

---

## STATUTORY INSTRUMENTS

---

### 2013 No. 301

# The Water Fluoridation (Proposals and Consultation) (England) Regulations 2013

PROSPECTIVE

#### **Further steps in relation to a variation or termination proposal requiring notification to other local authorities**

9.—(1) This regulation applies where a proposer<sup>(1)</sup> is required by virtue of section 88K(3) of the 1991 Act (additional requirements where other local authorities affected) to make arrangements for enabling the local authorities affected by a variation or termination proposal<sup>(2)</sup> to decide whether further steps should be taken in relation to that variation or termination proposal.

(2) The proposer must notify in writing each of the other local authorities affected by the variation or termination proposal that the proposer wishes to take further steps in relation to the proposal and the notification must be made in accordance with paragraph (3).

(3) The proposer must in relation to each of the other local authorities affected by the variation or termination proposal—

- (a) make available a document setting out the proposal;
- (b) give an assessment of the number of individuals who would be affected by the proposal who are resident in each affected authority's area;
- (c) give its reasons for making the variation or termination proposal;
- (d) in the case of a variation proposal, having consulted the Secretary of State and the water undertaker as required by section 88J(2) of the 1991 Act (initial consultation etc. on variation or termination proposal)<sup>(3)</sup>, make available the opinion of the Secretary of State and the water undertaker as to whether the arrangements as varied in accordance with the proposal would be operable and efficient; and
- (e) in the case of a termination proposal, having consulted the Secretary of State and the water undertaker as required by section 88J(3) of the 1991 Act, make available the opinion of the Secretary of State and the water undertaker as to whether it would be reasonably practicable to terminate the arrangements.

(4) The proposer must make available such other information as any local authority affected by the variation or termination proposal may reasonably request in relation to the proposal.

(5) Each local authority notified in accordance with paragraph (2) may, within three months of the date on which written notification of the proposal was received, notify the proposer whether it is in favour of further steps being taken in relation to the proposal.

---

(1) See section 88I(7) of the 1991 Act for the meaning of “proposer” in relation to a variation or termination proposal.  
(2) See section 88I(1) of the 1991 Act for the meaning of “a variation proposal”, section 88I(2) of that Act for the meaning of “a termination proposal” and section 88I(8) and (9) for the meaning of a reference to a local authority affected by a variation or termination proposal.  
(3) Section 88J is inserted by section 36 of the 2012 Act.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Fluoridation (Proposals and Consultation) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) In any case where a local authority notified in accordance with paragraph (2) does not make a notification to the proposer within the period specified in paragraph (5), that authority shall be taken to have withdrawn from the decision as to whether further steps should be taken in relation to the proposal.

(7) Where any local authority notifies the proposer under paragraph (5) that it is not in favour of further steps being taken in relation to the proposal, the decision whether to take further steps must be determined by the proposer in accordance with regulation 10.

**Commencement Information**

**II** Reg. 9 in force at 1.4.2013, see [reg. 1](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Fluoridation (Proposals and Consultation) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- Regulations revoked by [S.I. 2022/1163 reg. 6](#)
- reg. 9 coming into force by [S.I. 2013/301 reg. 1](#)