
STATUTORY INSTRUMENTS

2019 No. 1259

**The Isles of Scilly (Application
of Water Legislation) Order 2019**

Application of the Water Industry Act 1991

4.—(1) The Water Industry Act 1991 applies to the Isles of Scilly as it applies to the rest of England. This is subject to the following modifications.

(2) Section 7 is to be read as if—

- (a) in the heading, for “Continuity” there were substituted “ Original Isles of Scilly variation, continuity ”;
- (b) in subsection (1), at the end there were inserted—

“;

but nothing in this subsection shall impose any duty on the Secretary of State to secure that such appointments are made in respect of the Isles of Scilly before 1st April 2020”;

[^{F1}(c) for subsection (2) there were substituted—

“(2) Subject to subsections (3) to (6)—

- (a) the Secretary of State; and
- (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, the Authority,

shall have power, by notice to a company holding an appointment under this Chapter, to terminate the appointment or to vary the area to which it relates.

This subsection does not apply in the case of the variation of an area if the power under subsection (2A) is exercisable in relation to that variation.

(2A) Subject to subsections (3) to (6), where there is no existing relevant undertaker for the Isles of Scilly—

- (a) the Secretary of State; and
- (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, the Authority,

shall have power, by notice to a company holding an appointment under this Chapter, to vary the area to which it relates to include the Isles of Scilly.

In this Act, “original Isles of Scilly variation” means a variation made under this subsection.”.]

(3) Section 8(5) is to be read as if—

- (a) in the words before paragraph (a), after “relevant undertaker” there were inserted “ or after making the original Isles of Scilly variation ”;
- (b) in paragraph (a), after “existing appointee” there were inserted “ or, in the case of the original Isles of Scilly variation, the Council of the Isles of Scilly ”.

- (4) Section 10 is to be read as if—
- (a) for subsections (1) and (2) there were substituted—
- “(1) Schedule 2 to this Act shall have effect for enabling provision to be made with respect to cases in which—
- (a) a company becomes a relevant undertaker for the Isles of Scilly by virtue of the original Isles of Scilly variation; or
- (b) a company is replaced by another as a relevant undertaker by an appointment or variation,
- under this Chapter.
- (2) Subsections (3) to (4) apply where, by such an appointment or variation, a company (“the new undertaker”) is to—
- (a) become the relevant undertaker for the Isles of Scilly by virtue of the original Isles of Scilly variation; or
- (b) replace another company as a relevant undertaker,
- but the appointment or variation has not come into force.”;
- (b) in subsection (3)—
- (i) for paragraph (d) there were substituted—
- “(d) sections 156 and 158 to 167 and Schedule 11;”
- (ii) in paragraph (e), for “171” there were substituted “ 172 ”.
- (5) Section 44(5) is to be read as if before paragraph (a) there were inserted—
- “(za) 1st April 2025;”.
- (6) Section 51(6) is to be read as if before paragraph (a) there were inserted—
- “(za) 1st April 2025;”.
- (7) Section 51B is to be read as if after subsection (2) there were inserted—
- “(2A) But no application under subsection (2) may be made before 1st April 2025.”.
- (8) Section 101(5) is to be read as if before paragraph (a) there were inserted—
- “(za) 1st April 2025;”.
- [^{F2}(8A) Section 102(2) is to be read as if at the end there were inserted—
- “; but nothing in this subsection shall confer any right to make an application under this subsection before 1st April 2025”.]
- [^{F3}(9) Section 105(1)(b) is to be read as if at the end there were inserted “following an application under section 102(2)”.]
- (10) Section 106 is to be read as if after subsection (3) there were inserted—
- “(3A) But no notice under subsection (3) may be given before 1st April 2025.”.
- (11) Section 219(1) is to be read as if—
- (a) in the definition of “local authority”, at the end there were inserted “and, in relation to the Isles of Scilly, means the Council of the Isles of Scilly”;
- (b) at the appropriate place there were inserted—
- ““original Isles of Scilly variation” has the meaning given in section 7(2A);”.
- (12) Schedule 2 is to be read in accordance with paragraphs (13) to (17).
- (13) Paragraph 1 is to be read as if—
- (a) in sub-paragraph (1), for “(3A)” there were substituted “ (3B) ”;

- (b) after sub-paragraph (3A) there were inserted—
- “(3B) The fourth case in which this Schedule applies is where—
- (a) a person or body is supplying water or providing sewerage services on the Isles of Scilly (“the existing supplier”); and
- (b) a company is to become a relevant undertaker for the Isles of Scilly by virtue of the original Isles of Scilly variation (“the new appointee”).”;
- (c) in sub-paragraph (4), for the definition of “existing appointee” and “new appointee” there were substituted—
- ““existing appointee” shall be construed in accordance with sub-paragraph (2) or (3) according to whether this Schedule is applying in the case mentioned in the first or second of those sub-paragraphs;
- “new appointee” shall be construed in accordance with sub-paragraph (2), (3) or (3B) according to whether this Schedule is applying in the case mentioned in the first, second or third of those sub-paragraphs;”.
- (14) Paragraph 2 is to be read as if after sub-paragraph (7A) there were inserted—
- “(7B) In a case specified in paragraph 1(3B) the preceding provisions of this paragraph shall have effect as if any reference to the existing appointee were a reference to existing supplier.”.
- (15) Paragraph 3 is to be read as if after sub-paragraph (7) there were inserted—
- “(8) In a case specified in paragraph 1(3B) the preceding provisions of this paragraph shall have effect as if any reference to the existing appointee were a reference to existing supplier.”.
- (16) Paragraph 5 is to be read as if after sub-paragraph (3) there were inserted—
- “(4) In a case specified in paragraph 1(3B) the preceding provisions of this paragraph shall have effect as if any reference to the existing appointee were a reference to existing supplier.”.
- (17) Paragraph 6 is to be read as if after sub-paragraph (9) there were inserted—
- “(10) In a case specified in paragraph 1(3B) the preceding provisions of this paragraph shall have effect as if any reference to the existing appointee were a reference to existing supplier.”.

- F1** Art. 4(2)(c) substituted (27.3.2020) by [The Isles of Scilly \(Application of Water Legislation\) Order 2020 \(S.I. 2020/214\)](#), arts. 2(1), **6(2)**
- F2** Art. 4(8A) inserted (27.3.2020) by [The Isles of Scilly \(Application of Water Legislation\) Order 2020 \(S.I. 2020/214\)](#), arts. 2(1), **6(3)**
- F3** Art. 4(9) substituted (27.3.2020) by [The Isles of Scilly \(Application of Water Legislation\) Order 2020 \(S.I. 2020/214\)](#), arts. 2(1), **6(4)**

Commencement Information

- II** Art. 4 in force at 1.11.2019, see art. 2(1)

Changes to legislation:

There are currently no known outstanding effects for the The Isles of Scilly (Application of Water Legislation) Order 2019, Section 4.