



# Water Act 1989

## 1989 CHAPTER 15

### PART I

#### PRELIMINARY

*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.
- (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.

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**Changes to legislation:** There are currently no known outstanding effects for the Water Act 1989.  
**Cross Heading:** The transfer of the water authorities' functions etc.. (See end of Document for details)

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- (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.

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**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](#)

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

**C1** S. 4 applied (Isles of Scilly) (with modifications) (1.11.2019) by [The Isles of Scilly \(Application of Water Legislation\) Order 2019 \(S.I. 2019/1259\)](#), arts. 2(1), [3\(1\)\(a\)\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Act 1989, Cross Heading: The transfer of the water authorities' functions etc..