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STATUTORY INSTRUMENTS

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**2000 No. 477**

**WATER, ENGLAND AND WALES**

**The Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) Order 2000**

<i>Made</i>	- - - -	<i>23rd February 2000</i>
<i>Laid before Parliament</i>		<i>6th March 2000</i>
<i>Coming into force</i>	- -	<i>27th March 2000</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 5 of the Water Industry Act 1991(1), after consultation with the bodies and other persons mentioned in section 5(4) of that Act, and the Secretary of State for the Environment, Transport and the Regions and the Minister of Agriculture, Fisheries and Food acting jointly in exercise of powers conferred by section 9 of the Environment Act 1995(2), after consultation with the bodies and other persons mentioned in section 9(3) of that Act, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) Order 2000, and shall come into force on 27th March 2000.

(2) This Order—

- (a) so far as it relates to the Water Industry Act 1991, does not apply to any water or sewerage undertaker whose area of appointment is wholly or mainly in Wales; and
- (b) so far as it relates to the Environment Act 1995, applies only in so far as the functions of the Environment Agency are carried out in relation to England.

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(1) 1991 c. 57; section 5 was amended by the Environment Act 1995 (c. 25), Schedule 22 paragraph 98. The functions of the Secretary of State were transferred, so far as exercisable in relation to the Dŵr Cymru water and sewerage undertaker and the Dee Valley water undertaker, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(2) 1995 c. 25; section 9(3) was amended by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), Schedule 1 paragraph 17(2). The functions of the Secretary of State were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

## Approval of Code of Practice

2. The Code of Practice on Conservation, Access and Recreation, which was issued jointly by the Secretary of State and the Minister of Agriculture, Fisheries and Food on 22nd February 2000 for the purposes of—

- (a) giving practical guidance to relevant water undertakers and sewerage undertakers with respect to matters for the purposes of which sections 3 and 4 of the Water Industry Act 1991 have effect;
- (b) promoting what appear to the Secretary of State to be desirable practices by such undertakers with respect to those matters;
- (c) giving practical guidance to the Environment Agency with respect to matters for the purposes of which sections 6(1), 7 and 8 of the Environment Act 1995 have effect; and
- (d) promoting what appear to the Secretary of State and the Minister to be desirable practices by the Environment Agency with respect to those matters,

is hereby approved—

- (i) so far as the Code is issued for the purposes mentioned in paragraphs (a) and (b), under section 5 of the Water Industry Act 1991;
- (ii) so far as the Code is issued for the purposes mentioned in paragraphs (c) and (d), under section 9 of the Environment Act 1995.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

22nd February 2000

*Chris Mullin*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

23rd February 2000

*E. A. Morley*  
Parliamentary Secretary Ministry of Agriculture,  
Fisheries and Food

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## EXPLANATORY NOTE

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

This Order approves the Code of Practice on Conservation, Access and Recreation which was laid before each House of Parliament on 6th March 2000.

The Code gives practical guidance to water and sewerage undertakers and the Environment Agency relating to their environmental and recreational duties under sections 3 and 4 of the Water Industry Act 1991 and sections 6(1), 7 and 8 of the Environment Act 1995 and seeks to promote desirable practices in these fields.

The Secretary of State and the Minister of Agriculture, Fisheries and Food are required by section 5(2) of the 1991 Act to take into account whether there has been or is likely to be a contravention of an approved code of practice, when considering the exercise of the powers conferred on them by the 1991 Act in relation to water or sewerage undertakers.