

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1973, Part II. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### CONSEQUENTIAL, TRANSITIONAL AND SUPPLEMENTARY PROVISION

#### [<sup>F1</sup>PART II

#### LOCAL ACTS AND INSTRUMENTS

##### Textual Amendments

- F1** Sch. 6 Pt. II (paras. 11–17) repealed (*prosp.*) by Water Act 1989 (c. 15, SIF 130), ss. 190, 194(4), Sch. 27 Pt. II (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

- 11 Subject to paragraph 12 below, any local statutory provision to which this Part of this Schedule applies and which is not continued in force by any other provision of this Act shall—
- (a) notwithstanding the transfer of functions and abolition of bodies effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date;
  - (b) have effect subject to any necessary modifications and to the modifications made by paragraph 13 below;
- but the continuation by this paragraph of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this paragraph.
- 12 Paragraph 11 above shall have effect subject to the provisions of—
- (a) this Act and any Act passed after this Act and before 1st April 1974;
  - (b) any order made under section 254 of the 1972 Act, as applied by section 34 above, or paragraph 14 or 15 below.
- 13 As from 1st April 1974 any local statutory provision to which this Part of this Schedule applies and which immediately before that date applies to an area which on that date becomes comprised in one or more water authority areas shall have effect, so far as relates to functions which on that date become exercisable by a water authority and to things done or falling to be done in the exercise of those functions, as if for any reference to the body by whom the functions were exercisable immediately before that date there were substituted a reference to that water authority, or where the former area becomes comprised in two or more water authority areas, the water authority for the water authority area in or as respects which that thing falls to be done.

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- 14 Paragraph 13 above shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this Part of this Schedule applies and exclude the operation of that paragraph where it would otherwise conflict with any provision of the order.
- 15 Where any local statutory provision is continued in force in any area by paragraph 11 above or is amended or modified in its application to any area by an order under section 254 of the 1972 Act, as applied by section 34 above, the appropriate Minister or Ministers may by that order, or in the case of a provision continued as aforesaid, by an order under this paragraph—
- (a) extend the provision throughout the water authority area in which it is continued in force or extend it to a part of that area in which it was not previously in force;
  - (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area or part to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;
  - (c) make such modifications of any such enactment in its application to that area or part as would secure that the enactment will operate harmoniously with the said provision in that area or part;
  - (d) repeal or revoke any local statutory provision to which this Part of this Schedule applies and which appears to the appropriate Minister or Ministers to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
  - (e) make such modifications of any local statutory provision to which this Part of this Schedule applies in its application to a water authority area or part of such an area as appear to the appropriate Minister or Ministers to be expedient.

**Modifications etc. (not altering text)**

- C1** Functions under para. 15 exercisable by Minister of Agriculture, Fisheries and Food alone or jointly with the Secretary of State, in relation to Welsh National Water Development Authority, now exercisable by Secretary of State: [S.I. 1978/272](#), [Sch. 3 para. 5\(2\)](#)

- 16 A statutory instrument containing an order under paragraph 15 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 17 This Part of this Schedule applies to any local statutory provision in force immediately before 1st April 1974 and relating to—
- (a) a body abolished by section 33 above;
  - (b) functions which immediately before that date are exercisable by an existing local authority and on that date become exercisable by a water authority; or
  - (c) some area constituted for the exercise of functions affected by this Act and situated wholly or partly within Greater London.]

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