



Water Act 2003

2003 CHAPTER 37

PART 4

SUPPLEMENTARY

104 Regulations and orders

- (1) Any power under this Act to make any order or regulations is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations—
 - (a) made by the Secretary of State under any provision of this Act except section 10 (but including section 105), and
 - (b) which contains (or contain) provision amending or repealing any enactment, shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Otherwise, a statutory instrument containing any order or regulations made by the Secretary of State under this Act, other than an order under section 105, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any power under this Act to make any order or regulations may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case,
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition.

Changes to legislation: *Water Act 2003, Section 104 is up to date with all changes known to be in force on or before 23 May 2023. 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) [View outstanding changes](#)*

- (5) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for all or any of those purposes.
- (6) Any such power includes power—
- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments or provisions of subordinate legislation) as the authority making the order or regulations considers to be expedient, and
 - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (7) In subsection (6)(a), “subordinate legislation” has the meaning given by the Interpretation Act 1978 (c. 30).
- (8) Nothing in this Act shall be read as affecting the generality of subsection (6).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)