27

Section 190.

REPEALS

PART I

REPEALS COMING INTO FORCE ON THE TRANSFER DATE

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 78.	The Tramways Act 1870.	In section 32, the words “or water”.
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	In section 7(3), the word “water,”.
17 & 18 Geo. 5. c. 36.	The Landlord and Tenant Act 1927.	In section 25(1), in the definition of “statutory company”, the word “water,”.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 15.
		In section 19(2), the words from “and if” onwards.
		Section 20.
		Sections 23 and 24.
		Section 29.
		Section 32.
		In section 36(1), the words “or by an arbitrator”.
		In section 50(1), the words “or the water authority for the area”.
		Section 123.
		In section 227, the words from the beginning to “streets”.
		Section 278(4).
		Section 279.
		Section 306.
		Section 337.
		In section 343(1), in the definition of “statutory undertakers”, the word “water”.
F231	**F231**	**F231**
F232	**F232**	**F232**

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	. . .	. . .
		In section 8(2), the words "in their area".
		In section 10, in subsection (1), the definition of "district board", and subsection (3).
		Section 11.
1 Edw. 8 & 1 Geo. 6. c. 40.	The Public Health (Drainage of Trade Premises) Act 1937.	In section 2, in subsection (1), the words after paragraph (c), subsection (2) and in subsection (5), the words "(if any)", the
		words "direction or" and the words from "and liable" onwards.
		In section 3(1), the words from "by a direction" to "or", in the first place where it occurs.
		Section 7(3).
		In section 9(3), the words from "and to a further" onwards.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	Sections 9 and 10.
		Sections 12 to 13A.
		In section 14(12), the words "if so required," and in paragraph (a), the words "in the water authority area".
		In section 16, in subsection (4), the words "to be settled in case of dispute by a court of summary jurisdiction" and the words from "The procedure" onwards and in subsection (5), the words "if so required".
		Section 17.
		Sections 19 and 20.
		Sections 22 to 25.
		Section 27.

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		Sections 32 to 34.
		Section 35(1).
		Sections 36 to 39.
		Section 42.
		Sections 46 and 47.
		Sections 49 to 52.
		Sections 54 and 55.
		Sections 57 and 58.
		In section 59(1), the definitions of “cut off”, “limits of supply”, “Minister”, “prescribed”, “railway company”, “street” and “supply of water in bulk”.
		Sections 60 to 62.
		Schedules 1 and 2.
		In Schedule 3, sections 1 to 4, 6 to 9, 11 to 46, 52 to 58, 60 to 65, 67, 68, 70 to 73, 78 to 80 and 82 to 94.
		In Schedule 4, the entries relating to subsections (1) and (2) of section 279 of the Public Health Act 1936.
9 & 10 Geo. 6 c. 18.	The Statutory Orders (Special Procedure) Act 1945.	Section 8(2).
		In Schedule 2, the entries relating to the Water Act 1945.
9 & 10 Geo. 6 c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entries relating to the Public Health Act 1936 and the Water Act 1945.
10 & 11 Geo 6. c. 41.	The Fire Services Act 1947.	In section 14, in subsection (1), the words from “Any question” onwards, and subsection (7).
		In section 15, the proviso to subsection (2).
11 & 12 Geo. 6. c 22.	The Water Act 1948.	Sections 2 and 3.
		Section 4(1).

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		Sections 7 to 11.
		Sections 14 and 15.
		The Schedule.
12, 13 & 14 Geo. 6. c. 60.	The Housing Act 1949.	Sections 46 and 51.
12, 13 & 14 Geo. 6. c. 74.	The Coast Protection Act 1949.	In the Second Schedule, paragraph 3.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In Schedule 5, the entries relating to the Water Act 1945.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 7.	The Border Rivers (Prevention of Pollution) Act 1951.	The whole Act.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 33.	The Finance Act 1952.	In section 74, subsections (1)(a) and (2).
15 & 16 Geo. 6 and 1 Eliz. 2. c. 54.	The Town Development Act 1952.	Section 7(d).
		Section 23(2)(b).
1 & 2 Eliz. 2. c. 26.	The Local Government (Miscellaneous Provisions) Act 1953.	Sections 12 and 13.
		The Schedule.
3 & 4 Eliz. 2. c. 13.	The Rural Water Supplies and Sewerage Act 1955.	Section 1(4)(a).
6 & 7 Eliz. 2. 56.	The Finance Act 1958.	In section 35, subsections (4)(a) and (c) and (5).
6 & 7 Eliz. 2. 69.	The Opencast Coal Act 1958.	In section 7, in subsection (2)(b), the words “relating to the supply of water”.
		In section 13(1)(c), the words from “any reference to a” to “disposal undertaking and”.
		In section 51(1), in the definition of “appropriate Minister”, paragraph (f), and the definitions of “sewage disposal undertaking” and “sewerage undertaking”.
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	In Part I of Schedule 4, paragraphs 6 and 10 to 12.
8 & 9 Eliz. 2. c. 34.	The Radioactive Substances Act 1960.	In Part I of Schedule 1, in paragraph 6, the word “seventeen”.
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	Sections 12 to 14.

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		In section 60, in subsection (1), the words "under subsection (3) of section 2 of the Act of 1937", and subsection (3).
		In section 61, in subsection (1), the words from "by a direction" to "date, or" and in subsection (5), the words from "or vary" to "against".
		In section 62(1), the words "the Act of 1937 or".
		Section 70.
		Schedule 2.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	Section 61(4).
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	Section 37(4)(c).
1963 c. 33.	The London Government Act 1963.	Section 40(4)(c) and (d).
		In Part II of Schedule 9, paragraph 6.
		In Part I of Schedule 11, paragraphs 26 and 29.
1963 c. 38.	The Water Resources Act 1963.	Section 1.
		Section 3(5).
		Section 16(2) and (3).
		In section 17, subsection (2) and in subsection (3), the words from "or who" to "preceding subsection".
		In section 19(6), the words "Part I, and, where applicable, Part IV, of".
		Section 20.
		Section 21(3) and (4).
		In section 22, in subsection (2), the words "section 21(3) and", and subsection (3).
		In section 23(2), the words "after the end of the initial period".

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In section 25, the proviso to subsection (2) and in subsection (3)(a), the words "in their area".

In section 27(1), the words from the beginning to "licences of right,".

In section 28(1), the words "other than a licence of right,".

In section 29, in subsections (1) and (8), the words "other than a licence of right".

Section 31(2).

In section 32, subsection (5) and in subsection (6), the words from "or any person" to "become the holder of the licence".

Sections 33 to 35.

Section 37(4).

In section 38, in subsection (1), the words "other than licences of right," and in subsection (2), paragraph (a).

Section 41(6).

In section 47(1), the words "not being a licence of right".

In section 50(2), the proviso.

In section 52(1), the words "in their areas", in both places where they occur.

In section 53(1), the words "to that authority".

In section 54(3) the words "other than licences of right".

Section 56.

Section 60(2)(bb).

In section 63, in subsection (8), paragraph (d) and the word "and" immediately preceding it, and subsections (9) and (12).

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Sections 65 to 70.

In section 71, subsections (1), (2), (4) and (6).

Section 77.

In section 79(3), the word "such", in the second place where it occurs.

In section 82, subsection (8) and in subsection (10), the words "and in Schedule 10 to this Act".

Sections 107 and 108.

Sections 111 to 113.

In section 114, in subsection (1)(a), the words "in their area" and in subsection (4)(b), the words from "in" onwards.

In section 118(1), the words from "in" onwards.

In section 120, in subsections (1) and (5), the words "or the Water Act 1973".

In section 123, subsections (2) and (3) and in subsection (5), the words from "and "the appropriate authority"" onwards.

Section 126(1) and (2).

Section 128(3).

Section 130.

In section 131, in subsection (2), the words "other than a licence of right", wherever they occur, and paragraphs (c) and (d), subsections (3) to (5), the proviso to subsection (8), and subsection (9).

In section 132, in subsection (1), paragraph (e), subsections (2) and (3), in subsection (5), the words "subsection (3) or", and the proviso to subsection (7).

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		In section 134, in subsection (1), the words "33(5)", the proviso to subsection (4), subsection (5), and the proviso to subsection (6).
		In section 135, in subsection (1), the definitions of "Anglo-Welsh water authority", "financial year", "hydrometric scheme", "local authority members", "new functions", "re-distribution" and "re-distribute", "second appointed day",
		"transferred functions", "Wales" and "Welsh water authority", in subsection (2), paragraphs (b) and (d) together with the word "and" immediately preceding paragraph (d), and subsection (4).
		In Schedule 7, in paragraph 4(c), the words from "(including" to "Part III of this Act)", in paragraph 10, the words from "subject" onwards, in paragraph 13, in the words after sub-paragraph (b), the words "under this Schedule", paragraph 15 and in paragraph 16(b)(ii), the words from "or if" to "such an interest".
		Schedules 8 and 9.
		In Schedule 10, paragraph 8.
		In Schedule 13, paragraph 3.
1964 c. 40.	The Harbours Act 1964.	In section 57(1), the words "or under section 67 or by section 69 of the Water Resources Act 1963".
1965 c. 36.	The Gas Act 1965.	Section 15(7).
		In section 28, in subsection (1), the definitions of "limits of supply" and "river authority" and in

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		the definition of "statutory undertakers", the words "or water" and in subsection (5), the words from "and the said" onwards.
		In Schedule 6, paragraph 2(6)(b).
1965 c. 56.	The Compulsory Purchase Act 1965.	Section 33.
		Section 36.
		In Schedule 6, the entry relating to the Water Act 1945.
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	In section 18(1), the words before the words "the Minister shall".
1967 c. 10.	The Forestry Act 1967.	In section 40(2)(d), the word "water".
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(5)(f), the words "or a statutory water undertaker for purposes of the Water Act 1945" and the words "or statutory water undertaker".
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	In section 47, the words from the beginning to "accordingly".
1968 c. 41.	The Countryside Act 1968.	Section 16(6)(b).
		Section 22.
		Part I of Schedule 3.
1968 c. 73.	The Transport Act 1968.	In section 109, in subsection (3), the words from "and the powers" onwards and in subsection (5), the words "or (b)(i)" and the words "in the case of a local authority,".
1971 c. 34.	The Water Resources Act 1971.	The whole Act.
1971 c. 78.	The Town and Country Planning Act 1971.	In section 224 (1), paragraphs (dd) and (e).
		In Schedule 23, the entry relating to the Water Resources Act 1963.

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1972 c. 70.	The Local Government Act 1972.	In section 236(2), the words from “by statutory” to “1945 or”.
		In section 271(1), paragraph (b) and the word “or” immediately preceding it.
		In Schedule 15, paragraph 1.
		In Schedule 29, paragraph 20(1).
1973 c. 37.	The Water Act 1973.	Sections 1 to 3.
		Section 5.
		Sections 7 to 13.
		In section 14, subsections (1) to (3), (5) and (8).
		Sections 15 to 17.
		Sections 20 to 22.
		Sections 24 and 24A.
		Section 26(1).
		Sections 27 to 31.
		Sections 32A and 33.
		Section 36(3).
		Sections 37 to 39.
		Schedules 1 and 2.
		Parts I and III of Schedule 3.
		Schedules 4 and 4A.
		Schedule 7.
		In Schedule 8, paragraphs 32 to 36, 40, 45 to 48, 51 to 62, 65(1), 66, 68, 76, 77, 80(2), 81, 82, 84, 91 to 93 and 98.
1973 c. 41.	The Fair Trading Act 1973.	In Part I of Schedule 7, paragraph 4.
1974 c. 7.	The Local Government Act 1974.	Section 38.
1974 c. 40.	The Control of Pollution Act 1974.	Section 4(4).
		Section 26.
		Sections 31 to 42.

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		In section 43(1), paragraph (a) and the words after paragraph (b). Section 44(2) and (4). Sections 46 to 56. Section 86. In section 90, subsection (1) and in subsection (2) (a) and (b), the words “or further sum”, in both places where they occur. In section 96(2), the words from “but as if” onwards. In section 98, in the definition of “relevant authority”, the words “a water authority”. In section 104, in subsection (2), the words “or 53”, and subsection (3). In Schedule 2, paragraph 13. In Schedule 3, paragraphs 20, 21 and 27 to 30.
1975 c. 51.	The Salmon and Freshwater Fisheries Act 1975.	In section 1(2), the words “for the area in which the act was done”. In section 2(5), the words “for the area”. In section 4(3), the words “for the area”. In section 5, in subsection (2) (b), the words “for the area”, and subsection (6). In section 6(2), the words “for the area”. In section 8(4), the words “for the area”. In section 9(1), the words “for the area”. In section 12(2), the words “in whose area the dam is or was situated”.

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In section 13(1), the words "for the area".

In section 14(1), the words "for the area".

In section 19(3) and (5), the words "in whose area the act was done", in both places where they occur.

In section 21(2)(b), the words from "for the area" onwards.

In section 25(1), the words "in their area", in both places where they occur.

Section 26(8).

Section 28(1) to (2A).

In section 30, the words "within whose area any part of that water is situated".

In section 35(1), the words "for the area".

Section 39(4).

In section 41, in subsection (1), in the definition of "authorised officer", the words "acting within the water authority area" and in the definition of "the Minister", the words "subject to subsection (2) below", and subsections (2) and (2A).

Section 42(7).

In Schedule 1, paragraph 2.

In Schedule 3, paragraphs 1 to 6 and 12, in paragraph 16 the words "the whole or", in the first place where they occur, in paragraph 17 the words "within the water authority area", in paragraph 21A the words "in the water authority area", in paragraph 36 the words "in a water authority area", and paragraph 39(1)(b).

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		In Schedule 4, in paragraph 6(b) the words "within whose area the offence in question was committed", in paragraph 9 the words "and is subsequently convicted of any such offence", in paragraph 11(a) the words "within whose area the offence was committed", and in paragraph 12 the words "for the area in which the offence was committed".
1976 c. 9.	The Water Charges Act 1976.	The whole Act.
1976 c. 44.	The Drought Act 1976.	The whole Act.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	In section 44(1), in the definition of "statutory undertakers", the words from "any public" to "sewerage)".
1976 c. 70.	The Land Drainage Act 1976.	Sections 1 to 3.
		In section 4, subsection (1) and in subsection (2), the words "for their area".
		Section 6(1) and (4).
		In section 9, subsections (2), (4) and (9).
		In section 11, in subsection (1), in paragraph (c) the words from "or" to the end of the paragraph and in paragraph (e) the words "within the water authority area", and in subsection (2), the words "submitting the scheme".
		In section 12, the words "of any area".
		In section 14(1), the words "within whose area the district is situated".
		In section 15, in subsection (1), the words "within the water authority area" and in subsection (2)(a), the words "within the

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water authority area" and "within that area".

In section 16, in subsection (1), the words "in the water authority area" and in subsection (5), the words "wholly or partly within the water authority area" and "or that part of the area".

In section 18, in subsection (2)(b), the words "for the area in which the watercourse is situated".

Section 20.

In section 21(1), the words from "and which" onwards.

In section 23(4), the words "in their area".

Section 24(4).

In section 25(1), the words "in a water authority area" and "in the water authority area".

In section 26, in subsection (1), the words "for the area concerned", in both places where they occur, and the words " "the area concerned" means the water authority area where the work falls to be done and".

In section 27(1), the words "within any water authority area or internal drainage district".

In section 28, in subsection (1), the words "in any drainage authority area", and subsection (12).

Section 29(6)(a).

In section 30(1), the words "in their area".

Section 32(3).

Section 36(2).

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In section 46(1), the words "in their area".

In section 47(1), the words "in their area".

In section 48(1), the words "in their area".

In section 50, in subsection (1), the words "in the water authority's area or any part of it", in subsection (5), the words "water authority area or, as the case may be, the part of that" and in subsection (7), the words "of the water authority concerned or, as the case may be, any part of it".

In section 54(5), the words "in whose area the land is situated".

In section 59(1), the word "chargeable".

In section 60, in subsections (1) and (2), the words "in their area", wherever they occur.

Section 62.

In section 63(1), the words "for their area".

In section 68, in each of subsections (1) and (4), the words "for their district".

In section 69(3), the words "in whose area the drainage district is comprised".

In section 84, in subsection (1), the words "whose district is within the authority's area" and in subsection (6)(b), the words "wholly or partly within the water authority area".

In section 86(3), in paragraph (b), the words "wholly or partly within the water authority area".

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In section 89(1), in the definition of "chargeable land", the words "in relation to a water authority area".

In section 94(3), in paragraph (a), the words "to whom the transfer effected by the scheme or order is made" and in paragraph (b), the words "from whom the transfer effected by the order is made".

In section 97(3), the words "in a water authority area".

In section 98(5A), the words "for the area concerned".

In section 100(2), the words "for the area concerned".

In section 109, in subsection (3), the words "2, 3," and "62", in subsection (4), the words from the beginning to "procedure and" and in subsection (5)(a), the words "other than an order under section 62".

In section 110, in each of subsections (1)(b) and (2), the words "within the water authority area".

In section 116, in subsection (1), the definition of "water charges option order" and in subsection (4), the word "20,".

Section 117(4).

In Schedule 1, in paragraph 3 the words "regional or" and the words "resolution of", in paragraph 5(1)(c) the words "or water authority", in paragraph 8(1)(e) the words "or water authority", and in paragraph 10(2) the words "of a water authority" and the words "(whether or not

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		he becomes or remains a member of the authority)”.
		In Schedule 5, paragraph 7.
		In Schedule 7, paragraphs 1 and 4.
1976 c. 75.	The Development of Rural Wales Act 1976.	In Schedule 3, paragraphs 51 and 52 and in paragraph 56, in the Table at the end of sub-paragraph (3), the entry numbered 5.
1976 c. 86.	The Fishery Limits Act 1976.	In Schedule 2, paragraph 19.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraphs 7 and 8.
		In Schedule 6, the entries relating to sections 64(1) and 67 of Schedule 3 to the Water Act 1945.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 1(2)(a), the words “water authorities”.
		Section 105.
		Section 158.
		In Schedule 15, paragraph 21.
1980 c. 66.	The Highways Act 1980.	In section 14(2), paragraph (b) and the word “or” immediately preceding it.
		In section 18(2), paragraph (b) and the word “or” immediately preceding it.
		Section 20(7).
		Section 22.
		In section 35, in subsections (11)(c) and (12), the words “sewerage authorities”, in both places where they occur.
		In section 73(11)(c), the word “or”, in the second place where it occurs.
		In section 74(11)(b), the word “or”, in the second place where it occurs.
		In section 115D(c), the words “or sewerage authorities”.

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In section 142(5), the words "sewerage authorities".

In section 144(6), in the definition of "statutory undertakers", the words from "any public" to "sewerage)".

In section 169(4), the words from "any public" to "sewerage)".

In section 170(3), in the definition of "statutory undertakers", the words from "any public" to "sewerage)".

In section 181, in subsection (5), the words "or sewerage authority", in subsection (7), the words "or sewerage authority" and the words "or that authority, as the case may be", and in subsection (8), the words "or sewerage authorities".

In section 182, in subsection (1), the words "and sewerage authorities" and in paragraphs (a) and (b) of that subsection, the words "or sewerage authority", in both places where they occur, and in subsection (5), the words "or sewerage authority".

In section 290, in subsection (5), the words "water authority or", in both places where they occur, in subsection (7) the words "water authority or" and the words from "or, in the" to "enactment", and subsection (10)(a).

In section 329(1), in the definition of "public utility undertakers", the word "water", the definition of "sewerage authority" and, in the definition of "statutory undertakers", the word "water".

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		In Schedule 24, paragraphs 4(a) and 24(b).
1981 c. 12.	The Water Act 1981.	Sections 2 to 4.
		Section 6(7)(a).
1981 c. 17.	The Energy Conservation Act 1981.	Section 16.
1981 c. 54.	The Supreme Court Act 1981.	In Schedule 5, the entry relating to the Control of Pollution Act 1974.
1981 c. 64.	The New Towns Act 1981.	Section 34.
		Section 40.
		Section 41(3).
		Section 78(1)(e).
		In Schedule 10, paragraph 3(3)(b).
1981 c. 67.	The Acquisition of Land Act 1981.	In section 1(2), the words “section 306 of the Public Health Act 1936” and the words from “section 24(4)” onwards.
		In section 7(1), in paragraph (a) of the definition of “local authority”, the words “water authority or”.
		In Schedule 4, in the table in paragraph 1, the entry relating to the Water Resources Act 1963, paragraphs 4 and 12 and in paragraph 14, in sub-paragraph (7), the reference to section 33(1) of the Compulsory Purchase Act 1965 and sub-paragraph (8).
1981 c. 69.	The Wildlife and Countryside Act 1981.	In section 27(1), in paragraph (c) of the definition of “authorised person”, the words “a water authority or any other statutory water undertakers,”.
		Section 48.
1982 c. 16.	The Civil Aviation Act 1982.	In section 105(1), in the definition of “statutory undertaker”, paragraph (c).

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		In Schedule 2, paragraph 3.
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In section 30(1)(b), the words "or the supply of water".
1982 c. 32.	The Local Government Finance Act 1982.	Section 32.
		In section 33(4), paragraph (c) and the word "and" immediately preceding it.
		Schedule 4.
		In Schedule 5, paragraph 6.
1983 c. 23.	The Water Act 1983.	Section 1(1) and (3).
		Section 2.
		Sections 5 to 7.
		Schedule 1.
		Schedule 3.
		In Schedule 4, paragraphs 1 to 4.
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to the Water Act 1973.
F231	**F231**	**F231**
F232	**F232**	**F232**
		In the Schedule, paragraph 9.
1983 c. 44.	The National Audit Act 1983.	In Schedule 4, the entries relating to the Regional Water Authorities and the Welsh Water Authority.
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 2, in paragraph 23(10), in paragraph (a) of the definition of "relevant undertaker", sub-paragraph (iii) and the word "or" immediately preceding it.
		In Schedule 4, paragraphs 22 and 42.
1984 c. 38.	The Cycle Tracks Act 1984.	In section 2(3), the words "any sewerage authority within the meaning of that Act" and the words from "and in" onwards.

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1984 c. 55.	The Building Act 1984.	In section 25(1)(a), the word "statutory".
		In section 60(4), the words "or the water authority for the area".
		In section 67, in subsection (3)(b), the words from "vested in" onwards and, in subsection (4), paragraph (a).
		Section 69.
		In section 126, the definitions of "limits of supply" and "statutory water undertakers" and, in the definition of "statutory undertakers", the word "water".
		In Schedule 6, paragraphs 18 and 22.
1985 c. 9.	The Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to the Water Act 1973.
1985 c. 48.	The Food and Environment Protection Act 1985.	Section 15(4)(a).
1985 c. 51.	The Local Government Act 1985.	In Schedule 7, in paragraph 2, the words "2(6)" and paragraphs 3 and 4.
		In Schedule 8, paragraph 24.
1985 c. 68.	The Housing Act 1985.	In section 283(3), the word "water".
		In section 296(4)(a), the word "water".
		In section 523(3), the word "statutory".
		In section 611(6)(a), the word "water".
1986 c. 31.	The Airports Act 1986.	In Schedule 2, paragraph 3.
1986 c. 44.	The Gas Act 1986.	In Schedule 7, in paragraph 2, sub-paragraph (1)(iii) and (vi) and sub-paragraph (9)(a), and paragraph 3.
1988 c. 15.	The Public Utility Transfers and Water Charges Act 1988.	Sections 2 to 7.
		Section 8(2).

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		Schedules 1 to 3.

Textual Amendments

F231 Words in Sch. 27 Pt. I omitted (S.) (27.3.2009) by virtue of The Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), reg. 1(2)(c), **sch. 2 para. 8(c)** (with reg. 2.)

F232 Words in Sch. 27 Pt. I omitted (E.W.) (27.3.2009) by virtue of The Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463), reg. 1(2), **Sch. 2 para. 8(b)** (with reg. 2(2))

PART II

OTHER REPEALS

Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	Section 41(7).
		Section 59(3).
		In Schedule 3, sections 74 to 77 and 81.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act 1955.	Section 11.
9 & 10 Eliz. 2. c. 62.	The Trustee Investments Act 1961.	In Schedule 4, paragraph 3.
1973 c. 37.	The Water Act 1973.	Section 34.
		Section 35.
		Section 36(1) and (2).
		Schedule 6.
		In Schedule 8, paragraph 50.
1974 c. 40.	The Control of Pollution Act 1974.	In Schedule 2, paragraph 15.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entries relating to a regional water authority established in accordance with section 2 of the Water Act 1973 and to the Welsh Water Authority.
1983 c. 23.	The Water Act 1983.	Section 1(2).
1988 c. 15.	The Public Utility Transfers and Water Charges Act 1988.	Section 1.
		Section 8(1) and (3).

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