



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 6

#### MISCELLANEOUS

##### *Fluoridation of water supplies*

#### **176 Fluoridation of water supplies: transitional provision**

- (1) The Water Industry Act 1991 is amended in accordance with subsections (2) and (3).
- (2) After section 90A insert—

##### **“90B Old English fluoridation arrangements: transitional provision**

- (1) With effect from the day on which section 176 of the Health and Care Act 2022 comes into force, old English fluoridation arrangements are to be treated for the purposes of this Chapter as if they were arrangements entered into by the water undertaker with the Secretary of State under section 87(1).
- (2) The Secretary of State may request such modifications to the arrangements as the Secretary of State considers necessary in order to give effect to subsection (1) (for example to insert the terms mentioned in section 87(6)).
- (3) If the Secretary of State and the water undertaker fail to agree the modifications requested by the Secretary of State—
  - (a) subsection (2) or, as the case may be, (4) of section 87B is to apply as if the parties had failed to agree the terms of the arrangements under section 87(1), and
  - (b) following determination of the modifications—
    - (i) the Secretary of State is to give notice of the determination to the water undertaker, and
    - (ii) the arrangements are deemed to have been modified as so determined with effect from the day after the date of notice.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 176. (See end of Document for details)*

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- (4) Sections 87(11) and 89(1) (which relate to consultation) do not apply to the deemed entry into, and modification of, arrangements by virtue of this section.
- (5) References in this Chapter to arrangements entered into under section 87(1) include arrangements entered into by a water undertaker by virtue of subsection (1).
- (6) In this section “old English fluoridation arrangements” means—
- (a) any arrangements entered into by a water undertaker with a Strategic Health Authority under section 87(1) of the Water Industry Act 1991 (before section 87(3) was amended by section 35(2) of the Health and Social Care Act 2012 in relation to England), and
  - (b) any arrangements which were treated as arrangements falling within paragraph (a) by virtue of section 91 (as that section had effect immediately before the commencement of section 37(4) of the Health and Social Care Act 2012).”
- (3) In section 91—
- (a) for the heading substitute “Old Welsh fluoridation arrangements: transitional provision”;
  - (b) in subsection (1)—
    - (i) for “relevant pre-1985 arrangements” substitute “old Welsh fluoridation arrangements”;
    - (ii) for “relevant authority” substitute “Welsh Ministers”;
  - (c) in subsection (2), for “relevant authority” substitute “Welsh Ministers”;
  - (d) in subsection (3)—
    - (i) for “relevant authority”, in both places it occurs, substitute “Welsh Ministers”;
    - (ii) in the words before paragraph (a), for “the authority” substitute “the Welsh Ministers”;
    - (iii) in paragraph (a), omit “(2),”;
  - (e) in subsection (6)—
    - (i) in the definition of “the appointed day”, after “force” insert “in relation to Wales”;
    - (ii) for the definition of “relevant pre-1985 arrangements” substitute—
 

““old Welsh fluoridation arrangements” means arrangements, other than arrangements mentioned in section 90B(6), in pursuance of which a scheme for increasing the fluoride content of water was being operated by a water undertaker by virtue of paragraph 1 of Schedule 7 to this Act immediately before the appointed day.”
- (4) In consequence of the amendments made by this section, omit section 37 of the Health and Social Care Act 2012.

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**Commencement Information**

**I1** S. 176 not in force at Royal Assent, see [s. 186\(6\)](#)

**I2** S. 176 in force at 1.11.2022 for specified purposes by [S.I. 2022/1003, reg. 3\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Section 176.