

**Changes to legislation:** Water Consolidation (Consequential Provisions) Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 08 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

## SCHEDULES

### SCHEDULE 1

Section 2.

#### CONSEQUENTIAL AMENDMENTS

##### *The Public Health Act 1875 (c. 55)*

- 1 A person shall not be guilty of an offence under section 68 of the Public Health Act 1875 (offences of causing pollution of certain waters) in respect of any entry of matter into any controlled waters (within the meaning of Part III of the <sup>M1</sup>Water Resources Act 1991) which occurs—
- (a) under and in accordance with a consent under Chapter II of Part III of the Water Resources Act 1991 or under Part II of the <sup>M2</sup>Control of Pollution Act 1974 (which makes corresponding provision for Scotland); or
  - (b) as a result of any act or omission under and in accordance with such a consent.

#### Marginal Citations

**M1** 1991 c. 57.

**M2** 1974 c. 40.

##### *The Public Health Act 1936 (c. 49)*

- 2 (1) Section 48 of the Public Health Act 1936 shall cease to have effect in relation to a drain or private sewer connecting with a public sewer; and, accordingly, for the word “relevant” in subsection (1) of that section there shall be substituted the word “local”.
- (2) In section 227 of that Act of 1936—
- (a) in paragraph (a), for the words “paragraph 2 of Schedule 19 to the Water Act 1989” there shall be substituted the words “section 158 of the Water Industry Act 1991”;
  - (b) in paragraph (b), for the words “paragraph 2” there shall be substituted the words “section 158”; and
  - (c) in the words after paragraph (b), for the word “Schedule” there shall be substituted the word “Act”.
- (3) Section 330 of that Act of 1936 shall cease to have effect in relation to any sewers, drains, culverts or pipes vested in a sewerage undertaker.
- (4) In section 343(1) of that Act of 1936, for the definitions of “land drainage authority” and “public sewer” there shall be substituted, respectively, the following definitions—

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““land drainage authority” means the National Rivers Authority or an internal drainage board; and

“public sewer” means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 to the Water Act 1989 or Schedule 2 to the Water Industry Act 1991 or under section 179 of that Act of 1991 or otherwise;”.

*The Agriculture (Miscellaneous Provisions) Act 1941 (c. 50)*

- 3 In section 15 of the Agriculture (Miscellaneous Provisions) Act 1941, for the definitions of “drainage”, “drainage authority”, “internal drainage board” and “internal drainage district” there shall be substituted the following definitions—

““drainage” has the same meaning as in the Land Drainage Act 1991;

“drainage authority” means the National Rivers Authority or an internal drainage board;”.

*The Fire Services Act 1947 (c. 41)*

- 4 (1) In section 14(4) of the Fire Services Act 1947, for the words “section 20 of the Water Act 1989” there shall be substituted the words “ section 18 of the Water Industry Act 1991 ”.
- (2) In section 15(2) of that Act of 1947, for the words “sections 47(1) and 81(1) of the Water Act 1989” there shall be substituted the words “ sections 57(1) and 147(1) of the Water Industry Act 1991 ”.

*The Requisitioned Land and War Works Act 1948 (c. 17)*

- 5 In section 15(4)(c) of the Requisitioned Land and War Works Act 1948, for the words from “paragraphs 2 and 3” to “1989” there shall be substituted the words “ section 158 of the Water Industry Act 1991 ”.

*The Coast Protection Act 1949 (c. 74)*

- 6 In section 49(1) of the Coast Protection Act 1949, for the definitions of “catchment board” and “drainage authority” there shall be substituted the following definition—

““drainage authority” means the National Rivers Authority or an internal drainage board;”.

*The National Parks and Access to the Countryside Act 1949 (c. 97)*

- 7 In section 114(1) of the National Parks and Access to the Countryside Act 1949, for the definition of “drainage authority” there shall be substituted the following definition—

““drainage authority” means the National Rivers Authority or an internal drainage board;”.

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*The Coal-Mining (Subsidence) Act 1957 (c. 59)*

- 8 (1) In section 5 of the Coal-Mining (Subsidence) Act 1957—
- (a) in subsection (2), for the words from “main river” to “shall make” there shall be substituted the words “ main river within the meaning of Part IV of the Water Resources Act 1991, shall make ”; and
  - (b) in subsection (7), for the words from “main river” to “that Act” there shall be substituted the words “ main river within the meaning of Part IV of the Water Resources Act 1991, or outside any internal drainage district as defined by the Land Drainage Act 1991 ”.
- (2) This paragraph shall have no effect after the coming into force of the repeal of section 5 of that Act of 1957 by the Coal Mining Subsidence Act 1991.

*The Radioactive Substances Act 1960 (c. 34)*

<sup>F1</sup>9 . . . . .

**Textual Amendments**

**F1** [Sch. 1 para. 9](#) repealed (25.8.1993) by [1993 c. 12, ss. 50, 51\(2\)](#), [Sch. 6 Pt. I](#) (with ss. 42 and 46).

*The Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

<sup>F2</sup>10 . . . . .

**Textual Amendments**

**F2** [Sch. 1 para. 10](#) repealed (1.10.2005) by [Water Act 2003 \(c. 37\), s. 105\(3\)](#), [Sch. 7 para. 29\(2\)](#), [9 Pt. 3](#); [S.I. 2005/2714, art. 2\(l\)\(m\)\(vii\)](#)

*The Public Health Act 1961 (c. 64)*

- 11 In section 54 of the Public Health Act 1961—
- (a) in subsection (4), for the words from “controlled by” to “internal drainage board” and “the board” there shall be substituted, respectively, the words “ controlled by the National Rivers Authority or any internal drainage board ” and the words “ that Authority or, as the case may be, that board ”; and
  - (b) in subsection (10), for the words from “byelaws”, in the first place where it occurs, onwards there shall be substituted the words “ byelaws made by virtue of paragraph 5 of Schedule 25 to the Water Resources Act 1991 or section 66 of the Land Drainage Act 1991 ”.

*The Pipe-lines Act 1962 (c. 58)*

- 12 In section 66(1) of the Pipe-lines Act 1962, for the definition of “river works consent” there shall be substituted the following definition—
- ““river works consent” means a consent given under section 109 of the Water Resources Act 1991;”.

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*The Harbours Act 1964 (c. 40)*

- 13 (1) References in the Harbours Act 1964 to river works powers shall include references to any powers which are conferred by section 4 or 165 of the <sup>M3</sup>Water Resources Act 1991, or by or under Part VII of that Act or Part VI of the <sup>M4</sup>Water Industry Act 1991 and to any powers conferred by section 14 of the <sup>M5</sup>Land Drainage Act 1991.
- (2) In section 27(2) of that Act of 1964—
- (a) in paragraph (c), for the words from “under” to “that Act” there shall be substituted the words “under section 142 of the Water Resources Act 1991”; and
  - (b) in paragraph (e), for the words “the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991”.

**Marginal Citations**

**M3** 1991 c. 57.

**M4** 1991 c. 56.

**M5** 1991 c. 59.

*The Gas Act 1965 (c. 36)*

- 14 (1) In section 15 of the Gas Act 1965—
- (a) in subsection (1), for the words “section 26 of the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991”; and
  - (b) in subsection (5)(b), for the words “section 129 of the Water Act 1989” there shall be substituted the words “section 123 of the Water Resources Act 1991”.
- (2) In section 23(5) of that Act of 1965, for the words “the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991”.
- (3) In Part II of Schedule 4 to that Act of 1965—
- (a) in paragraph 4, for the words “section 26 of the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991”; and
  - (b) in paragraph 5(4)(b), for the words “section 129 of the Water Act 1989” there shall be substituted the words “section 123 of the Water Resources Act 1991”.

*The Public Works Loans Act 1965 (c. 63)*

- 15 In Schedule 1 to the Public Works Loans Act 1965—

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- (a) in paragraph 1, for the words “section 87 of the Land Drainage Act 1976 or with any other enactment” there shall be substituted the words “ any enactment ”; and
- (b) in paragraph 2, after the words “as so incorporated” there shall be inserted the words “ or as incorporated with section 55 of the Land Drainage Act 1991 ”.

*The Sea Fisheries Regulation Act 1966 (c. 38)*

<sup>F3</sup>16 .....

**Textual Amendments**

- F3** [Sch. 1 para. 16](#) repealed (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 4](#); S.I. 2010/630, [art. 3\(b\)](#) (with [arts. 812](#)); S.I. 2011/556, [art. 2\(2\)\(o\)](#) (with [art. 2\(3\)](#))

*The Parliamentary Commissioner Act 1967 (c. 13)*

- [<sup>F4</sup>17 In Schedule 2 to the Parliamentary Commissioner Act 1967, in the note 9 inserted by the 1989 Act, for the words from “(that is to say” to “1976)” there shall be substituted the words “ (within the meaning of the Water Resources Act 1991) ”.]

**Textual Amendments**

- F4** [Sch. 1 para. 17](#) repealed (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1996/186, [art. 3\(xxi\)](#)

*The Sea Fish (Conservation) Act 1967 (c. 84)*

- 18 In section 18(1) of the Sea Fish (Conservation) Act 1967 (enforcement of orders relating to salmon and migratory trout)—

<sup>F5</sup>(a) .....

- (b) for paragraph (b) there shall be substituted the following paragraph—

“(b) the provisions of sections 169 and 172 of the Water Resources Act 1991 and, in relation to those sections, of Schedule 20 to that Act (which confer powers of entry) shall apply as if section 4 of this Act, and any order under section 5 or 6 of this Act, were an enactment to which the said sections 169 and 172 applied.”

**Textual Amendments**

- F5** [Sch. 1 para. 18\(a\)](#) repealed (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1996/186, [art. 3\(xxxi\)](#)

*The Transport Act 1968 (c. 73)*

- 19 In section 109(3)(b) of the Transport Act 1968, for the words “the Ministers (as defined in section 82(9) of the Water Resources Act 1963” there shall be substituted

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the words “ the Ministers (for the purposes of Schedule 2 to the Water Resources Act 1991) ”.

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 20 The powers conferred by section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) shall be exercisable by a local authority, within the meaning of that section, as if the NRA was a public body within the meaning of that section; and the powers of a local authority under that Act shall be deemed to include power to enter into an agreement for the collection and recovery by the authority, on behalf of any water undertaker or sewerage undertaker, of any charges fixed by the undertaker under Chapter I of Part V of the <sup>M6</sup>Water Industry Act 1991.

**Marginal Citations**

**M6** 1991 c. 56.

*The Land Charges Act 1972 (c. 61)*

- 21 In paragraph 1(d) of Schedule 2 to the Land Charges Act 1972—
- (a) for the words “the Land Drainage Act 1976” there shall be substituted the words “ the Land Drainage Act 1991 ” (with a corresponding amendment of the Chapter number); and
  - (b) for the words “Section 26(6)” there shall be substituted the words “ Section 34(2) ”.

*The Local Government Act 1972 (c. 70)*

- 22 (1) In section 73(1) of the Local Government Act 1972, for the words from “conferred” to “or”, in the first place where it occurs, there shall be substituted the words “ conferred by the Water Resources Act 1991, the Land Drainage Act 1991 or ”.
- (2) In section 138(3) of that Act of 1972—
- (a) in paragraph (a), for the words “within the meaning of the Land Drainage Act 1930” there shall be substituted the words “ within the meaning of Part IV of the Water Resources Act 1991 ”; and
  - (b) in paragraph (b), for the words from “section” to the end of paragraph (b) there shall be substituted the words “ sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991 ”.

*The Land Compensation Act 1973 (c. 41)*

- 23 In sections 44(2) and 58(2) of the Land Compensation Act 1973, for the words “Schedule 18 to the Water Act 1989” there shall be substituted the words “ Schedule 9 to the Water Industry Act 1991 or of Schedule 18 to the Water Resources Act 1991 ”.

*The Fair Trading Act 1973 (c. 41)*

- <sup>F6</sup>24 .....

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### Textual Amendments

- F6** Sch. 1 para. 24 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

### *The Local Government Act 1974 (c. 7)*

**F7**<sup>25</sup> .....

### Textual Amendments

- F7** Sch. 1 para. 25 repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxi)

### *The Consumer Credit Act 1974 (c. 39)*

**F8**<sup>26</sup> .....

### Textual Amendments

- F8** Sch. 1 para. 26 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

### *The Control of Pollution Act 1974 (c. 40)*

- 27 (1) In section 30D(1) of the Control of Pollution Act 1974, for the words “section 105 of the Water Act 1989” there shall be substituted the words “section 83 of the Water Resources Act 1991”.

**F9**<sup>(2)</sup> .....

### Textual Amendments

- F9** Sch. 1 para. 27(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxi)

### *The House of Commons Disqualification Act 1975 (c. 24)*

- 28 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)—

**F10**<sup>(a)</sup> .....

- (b) in the entry relating to directors of companies holding appointments under Chapter I of Part II of the Water Act 1989, for the words “Water Act 1989” there shall be substituted the words “Water Industry Act 1991”.

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#### Textual Amendments

- F10** Sch. 1 para. 28(a) repealed (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 29(2), **9 Pt. 3**; S.I. 2005/2714, art. 2(l)(m)(vii)

#### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 29 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)—
- <sup>F11</sup>(a) . . . . .
- (b) in the entry relating to directors of companies holding appointments under Chapter I of Part II of the Water Act 1989, for the words “Water Act 1989” there shall be substituted the words “ Water Industry Act 1991 ”.

#### Textual Amendments

- F11** Sch. 1 para. 29(a) repealed (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 29(2), **9 Pt. 3**; S.I. 2005/2714, art. 2(l)(m)(vii)

#### *The Salmon and Freshwater Fisheries Act 1975 (c. 51)*

- 30 (1) A person shall not be guilty of an offence under section 4 of the Salmon and Freshwater Fisheries Act 1975 (offences of causing pollution of certain waters) in respect of any entry of matter into any controlled waters (within the meaning of Part III of the <sup>M7</sup>Water Resources Act 1991) which occurs—
- (a) under and in accordance with [<sup>F12</sup>an environmental permit under regulation 13 of [<sup>F13</sup>the Environmental Permitting (England and Wales) Regulations 2016 (**S.I. 2016/1154**)] or a consent] under Part II of the <sup>M8</sup>Control of Pollution Act 1974 (which makes corresponding provision for Scotland); or
- (b) as a result of any act or omission under and in accordance with such a [<sup>F14</sup>permit or] consent.
- (2) In section 5(5) of that Act of 1975, for paragraph (c) there shall be substituted the following paragraph—
- “(c) section 85(1) of the Water Resources Act 1991;”.
- (3) In section 39(5) of that Act of 1975, after the words “this section” there shall be substituted the words “ the Water Resources Act 1991 ”.
- (4) In section 41(1) of that Act of 1975, for the definition of “inland water” there shall be substituted the following definition—
- ““inland water” means any area of inland waters within the meaning of the Water Resources Act 1991;”.
- (5) Section 215 of the Water Resources Act 1991 shall apply in relation to a local inquiry under that Act of 1975 as it applies in relation to a local inquiry under a provision of that Act of 1991 to which that section applies.



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- (6) In paragraph 39 of Schedule 3 to that Act of 1975, for the words “the said section 145” there shall be substituted the words “ section 4 of the Water Resources Act 1991 ”.

#### Textual Amendments

- F12** Words in Sch. 1 para. 30(1)(a) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 9(a)** (with reg. 1(2), Sch. 4)
- F13** Words in Sch. 1 para. 30(1)(a) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 10** (with regs. 1(3), 77-79, Sch. 4)
- F14** Words in Sch. 1 para. 30(1)(b) inserted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 9(b)** (with reg. 1(2), Sch. 4)

#### Marginal Citations

- M7** 1991 c. 57.
- M8** 1974 c. 40.

#### *The Restrictive Trade Practices Act 1976 (c. 34)*

- 31 In section 4(1)(a) of the Restrictive Trade Practices Act 1976, after the words “or the Water Act 1989,” there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

#### *The Interpretation Act 1978 (c. 30)*

- 32 In Schedule 1 to the Interpretation Act 1978, in the definitions of “sewerage undertaker” and “water undertaker”, for the words “section 11 of the Water Act 1989” there shall be substituted the words “ section 6 of the Water Industry Act 1991 ”.

#### *The Estate Agents Act 1979 (c. 38)*

- <sup>F15</sup>33 . . . . .

#### Textual Amendments

- F15** [Sch. 1 para. 34](#) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

#### *The Competition Act 1980 (c. 21)*

- <sup>F15</sup>34 . . . . .

#### Textual Amendments

- F15** [Sch. 1 para. 34](#) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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*The Local Government, Planning and Land Act 1980 (c. 65)*

- 35 In section 185(2) of the Local Government, Planning and Land Act 1980—
- (a) for paragraph (b) there shall be substituted the following paragraph—
    - “(b) on any inland waters (within the meaning of the Water Resources Act 1991) in respect of which the National Rivers Authority may make byelaws by virtue of paragraph 1 of Schedule 25 to that Act”;
  - (b) the reference in paragraph (c) to the definition of a “navigation authority” in subsection (1) of section 135 of the <sup>M9</sup>Water Resources Act 1963 shall continue to have effect notwithstanding the repeal and re-enactment of provisions of that section.

**Marginal Citations**

**M9** 1963 c. 38.

*The Highways Act 1980 (c. 66)*

- 36 (1) In section 100(5) and (6) of the Highways Act 1980, for the words “Schedule 19 to the Water Act 1989” there shall be substituted the words “ sections 158, 159, 163, 165 and 168 of the Water Industry Act 1991 ”.
- (2) In section 339 of that Act of 1980, for the words “Land Drainage Act 1976”, in each place where they occur, there shall be substituted the words “ Land Drainage Act 1991 ”.

*The Fisheries Act 1981 (c. 29)*

- 37 In Schedule 4 to the Fisheries Act 1981, for paragraph 6 there shall be substituted the following paragraph—

*“ Offences against byelaws relating to salmon and other freshwater fishing*

- 6 Any offence under section 211 of the Water Resources Act 1991 consisting in a contravention of a byelaw made for any of the following purposes mentioned in paragraph 6(2) of Schedule 25 to that Act—
- (a) prohibiting the taking or removal from any water without lawful authority of any fish, whether alive or dead;
  - (b) prohibiting or regulating the taking of trout or any freshwater fish of a size less than that prescribed by the byelaw;
  - (c) prohibiting the use for taking salmon, trout, or freshwater fish of any instrument (not being a fixed engine) in such waters and at such times as are prescribed by the byelaw;
  - (d) specifying the nets and other instruments (not being fixed engines) which may be used for taking salmon, trout, freshwater fish and eels and imposing requirements as to the use of such nets and other instruments;
  - (e) imposing requirements as to the construction, design, material and dimensions of any such nets or instruments, including in the case of nets the size of mesh;

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- (f) prohibiting the carrying in any boat or vessel whilst being used in fishing for salmon or trout of any net which is not licensed, or which is without the mark, label or number prescribed by the byelaw;
- (g) prohibiting or regulating the carrying in a boat or vessel during the annual close season for salmon of a net capable of taking salmon, other than a net commonly used in the area to which the byelaw applies for sea fishing and carried in a boat or vessel commonly used for that purpose.”

*The Telecommunications Act 1984 (c. 12)*

- 38 (1) In section 98(9) of the Telecommunications Act 1984, in paragraph (a) of the definition of “water main”, for the words from “within”, in the first place where it occurs, to “that Act” there shall be substituted the words “ or resource main within the meaning of the Water Industry Act 1991 ”.
- (2) In section 101(3)(j) of that Act of 1984, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

*The Building Act 1984 (c. 55)*

- 39 (1) The Building Act 1984 shall be amended as follows.
- (2) In section 18(5)—
- (a) in the definition of “disposal main”, for the words “paragraph 1 of Schedule 19 to the Water Act 1989” there shall be substituted the words “ the Water Industry Act 1991 ”; and
  - (b) in the definition of “map of sewers”, for the words “section 166 of the Water Act 1989” there shall be substituted the words “ section 199 of the Water Industry Act 1991 ”.
- (3) In section 25(7)—
- (a) for the words “section 65 of the Water Act 1989” there shall be substituted the words “ section 67 of the Water Industry Act 1991 ”; and
  - (b) for the words “Chapter II of Part II” there shall be substituted the words “ Chapter III of Part III ”.
- (4) In section 82, for the words “section 167 of the Water Act 1989” there shall be substituted the words “ section 174 of the Water Industry Act 1991 or section 176 of the Water Resources Act 1991 ”.
- (5) In section 101—
- (a) in subsection (1), for the words “paragraphs 2 and 3 of Schedule 19 to the Water Act 1989”, the words “they apply” and the words “that Schedule” there shall be substituted, respectively, the words “ section 158 of the Water Industry Act 1991 ”, the words “ it applies ” and the words “ that section ”; and
  - (b) in subsection (2), for the words “Those paragraphs” there shall be substituted the words “ That section ”.

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- (6) In section 126, in the definition of “public sewer”, for the words “Public Health Act 1936” there shall be substituted the words “ Water Industry Act 1991 ”.

*The Companies Act 1985 (c. 6)*

- 40 (1) In [F16 sections 895(2) and 995(4) of the Companies Act 2006] (compromises with creditors and protection of minorities by the Secretary of State), any reference to a company or body corporate which is liable to be wound up includes a reference to a company or body corporate which would be so liable but for section 25 of the Water Industry Act 1991.
- (2) In section 459(3) of that Act of 1985, for the words “the Water Act 1989” there shall be substituted the words “ the Statutory Water Companies Act 1991 ”.

**Textual Amendments**

**F16** Words in [Sch. 1 para. 40\(1\)](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 182](#) (with arts. 6, 11, 12)

*The Business Names Act 1985 (c. 7)*

F17 41 .....

**Textual Amendments**

**F17** [Sch. 1 para. 41](#) repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 2](#) (with art. 10)

*The Water (Fluoridation) Act 1985 (c. 63)*

- 42 In section 1 of the Water (Fluoridation) Act 1985, after subsection (6) there shall be inserted the following subsection—

“(7) In subsection (6) above, the reference to water to which fluoride has been added by a statutory water undertaker in exercise of the power conferred by this section includes a reference to water to which fluoride has been added by a water undertaker in exercise of the power conferred by section 87 of the Water Industry Act 1991.”

*The Agricultural Holdings Act 1986 (c. 5)*

- 43 In paragraphs 9 to 11 of Part II of Schedule 3 to the Agricultural Holdings Act 1986, for the words “section 112 of the Water Act 1989”, wherever they occur, there shall be substituted the words “ section 94 or 95 of the Water Resources Act 1991 ”.

*The Airports Act 1986 (c. 31)*

- 44 In section 74(3)(k) of the Airports Act 1986, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

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**Changes to legislation:** Water Consolidation (Consequential Provisions) Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 08 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

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*The Gas Act 1986 (c. 44)*

- 45 In section 42(3)(l) of the Gas Act 1986, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

*The Insolvency Act 1986 (c. 45)*

- 46 In section 413(2) of the Insolvency Act 1986, for the words “section 23 or 24 of or Schedule 6 to the Water Act 1989” there shall be substituted the words “ any of sections 23 to 26 of the Water Industry Act 1991 or Schedule 3 to that Act ”.

*The Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 47 In section 25(1) of the Norfolk and Suffolk Broads Act 1988, in paragraph (b) of the definition of “statutory undertaker”, for the words “the Land Drainage Act 1976” there shall be substituted the words “ the Land Drainage Act 1991 ”.

*The Local Government Act 1988 (c. 9)*

- 48 In section 25(2)(b) of the Local Government Act 1988, for the words “section 40 or 71 of the Water Act 1989” there shall be substituted the words “ section 41 or 98 of the Water Industry Act 1991 ”.

*The Local Government Finance Act 1988 (c. 41)*

- 49 In Schedule 5 to the Local Government Finance Act 1988—
- (a) in paragraph 10(1)(b), for the words “section 28(3)(a) of that Act” there shall be substituted the words “ section 142(1)(a) of the Water Resources Act 1991 ”; and
  - (b) for sub-paragraph (2) of paragraph 14 there shall be substituted the following sub-paragraph—

“(2) “Drainage authority” means the National Rivers Authority or any internal drainage board and “main river” and “watercourse” have the same meanings, respectively, as they have in the Water Resources Act 1991 and the Land Drainage Act 1991.”

*The Water Act 1989 (c. 15)*

- 50 (1) The Water Act 1989 shall be amended as follows.
- (2) In section 174—
- (a) in each of paragraphs (a) and (b) of subsection (2), after the word “Act” there shall be inserted the words “ or any of the water consolidation Acts ”;
  - (b) for paragraph (c) of that subsection there shall be substituted the following paragraph—

“(c) in pursuance of any duty imposed by section 197(1)(a) or (2) or 203(1) or (2) of the Water Resources Act 1991 or of any arrangements made by the Director under section 29(6) of the Water Industry Act 1991;”
  - (c) in paragraph (j) of that subsection, after the word “Act”, in the first place where it occurs, there shall be inserted the words “ , any of the water

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consolidation Acts ” and, after that word, in the second place where it occurs, there shall be inserted the words “ or any of those Acts ”;

- (d) in subsection (4)(a), for the words “section 34 above” and the words “this Act” there shall be substituted, respectively, the words “ section 201 of the Water Industry Act 1991 ” and the words “ the water consolidation Acts ”; and

- (e) after subsection (7) there shall be inserted the following subsection—

“(8) In this section “the water consolidation Acts” means the Water Resources Act 1991, the Water Industry Act 1991, the Statutory Water Companies Act 1991, the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991.”

- (3) In Schedule 26—

- (a) in paragraph 6(2), after the words “this Act” there shall be inserted the words “ or Chapter I of Part V of the Water Industry Act 1991 ”;
- (b) in paragraph 15(1), for the words “and are” there shall be substituted the words “ continue to have effect (notwithstanding the repeal of subparagraph (2) of this paragraph) in accordance with paragraph 1 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 and were ”;
- (c) in paragraph 40(3), in the words after paragraph (b), for the words “that subsection” there shall be substituted the words “ section 28(3) of the Salmon and Freshwater Fisheries Act 1975 ”;
- (d) in paragraph 41(5), for the words “section 20 of this Act” there shall be substituted the words “ section 18 of the Water Industry Act 1991 ”;
- (e) in paragraph 49, for the words “section 8 or 157 of this Act or otherwise by virtue of this Act” there shall be substituted the words “ by virtue of any enactment ”; and
- (f) in paragraph 54(2), for the words “Chapter VI of Part II of this Act” there shall be substituted the words “ the Statutory Water Companies Act 1991 ”.

*The Electricity Act 1989 (c. 29)*

- 51 (1) In section 57(3)(n) of the Electricity Act 1989, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.
- (2) In paragraph 3(1)(c) of Schedule 4 to that Act of 1989, for the words “Schedule 19 to the Water Act 1989” there shall be substituted the words “ section 159 of the Water Resources Act 1991 or section 158 of the Water Industry Act 1991 which (whether or not it is in a street) is ”.

*The Companies Act 1989 (c. 40)*

- 52 In section 152(11) of the Companies Act 1989, for the words from “include” onwards there shall be substituted the words “ include sections 32 to 34 of the Water Industry Act 1991 and any reference under section 32 of that Act. ”

*The Capital Allowances Act 1990 (c. 1)*

**Changes to legislation:** Water Consolidation (Consequential Provisions) Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 08 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

Textual Amendments

**F18** Sch. 1 para. 53 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, Sch. 4

*The Town and Country Planning Act 1990 (c. 8)*

54 In section 264(4)(a) of the Town and Country Planning Act 1990, for the words “or the Water Act 1989” there shall be substituted the words “ the Water Act 1989 or the Water Industry Act 1991 ”.

*The Food Safety Act 1990 (c. 16)*

55 In section 55(1) of the Food Safety Act 1990, for the words “Chapter II of Part II of the Water Act 1989” there shall be substituted the words “ Part III of the Water Industry Act 1991 ”.

*The Environmental Protection Act 1990 (c. 43)*

<sup>F19</sup>56 .....

Textual Amendments

**F19** Sch. 1 para. 56 repealed (1.4.2015 for S.) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), Sch. 3; S.S.I. 2015/74, art. 2(2)(c)

*The New Roads and Street Works Act 1991 (c. 22)*

57 (1) In section 89 of the New Roads and Street Works Act 1991, for the words “the Water Act 1989” there shall be substituted the words “ the Water Industry Act 1991 ”.

(2) In paragraph 7(3) of Schedule 4 to that Act of 1991, for the words “Water Act 1989” there shall be substituted the words “ Water Industry Act 1991 ”.

*The Planning and Compensation Act 1991 (c. 34)*

58 In Part I of Schedule 18 to the Planning and Compensation Act 1991, after the entries relating to the Planning (Hazardous Substances) Act 1990 there shall be inserted the following entries—

“Paragraph 1 of Schedule 9 to the Water Resources Act 1991	Date of entry upon or occupation or use of land
Paragraph 2(2) or (3) of that Schedule	Date of the ordinary drought order
Paragraph 2(4) of that Schedule	Date of decision to prohibit or limit the taking of water
Paragraph 2(5) of that Schedule	Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent

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Paragraph 2(1) of Schedule 21 to that Act	Date of claim
Paragraph 2(2) or (3) of that Schedule	In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Paragraph 4(1)(b) of that Schedule	Date loss is caused or damage done
Paragraph 5(1) of that Schedule (including that provision as applied by paragraph 5(3)(b) of that Schedule)	Date of claim
Paragraph 2(1) of Schedule 12 to the Water Industry Act 1991	Date of claim
Paragraph 2(2) or (3) of that Schedule	In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Paragraph 6(1)(b) of that Schedule	Date loss is caused or damage done
Section 14 of the Land Drainage Act 1991 (including that provision as applied by section 25(4)(b))	Date of claim
Section 22 of that Act	Date of claim
Section 29(5) of that Act (including that provision as applied by sections 30(3) and 31(5))	Date of claim”

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*The Coal Mining Subsidence Act 1991 (c. 45)*

In section 36(8) of the Coal Mining Subsidence Act 1991, in the definition of “main river”, for the words “the Land Drainage Act 1976” there shall be substituted the words “Part IV of the Water Resources Act 1991”.



**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 52 repealed by [2002 c. 40 Sch. 26](#)
- Sch. 1 para. 40(2) repealed by [2006 c. 46 Sch. 16](#)