Wales Act 2017

2017 CHAPTER 4

PART 2 U.K.

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Water etc

PROSPECTIVE

48 Water and sewerage U.K.

(1) In Schedule 7A to the Government of Wales Act 2006 (substituted by this Act), in Section C15 (water and sewerage)—

(a) omit paragraph 92;

(b) in paragraph 93 omit ““and regulation””;

(c) omit the two exceptions (and the heading ““*Exceptions*””);

(d) omit the definitions of ““supply system of a water undertaker”” and ““sewerage system of a sewerage undertaker””.

(2) In section 192B of the Water Industry Act 1991 (annual and other reports)—

(a) in subsection (1), after ““the Secretary of State”” insert “ and the Welsh Ministers ”;

(b) after subsection (5) insert—

“(5A) The Welsh Ministers shall—

(a) lay a copy of each annual report before the Assembly; and

(b) arrange for the report to be published in such manner as they consider appropriate.”;

(c) in subsection (7) omit ““the Assembly,””.

Status: *This version of this cross heading contains provisions that are prospective.*
Changes to legislation: *Wales Act 2017, Cross Heading: Water etc is up to date with all changes known to be in force on or before 01 September 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) View outstanding changes*

49 Modification of water-related functions U.K.

In section 58 of the Government of Wales Act 2006, after subsection (2) insert—

"(2A) Her Majesty may by Order in Council—

(a) make provision modifying (by reference to geographical extent or otherwise) a previously conferred or transferred water-related function;

(b) provide for such a function to be exercisable—

(i) concurrently or jointly with a Minister of the Crown or the Welsh Ministers, or

(ii) only with the agreement of, or after consultation with, a Minister of the Crown or the Welsh Ministers.

(2B) In subsection (2A)—

""previously conferred or transferred function"" means a function exercisable by—

(a) the Welsh Ministers, the First Minister or the Counsel General,

(b) a Minister of the Crown, or

(c) any authority or other body,

by virtue of provision contained in or made under this Act or any other enactment;

""water-related function"" means a function exercisable in relation to water supply, water quality, water resources management, control of pollution of water resources, sewerage, rivers and other watercourses, land drainage, flood risk management or coastal protection."

Commencement Information

I1 S. 49 in force at 8.1.2018 by S.I. 2017/893, **reg. 2**

50 Water protocol U.K.

(1) The Welsh Ministers and the Secretary of State may make an agreement (the ""water protocol"") for the purpose of ensuring that—

(a) actions or inaction of the Welsh Ministers, or public bodies exercising functions in Wales, do not have a serious adverse impact on water resources in England, water supply in England or the quality of water in England, and

(b) actions or inaction of the Secretary of State, or public bodies exercising functions in England, do not have a serious adverse impact on water resources in Wales, water supply in Wales or the quality of water in Wales.

(2) The water protocol must—

(a) provide for a procedure for resolving matters of disagreement between the Welsh Ministers and the Secretary of State;

(b) make provision about whether, or to what extent, functions relating to such matters may be exercised pending the outcome of the procedure.

(3) The water protocol may be revised by agreement of the Welsh Ministers and the Secretary of State.

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(4) The water protocol, and any revised protocol, must be laid before both Houses of Parliament and the National Assembly for Wales.

(5) The Welsh Ministers and the Secretary of State must exercise their functions in accordance with the provisions of the water protocol, unless it is revoked by agreement of the Welsh Ministers and the Secretary of State.

51 Reciprocal cross-border duties in relation to water U.K.

(1) In exercising functions relating to water resources, water supply or water quality—

(a) the Welsh Ministers must have regard to the interests of consumers in England;

(b) the Secretary of State must have regard to the interests of consumers in Wales.

(2) In subsection (1) “"the interests of consumers”” has the same meaning as in section 2 of the Water Industry Act 1991.

52 Repeal of intervention powers relating to water U.K.

(1) In the Government of Wales Act 2006—

(a) in section 114 (power to intervene in certain cases) omit paragraph (b) of subsection (1);

(b) omit section 152 (intervention in case of functions relating to water).

(2) Regulations under section 71 bringing this section into force may not be made until an agreement under section 50 has been laid before both Houses of Parliament and the National Assembly for Wales.

Commencement Information

I2 S. 52 in force at 1.4.2018 by S.I. 2017/1179, **reg. 3(k)**

Status:
This version of this cross heading contains provisions that are prospective.

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

– specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by S.I. 2018/278 reg. 2Sch.