

ELIZABETH II



Water (Fluoridation) Act 1985

1985 CHAPTER 63

An Act to make provision with respect to the fluoridation of water supplies. [30th October 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where a health authority have applied in writing to a statutory water undertaker for the water supplied within an area specified in the application to be fluoridated, that undertaker may, while the application remains in force, increase the fluoride content of the water supplied by them within that area.

Fluoridation of water supplies at request of health authorities.

(2) For the purposes of subsection (1) above, an application shall remain in force until the health authority, after giving reasonable notice to the statutory water undertaker in writing, withdraw it.

(3) The area specified in an application may be the whole, or any part, of the area or district of the authority making the application.

(4) Where, in exercise of the power conferred by this section, the fluoride content of any water is increased, the increase may be effected only by the addition of one or more of the following compounds of fluorine—

hexafluorosilicic acid (H_2SiF_6);

disodium hexafluorosilicate (Na_2SiF_6).

(5) Any health authority making arrangements with a statutory water undertaker in pursuance of an application shall ensure that those arrangements include provisions designed to secure that

the concentration of fluoride in the water supplied to consumers in the area in question is, so far as is reasonably practicable, maintained at one milligram per litre.

(6) Water to which fluoride has been added by a statutory water undertaker in exercise of the power conferred by this section (with a view to its supply in any area) may be supplied by that or any other statutory water undertaker to consumers in any other area if the undertaker or undertakers concerned consider that it is necessary to do so—

- (a) for the purpose of dealing with an emergency, or
- (b) in connection with the carrying out of any works (including cleaning and maintenance) by any of them.

Power to vary permitted fluoridation agents.

2.—(1) The Secretary of State may by order amend section 1(4) of this Act by—

- (a) adding a reference to another compound of fluorine ; or
- (b) removing any reference to a compound of fluorine.

(2) The power to make orders under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Continuity of existing fluoridation schemes.

3.—(1) Where, in pursuance of arrangements entered into by a statutory water undertaker before 20th December 1984—

- (a) a scheme for increasing the fluoride content of water supplied by the undertaker in any part of England and Wales was in operation immediately before that date ;
- or
- (b) work had been begun by the undertaker, before that date, for the purpose of enabling such a scheme to be brought into operation ;

the undertaker may, while the conditions mentioned in subsection (2) below are satisfied, operate the scheme.

(2) The conditions are that the arrangements under which the scheme operates require—

- (a) fluoridation to be effected only by the addition of one or more of the compounds of fluorine mentioned in section 1(4) of this Act ; and
- (b) the concentration of fluoride in the water supplied to consumers to be maintained, so far as is reasonably practicable, at one milligram per litre.

(3) Where a statutory water undertaker is operating a fluoridation scheme by virtue of this section—

- (a) subsection (6) of section 1 of this Act shall apply in relation to the scheme as it applies in relation to any

scheme operated in exercise of the power conferred by that section ;

- (b) the scheme shall cease to have effect upon the appropriate authority giving to the undertaker reasonable notice of the authority's desire to terminate it ; and
- (c) the arrangements under which the scheme is operated may be varied to take account of any amendment of section 1(4) of this Act made under section 2.

4.—(1) This section applies where a health authority propose—

- (a) to make or withdraw an application ; or
- (b) to terminate a scheme which may be operated by virtue of section 3 of this Act (“ a preserved scheme ”).

Publicity
and
consultation.

(2) At least three months before implementing their proposal, the health authority shall—

- (a) publish details of the proposal in one or more newspapers circulating within the area affected by the proposal ; and
- (b) in the case of an authority in England and Wales, give notice of the proposal to every local authority whose area falls wholly or partly within the area affected by the proposal.

(3) Before implementing the proposal the health authority shall consult each of the local authorities (if any) to whom they are required by subsection (2)(b) above to give notice of the proposal.

(4) The health authority shall, not earlier than seven days after publishing details of the proposal in the manner required by subsection (2)(a) above, republish them in that manner.

(5) Where a health authority have complied with this section in relation to the proposal they shall, in determining whether or not to proceed, have such regard as they consider appropriate—

- (a) to any representations which have been made to them with respect to it ; and
- (b) to any consultations held under subsection (3) above.

(6) The Secretary of State may direct that this section shall not apply in relation to any proposal of a health authority to withdraw an application or to terminate a preserved scheme.

(7) Where, at any meeting of a health authority, consideration is given to the question whether the authority should make or withdraw an application or terminate a preserved scheme, section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 1960 c. 67. (which would have allowed the authority to exclude the public from the meeting in certain circumstances) shall not apply to any proceedings on that question.

Interpretation, etc. 5.—(1) In this Act—

“ application ” means an application under section 1(1) ;

“ appropriate authority ”, in relation to a fluoridation scheme which is operated by virtue of section 3, means the Regional or District Health Authority to whom the statutory water undertaker concerned are answerable in accordance with the arrangements under which the scheme is operated ;

“ emergency ” means an existing or threatened serious deficiency in the supply of water (whether in quantity or quality) caused by an exceptional lack of rain or by any accident or unforeseen circumstances ;

“ health authority ” means—

(a) in relation to England and Wales, any District Health Authority (within the meaning of the National Health Service Act 1977) ; and

(b) in relation to Scotland, any Health Board (within the meaning of the National Health Service (Scotland) Act 1978) ;

“ local authority ” means the council of a county or district, the council of a London borough or the Common Council of the City of London ; and

“ statutory water undertaker ” means—

(a) in relation to England and Wales, any water authority or statutory water company within the meaning of the Water Act 1973 ; and

(b) in relation to Scotland, any water authority within the meaning of the Water (Scotland) Act 1980.

(2) The provisions of this Act apply to the Isles of Scilly as if the Council of the Isles of Scilly were a water authority and as if the Isles were the area of that water authority.

Short title, commencement and extent.

6.—(1) This Act may be cited as the Water (Fluoridation) Act 1985.

(2) This Act does not extend to Northern Ireland.

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