

**1989 No. 1557 (C.52)**

**WATER, ENGLAND AND WALES**

**The Water Act 1989 (Commencement No. 2 and  
Transitional Provisions) Order 1989**

Made - - - - 25th August 1989

The Secretary of State for the Environment, and the Secretary of State for Wales, acting jointly in exercise of the powers conferred on them by section 194(4) and (5) of the Water Act 1989(a) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Water Act 1989 (Commencement No. 2 and Transitional Provisions) Order 1989.

(2) In this Order, except where the context otherwise requires, references to sections and Schedules are to references to sections and Schedules of the Water Act 1989.

**Provisions coming into force on 1st September 1989**

2. The provisions specified in Schedule 1 to this Order shall come into force on 1st September 1989.

**Provisions coming into force in Northern Ireland on 1st September 1989**

3.—(1) Section 4, including Schedule 2, and section 13 shall, so far as they extend to Northern Ireland, come into force there on 1st September 1989.

(2) The amendments and repeals referred to in section 194(6)(c) shall, so far as they extend to Northern Ireland and are not brought into force by section 194(3), come into force there on 1st September 1989.

**Provisions coming into force on 1st April 1990.**

4. The provisions specified in Schedule 2 to this Order shall come into force on 1st April 1990.

**Savings of provisions**

5.—(1) The repeal on 1st September 1989 in consequence of article 2 of section 34(1) of, and Part I of Schedule 6 to, the Water Act 1973 shall not affect the continued operation of, or the power of the Secretary of State to revoke or vary, the provisions mentioned in Schedule 3 hereto.

(2) The repeal on 1st April 1990 in consequence of article 4 of section 59(3) of, and sections 74(1) and (2) of Schedule 3 to, the Water Act 1945(b) shall not affect the continued application on or after that date of any of the repealed provisions by virtue of any local statutory provision.

**Transitional provisions**

6. The amendments to section 16 of the Water Act 1945 (power to prohibit or restrict the use of hosepipes) made by paragraph 7(3) of Schedule 25 (brought into force on 1st September 1989 by article 3 of the Water Act 1989 (Commencement No. 1) Order 1989(c))

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(a) 1989 c.15; see section 189(9) as to the joint exercise of functions exercisable concurrently.

(b) 1945 c.42 (8 & 9 Geo. 6).

(c) S.I. 1989/1146.

shall not affect the validity of any prohibition or restriction imposed under that section and in force immediately before that date; and in the case of a prohibition or restriction imposed by a water authority subsections (4) and (5) of that section shall apply as if references to an undertaker were, where appropriate, references to the successor company.

Signed by authority of the Secretary of State

24th August 1989

*Colin Moynihan*  
Parliamentary Under Secretary of State,  
Department of the Environment

Signed by authority of the Secretary of State

25th August 1989

*Ian Grist*  
Parliamentary Under Secretary of State,  
Welsh Office

## SCHEDULE 1

Article 2

### PROVISIONS COMING INTO FORCE ON 1st SEPTEMBER 1989

Section 98, other than subsections (2)(c), and (3) to (7);

Section 99;

Section 100;

Part II of Schedule 27, insofar as it relates to—

Section 41(7) of, and sections 75 to 77 of Schedule 3 to, the Water Act 1945;

Section 11 of the Rating and Valuation (Miscellaneous Provisions) Act 1955(a);

Paragraph 3 of Schedule 4 to the Trustee Investments Act 1961(b);

Sections 34(1) and (3) and 35(1) and (2) of, and Part I of Schedule 6 and paragraph 50 of Schedule 8 to, the Water Act 1973 (c);

and section 190 so far as relating to the repeal of those enactments.

## SCHEDULE 2

Article 4

### PROVISIONS COMING INTO FORCE ON 1st APRIL 1990

Part II of Schedule 27, insofar as it relates to section 59(3) of, and sections 74 and 81 of Schedule 3 to, the Water Act 1945; and section 190 so far as relating to the repeal of those enactments.

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(a) 1955 c.9 (4 & 5 Eliz. 2).

(b) 1961 c.62 (9 & 10 Eliz. 2).

(c) 1973 c.37.

## PROVISIONS SAVED

1. So much of article 35 of the Local Authorities (England) (Property etc.) Order 1973(a) and article 34 of the Local Authorities (Wales) (Property etc.) Order 1973(b) as relate to a liability which is transferred to a successor company by virtue of a scheme under Schedule 2 to the Water Act 1989;

2. Article 12(3) (certain byelaws of the Port of London Authority) and article 15 (extension of provisions of the Llanelli and District Water Board Orders 1961 to 1971 and the Bucks Water Acts and Orders 1937 to 1973) of the Water Authorities etc. (Miscellaneous Provisions) Order 1974(c);

3. The Local Government Agency Arrangements (Staff Transfer and Protection) Order 1976(d) insofar as it relates to arrangements made under section 15 of the Water Act 1973.

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(a) S.I. 1973/1861.

(b) S.I. 1973/1863.

(c) S.I. 1974/607; see also article 3 of the Water (Local Statutory Provisions) (Consequential Amendments) Order 1989 (S.I. 1989/1380).

(d) S.I. 1976/1421; see paragraph 15 of Schedule 26 to the Water Act 1989 as to the continuation of arrangements.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force in England and Wales on 1st September 1989 part of section 98 and sections 99 and 100 of the Water Act 1989 (relating to statutory water companies) and some of the entries in Part II of Schedule 27 (repeals).

Article 3 brings into force in Northern Ireland on 1st September 1989 section 4, including Schedule 2 (transfer of the water authorities' functions etc.), insofar as it is not brought into force directly by section 194(2), and section 13 (replacement appointments). These provisions have effect in Northern Ireland only so far as they relate to transfer schemes made under Schedule 2 to the 1989 Act so as to permit property, rights and liabilities to be transferred in Northern Ireland. It also brings into force those amendments and repeals affecting certain Acts which apply throughout the United Kingdom.

Article 4 brings into force on 1st April 1990 the remainder of section 98 and some further entries in Part II of Schedule 27.

Article 5 and Schedule 3 are concerned with transitional savings in connection with repeals brought into effect by article 2.

Article 6 provides for the continued effect on and after 1st September 1989 of hosepipe bans imposed by water authorities and in force immediately before that date. Those bans will be enforceable on and after that date by the companies which succeed the water authorities.

## NOTE AS TO EARLIER COMMENCEMENT ORDER

*(This note is not part of the Order)*

By a commencement order made on 6th July 1989, the following provisions of the Water Act 1989 have been brought into force or are to come into force as indicated below:

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
ss. 1 to 5, including Sch. 1 to 3, and ss. 7, 11, 14, 32, 172, 174, 177, 187, 189 and 191 to 193, as to England and Wales (except insofar as already in force in accordance with s. 194(2)).	7.7.1989	1989/1146
s.6, including Sch. 4, ss. 8 to 10, 12, 13, 79 (partially), 101, 102, 170, 173, 175, 176, 178 to 184, 186, including Sch. 24, 188, Sch. 25 and s.190 so far as relating to that Schedule, as to England and Wales (except insofar as already in force in accordance with s.194(2)).	1.9.1989	1989/1146
s. 79(2)	1.4.1990	1989/1146

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