



Water Act 1989

CHAPTER 15

WATER ACT 1989

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Changes to legislation: Water Act 1989 is up to date with all changes known to be in force on or before 23 February 2024. 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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- 4 (1) A scheme under this Schedule may provide for the...

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- 6 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments...

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- 7 In the House of Commons Disqualification Act 1975, in Part...

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- 6 In the House of Commons Disqualification Act 1975, in Part...

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- 3 (1) A scheme under this Schedule for the transfer of...

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- 4 (1) A scheme under this Schedule may contain supplemental, consequential...

Duties of existing appointee after the scheme comes into force

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- 6 (1) The Secretary of State may, if he thinks it...

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1

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- 2 (1)

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The Public Health (Drainage of Trade Premises) Act 1937 (c. 40)

3—5

The Building Act 1984 (c. 55)

- 6 (1) In subsection (1) of section 18 of the Building...
- 7 In section 60(4) of the said Act of 1984 (notice...

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General

- 1 (1) Subject to the following provisions of this Schedule and...

Section 4 of the 1976 Act

- 2 (1) In subsection (2)(a) of section 4 of the 1976...

Section 5 of the 1976 Act

- 3 For subsection (6) of section 5 of the 1976 Act...

Section 9 of the 1976 Act

- 4 (1) Section 9 of the 1976 Act (main river maps)...

Section 17 of the 1976 Act

- 5 (1) Section 17 of the 1976 Act (general drainage powers)...

Section 21 of the 1976 Act

- 6 (1) In subsection (1) of section 21 of the 1976...

Section 22 of the 1976 Act

- 7 In section 22 of the 1976 Act (arrangements with other...

Section 23 of the 1976 Act

- 8 In section 23(2) of the 1976 Act (arrangements with certain...

Section 24 of the 1976 Act

- 9 (1) In subsection (2) of section 24 of the 1976...

Section 26 of the 1976 Act

- 10 In section 26(11) of the 1976 Act (records to be...

Section 27 of the 1976 Act

- 11 In section 27(2) of the 1976 Act (power of Minister...

Section 28 of the 1976 Act

- 12 (1) In subsection (1) of section 28 of the 1976...

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Section 29 of the 1976 Act

13 (1) In section 29 of the 1976 Act (structures in,...

Section 32 of the 1976 Act

14 (1) For subsection (1) of section 32 of the 1976...

Section 34 of the 1976 Act

15 (1) For subsection (1) of section 34 of the 1976...

Section 36 of the 1976 Act

16 In section 36(1) of the 1976 Act (power of water...

Section 37 of the 1976 Act

17 In section 37(1) of the 1976 Act (power of internal...

Section 45 of the 1976 Act

18 In section 45(3) of the 1976 Act (definitions for the...

Section 46 of the 1976 Act

19 In section 46(6) of the 1976 Act (aggregate amount for...

Section 48 of the 1976 Act

20 In section 48(2) of the 1976 Act (raising of general...

Section 49 of the 1976 Act

21 In section 49(3) of the 1976 Act (application of order...

Section 50 of the 1976 Act

22 (1) In subsection (1) of section 50 of the 1976...

Section 51 of the 1976 Act

23 (1) In subsection (2) of section 51 of the 1976...

Section 54 of the 1976 Act

24 (1) In subsection (3) of section 54 of the 1976...

Section 59 of the 1976 Act

25 (1) In subsection (1) of section 59 of the 1976...

Section 62 of the 1976 Act

26 Section 62 of the 1976 Act (power to make water...

Section 64 of the 1976 Act

27 In section 64(1) of the 1976 Act (assessment of drainage...

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Section 68 of the 1976 Act

28 (1) In each of subsections (1) and (4) of section...

Section 88 of the 1976 Act

29 In section 88(1) of the 1976 Act (power of drainage...

Section 89 of the 1976 Act

30 (1) In subsection (1) of section 89 of the 1976...

Section 90 of the 1976 Act

31 In paragraph (a) of section 90(6) of the 1976 Act...

Section 93 of the 1976 Act

32 In section 93(3) of the 1976 Act (notice of application...

Section 94 of the 1976 Act

33 In section 94(3)(d) of the 1976 Act (compensation for loss...

Section 100 of the 1976 Act

34 In section 100(1) of the 1976 Act (schemes for drainage...

Section 109 of the 1976 Act

35 (1) In subsection (2) of section 109 of the 1976...

Section 110 of the 1976 Act

36 In section 110(1)(c) of the 1976 Act (apportionment of expenses...

Section 112 of the 1976 Act

37 In section 112(2) of the 1976 Act (protection of certain...

Section 116 of the 1976 Act

38 In section 116(1) of the 1976 Act (general interpretation)—

Schedule 1 to the 1976 Act

39 (1) Schedule 1 to the 1976 Act (members and proceedings...

Schedule 2 to the 1976 Act

40 (1) In paragraph (b) of the proviso to paragraph 3...

Schedule 4 to the 1976 Act

41 In Schedule 4 to the 1976 Act (byelaws made by...

SCHEDULE 16 —

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General modifications of references to water authorities

1 (1) Subject to the following provisions of this Schedule and...

Power to amend subordinate legislation etc

2 (1) If it appears to the Minister or the Secretary...

The Diseases of Fish Act 1937 (c. 33)

3 (1) In the Diseases of Fish Act 1937, the words...

The Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)

4 In section 64 of the Salmon and Freshwater Fisheries (Consolidation)...

The Sea Fisheries Regulation Act 1966 (c. 38)

5 (1) The provisions of section 1 of the Sea Fisheries...

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

6 In section 18(1) of the Sea Fish (Conservation) Act 1967...

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

7 (1) The Salmon and Freshwater Fisheries Act 1975 shall be...

The Diseases of Fish Act 1983 (c. 30)

8 In section 9(1)(d) of the Diseases of Fish Act 1983...

The Salmon Act 1986 (c. 62)

9 (1) In section 37(3) of the Salmon Act 1986 (byelaws...

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1 In the Water (Scotland) Act 1980, after section 76, there...

SCHEDULE 23 — Control of Water Pollution in Scotland

- 1 The Control of Pollution Act 1974 as it applies to...
- 2 In subsection (4) of section 4 (meaning of “land”), for...
- 3 In subsection (9) of section 11, for the words “relevant...
- 4 For sections 31 to 42 there shall be substituted the...
- 5 For sections 46 to 51 there shall be substituted the...
- 6 For sections 53 to 56 there shall be substituted the...
- 7 In subsection (1) of section 104 (orders and regulations), for...
- 8 After Schedule 1 there shall be inserted the following Schedule—...

SCHEDULE 24 —

SCHEDULE 25 — Minor and Consequential Amendments

Adaptation of enactments relating to statutory undertakers etc.

1 (1) Each of the following, that is to say—

Adaptation of enactments referring to the Drought Act 1976

2

The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)

3 (1) Nothing in the Public Health Act 1875 (Support of...

The Public Health (Scotland) Act 1897 (c. 38)

4 In section 16 of the Public Health (Scotland) Act 1897...

The Public Health Act 1936 (c. 49)

5 In section 227 of the Public Health Act 1936 (power...

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

6,7

The Requisitioned Land and War Works Act 1945 (c. 43)

8 In section 17(1) of the Requisitioned Land and War Works...

The Fire Services Act 1947 (c. 41)

9 (1) Subject to the following provisions of this paragraph, references...

10

The Coast Protection Act 1949 (c. 74)

11 (1) In section 2 of the Coast Protection Act 1949...

The Agricultural Holdings (Scotland) Act 1949 (c. 75)

12 In section 28 of the Agricultural Holdings (Scotland) Act 1949...

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

13 (1) In section 20(2) of the National Parks and Access...

14

The Border Rivers (Prevention of Pollution) Act 1951 (c. 7)

15 The Border Rivers (Prevention of Pollution) Act 1951 shall cease...

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

16 In section 20(4) of the Reserve and Auxiliary Forces (Protection...

The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)

17 In section 18(6) and section 19(3) of the Rivers (Prevention...

The Finance Act 1952 (c. 33)

18 Subsections (1)(a) and (2) of section 74 of the Finance...

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The Town Development Act 1952 (c. 54)

19 (1) In section 2(2) of the Town Development Act 1952...

The Local Government (Miscellaneous Provisions) Act 1953 (c. 26)

20 Section 6(2) of the Local Government (Miscellaneous Provisions) Act 1953...

The Rural Water Supplies and Sewerage Act 1955 (c. 13)

21

The Valuation and Rating (Scotland) Act 1956 (c. 60)

22 In section 22A of the Valuation and Rating (Scotland) Act...

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

23

The Manoeuvres Act 1958 (c. 7)

24 (1) In section 1(3)(a) of the Manoeuvres Act 1958 (notice...

The Finance Act 1958 (c. 56)

25 Subsection (5) of section 35 of the Finance Act 1958...

The Opencast Coal Act 1958 (c. 69)

26 (1) In section 7 of the Opencast Coal Act 1958...

The Radioactive Substances Act 1960 (c. 34)

27

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

28 In paragraph 1 of the Schedule to the Public Bodies...

The Trustee Investments Act 1961 (c. 62)

29 (1) In section 11(4)(a) of the Trustee Investments Act 1961...

The Pipe-lines Act 1962 (c. 58)

30 (1) In section 37 of the Pipe-lines Act 1962 (fire...

The Harbours Act 1964 (c. 40)

31 (1)

The Gas Act 1965 (c. 36)

32 (1) In section 8(5) of the Gas Act 1965 (liability...

The Nuclear Installations Act 1965 (c. 57)

33 In section 3(3) of the Nuclear Installations Act 1965 (service...

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The Agriculture Act 1967 (c. 22)

34 In section 50(3) of the Agriculture Act 1967 (bodies which...

The Leasehold Reform Act 1967 (c. 88)

35 In section 28(5) of the Leasehold Reform Act 1967 (retention...

The Capital Allowances Act 1968 (c. 3)

36

The Countryside Act 1968 (c. 41)

37 (1) In section 8(4) of the Countryside Act 1968 (local...

The Transport Act 1968 (c. 73)

38 (1) In section 109 of the Transport Act 1968 (powers...

The Post Office Act 1969 (c. 48)

39 In section 7(1A) of the Post Office Act 1969 (power...

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

40

The Agriculture Act 1970 (c. 40)

41 (1) In section 98 of the Agriculture Act 1970 (extent...

The Town and Country Planning Act 1971 (c. 78)

42

The Local Government Act 1972 (c. 70)

43 (1) In section 223(2) of the Local Government Act 1972...

The Land Compensation Act 1973 (c. 26)

44 (1) In section 44(2) of the Land Compensation Act 1973...

The Fair Trading Act 1973 (c. 41)

45 (1)

The Health and Safety at Work etc. Act 1974 (c. 37)

46 In section 28 of the Health and Safety at Work...

The Consumer Credit Act 1974 (c. 39)

47 In section 174(3)(a) of the Consumer Credit Act 1974 (exceptions...

The Control of Pollution Act 1974 (c. 40)

48 (1) In section 2(3)(a) of the Control of Pollution Act...

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The Reservoirs Act 1975 (c. 23)

49 In section 1(4)(a) of the Reservoirs Act 1975 (meaning of...

The Coal Industry Act 1975 (c. 56)

50 Paragraph 5(3) of Schedule 1 to the Coal Industry Act...

The Welsh Development Agency Act 1975 (c. 70)

51 In section 27(1) of the Welsh Development Agency Act 1975...

The Local Land Charges Act 1975 (c. 76)

52 In section 1(1)(a) of the Local Land Charges Act 1975...

The Restrictive Trade Practices Act 1976 (c. 34)

53 In section 41(1)(a) of the Restrictive Trade Practices Act 1976...

The Development of Rural Wales Act 1976 (c. 75)

54 In section 34(1) of the Development of Rural Wales Act...

The Interpretation Act 1978 (c. 30)

55 (1) Schedule 1 to the Interpretation Act 1978 (definitions of...

The Employment Protection (Consolidation) Act 1978 (c. 44)

56 In section 29(1)(f) of the Employment Protection (Consolidation) Act 1978...

The Estate Agents Act 1979 (c. 38)

57 In section 10(3)(a) of the Estate Agents Act 1979 (exceptions...

The Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

58 In section 61(2) of the Ancient Monuments and Archaeological Areas...

The Competition Act 1980 (c. 21)

59 (1) For paragraph (c) of section 11(3) of the Competition...

The Water (Scotland) Act 1980 (c. 45)

60 (1) In section 31 of the Water (Scotland) Act 1980...

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

61 (1) In section 4 of the Local Government, Planning and...

The Highways Act 1980 (c. 66)

62 (1) After subsection (4) of section 21 of the Highways...

The Water Act 1981 (c. 12)

63

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The New Towns Act 1981 (c. 64)

64 (1) In section 5(5)(a) of the New Towns Act 1981...

The Acquisition of Land Act 1981 (c. 67)

65 In section 8(1)(a)(iii) of the Acquisition of Land Act 1981...

The Wildlife and Countryside Act 1981 (c. 69)

66 (1) In section 27(1) of the Wildlife and Countryside Act...

The Civil Aviation Act 1982 (c. 16)

67 (1) In section 46(2)(d) of the Civil Aviation Act 1982...

The Telecommunications Act 1984 (c. 12)

68 (1) In section 98 of the Telecommunications Act 1984 (use...

The Road Traffic Regulation Act 1984 (c. 27)

69 In paragraph 4 of Schedule 5 to the Road Traffic...

The Building Act 1984 (c. 55)

70 (1) In section 25 of the Building Act 1984 (provision...

The Companies Act 1985 (c. 6)

71 (1)

The Business Names Act 1985 (c. 7)

72

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

73

The Housing Act 1985 (c. 68)

74 (1) In section 573(1) of the Housing Act 1985 (meaning...

The Agricultural Holdings Act 1986 (c. 5)

75 In Part II of Schedule 3 to the Agricultural Holdings...

The Airports Act 1986 (c. 31)

76 In section 74 of the Airports Act 1986 (restriction on...

The Gas Act 1986 (c. 44)

77 In section 42 of the Gas Act 1986 (general restrictions...

The Insolvency Act 1986 (c. 45)

78 (1) In each of sections 233(3)(c) and 372(4)(c) of the...

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The Local Government Act 1988 (c. 9)

79 (1) In section 3(3) of the Local Government Act 1988...

The Local Government Finance Act 1988 (c. 41)

80 (1)

SCHEDULE 26 — Transitional Provisions and Savings
Part I — WATER AUTHORITIES

Water authority members

1 (1) Notwithstanding the repeals made by this Act, any regulations...

Pensions etc.

2 (1) The repeal by this Act of section 27 of...

The Local Government Act 1974 (c. 7)

3 (1) Nothing in this Act shall prevent the completion on...

Part II — WATER AND SEWERAGE SERVICES

Arrangements with statutory water companies

4 (1) Subject to sub-paragraph (2) below, where any arrangements for...

Agreements for water supply in bulk

5 (1) Any agreement made or having effect as if made...

Water main requisitions

6 (1) Where— (a) any water authority have, at any time...

Domestic connections

7

Non-domestic supplies

8
9—12
18, 19

Sewerage functions under the Public Health Acts

13 (1)

Sewer requisitions

14 (1)

Arrangements for carrying out sewerage functions

15 (1) This paragraph applies to any arrangements between a water...

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Water charges etc.

16 (1)

Joint water boards and joint water committees

17 Subject to any transfer of property, rights or liabilities in...

The Building Act 1984 (c. 55)

20 (1) Any directions given before the transfer date by a...

Part III — CONTROL OF POLLUTION

21—25

27, 28

Byelaws

26

Part IV — WATER RESOURCES

General transitional provision

29

30,31

32—35

Part V — FLOOD DEFENCE

General

36—39

Part VI — FISHERIES

40 (1) Subject to the following provisions of this paragraph, any...

Part VII — COMPULSORY PURCHASE AND WORKS POWERS

Compulsory purchase orders and works orders

41 (1) Where— (a) any compulsory purchase order made by virtue...

42—45

The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)

46

Maps of sewers etc.

47 Where immediately before the transfer date a local authority keep...

Part VIII — MISCELLANEOUS AND GENERAL

Notifications by Nature Conservancy Council etc.

48

Recreational activities

49 The repeal by this Act of subsections (2) to (5)...

Overseas activities

50

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Arrangements with local authorities

51 Where any arrangements made by virtue of section 7 of...

Treasury guarantees

52 The repeal by this Act of paragraph 36 of Schedule...

Enactments applying particular provisions of Schedule 3 to the 1945 Act

53 The repeals made by this Act shall not affect the...

Local statutory provisions

54 (1) Where any order made under the 1945 Act has...

The Town and Country Planning Act 1959 (c. 53)

55 The repeal by this Act of paragraphs 6 and 10...

Transitory provision relating to rating

56

Byelaws

57 (1)

Saving for criminal liability of water authorities

58 Nothing in this Act or in any scheme under Schedule...

Periods of time

59 Where any period of time— (a) is specified in any...

SCHEDULE 27 — Repeals

Part I — REPEALS COMING INTO FORCE ON THE TRANSFER DATE

Part II — OTHER REPEALS

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 25 para. 19 repealed by [1989 c. 42 Sch. 12 Pt. 2](#)
- Sch. 25 para. 48(1)-(6) repealed by [1990 c. 43 Sch. 16 Pt. 2](#)
- Sch. 25 para. 80(2) words repealed by [1989 c. 42 Sch. 12 Pt. 2](#)