

Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Paragraph 41. (See end of Document for details)

SCHEDULES

SCHEDULE 26

TRANSITIONAL PROVISIONS AND SAVINGS

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- (a) any compulsory purchase order made by virtue of any enactment repealed by this Act;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 ^{M1}Water Resources Act 1963 or section 1 of the ^{M2}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the transfer date, then, notwithstanding any repeal made by this Act, that order or resolution, and any enactment repealed by this Act in so far as it relates to that order or resolution, shall continue to have effect on and after that date, as they had effect before that date,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) ^{F1}
- (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) . . . ^{F2} 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 [^{F3}section 18 of the Water Industry Act 1991] by the Secretary of State.

Textual Amendments

- F1** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)

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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)

F2 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)

F3 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(d)**

Marginal Citations

M1 1963 c. 38.

M2 1971 c. 34.

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