



# Water Act 1989

## 1989 CHAPTER 15

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Other supplemental provisions*

#### **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;
  - (d) Parts III and IV, except so far as relating to the amendment, in Schedule 17, to the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951;
  - (e) Part V, except so far as relating to sections 33, 47 and 48 of the 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

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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 Parliamentary Commissioner Act 1967, the Capital Allowances Act 1968, the House of Commons Disqualification Act 1975 or the 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 Land Drainage Act 1976;
  - (b) subsections (1) to (4), (6) and (7) of section 141 and, so far as they amend the Diseases of Fish Act 1937 or section 39 of the 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 Agriculture Act 1970, the Health and Safety at Work etc. Act 1974 and the Employment Protection (Consolidation) Act 1978; and
  - (e) section 190 and Schedule 27 so far as they relate to the Diseases of Fish Act 1937, the Border Rivers (Prevention of Pollution) Act 1951, section 126 of the Water Resources Act 1963 (border rivers), section 39(4) of the Salmon and Freshwater Fisheries Act 1975 and the 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 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;
  - (b) Part V;
  - (c) section 190 and Schedule 25 so far as they amend the Public Health (Scotland) Act 1897, the Agricultural Holdings (Scotland) Act 1949, the Rivers (Prevention of Pollution) (Scotland) Act 1951, the Valuation and Rating (Scotland) Act 1956 and the Water (Scotland) Act 1980;
  - (d) section 190 and Part I of Schedule 27 so far as they relate to section 104 of the 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

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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.