

# Water Act 1989

### **CHAPTER 15**

### WATER ACT 1989

#### PART I

### **PRELIMINARY**

### CHAPTER I

WATER SUPPLY AND SEWERAGE SERVICES

APPOINTMENT AND REGULATION OF WATER AND SEWERAGE UNDERTAKERS

Making and conditions of appointments

11	Appointment of undertakers.
12	

Water Act 1989 (c. 15) ii Document Generated: 2024-02-23

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13 14—22	Procedure for replacement appointments.
	Special administration orders
23	Special administration orders in relation to water or sewerage
24 20	undertakers.
24—28	
29, 30 31—36	
31—30	
	CHAPTER II
37—66	
	CHAPTER III
	PROVISION OF SEWERAGE SERVICES
67—68	
69	Transfer of principal sewerage functions.
70	Allocation of cross boundary sewers.
71	*
72	
73, 74	
	CHAPTER IV
75—82	
	CHAPTER V
	OWNERSHIP AND FINANCES OF SUCCESSOR COMPANIES ETC.
83	Initial Government holdings.
84	Government financial assistance for companies wholly owned by the Crown.
85	Transfer of successor company liabilities to holding companies.
86	Conversion of certain loans.
87	Government investment in securities of the nominated holding companies.
88	Exercise of functions through nominees.
89	Target investment limit for Government shareholding.
90	Responsibility for listing particulars of nominated holding companies.
91	Statutory accounts of the group.
92 93	Temporary restrictions on borrowings etc. by the group.
93 94	Reserves of the successor companies.  Application of Trustee Investments Act 1961 in relation to investment in
7 <del>1</del>	the nominated holding companies.
95	Tax provisions.

96

Interpretation of Chapter V.

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### CHAPTER VI

	STATUTORY WATER COMPANIES
97—102	
	PART III
	THE PROTECTION AND MANAGEMENT OF RIVERS AND OTHER WATERS
	CHAPTER I
	CONTROL OF POLLUTION
	General provisions
103— 124	
	CHAPTER II
125 <u> </u>	
	CHAPTER III
	FLOOD DEFENCE
136 137	
138 139 140	Local flood defence schemes and local flood defence committees.
	CHAPTER IV
	SALMON AND FRESHWATER FISHERIES
141	Functions of the Authority in relation to fisheries.
	CHAPTER V
	NAVIGATION, CONSERVANCY AND HARBOUR AUTHORITY FUNCTIONS
142	Navigation, conservancy and harbour authority functions.
	CHAPTER VI
143— 150	

Water Act 1989 (c. 15)

iv

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151— 167	
	PART V
	PROVISIONS RELATING TO SCOTLAND
168 169	Water quality in Scotland. Control of water pollution in Scotland.
109	PART VI
	MISC1ELLANEOUS AND SUPPLEMENTAL
170, 171	
178— 182	
102	
	Indemnities in respect of fluoridation
172	Indemnities in respect of fluoridation.
	Payments to existing pension fund
173	Payments to existing pension fund.
	Information etc.
174	General restrictions on disclosure of information.
175	Making of false statements etc.
176	
	Offences
177	Offences by bodies corporate.
	Financial provisions
183	General financial provisions.
184	Government guarantees.
	Subordinate legislation
185	Powers to make regulations.
186	
	Interpretation provisions
187	Interpretation of references to the service of documents.
188	interpretation of references to the service of documents.
189	General interpretation.
	Other supplemental provisions
190	Amendments, transitional provisions, savings and repeals.

191 192 193	Local statutory provisions: consequential amendments etc.  Application to Crown land etc.  Application to Isles of Scilly.
194	Short title, commencement and extent.
SO	SCHEDULES CHEDULE 1 — The National Rivers Authority
	Part I — ORGANISATION AND PROCEEDINGS ETC. OF AUTHORITY
	Membership
1—10	
	The Parliamentary Commissioner
11	In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments
	The Local Commissioners
12	In section 25(1) of the Local Government Act 1974 (authorities
	Parliamentary disqualification etc.
13	In the House of Commons Disqualification Act 1975, in Part
	Interpretation
14	Part II
15—23	
SC	CHEDULE 2 — Schemes providing for the Initial Transfers
	Making and modification of schemes
1	(1) Each of the water authorities shall make a scheme
	Transfers by scheme
2	(1) Where a scheme under this Schedule for the division
	Supplemental provisions of schemes
3	(1) A scheme under this Schedule may contain supplemental, consequential
	Duties of water authorities after the scheme comes into force
4	(1) A scheme under this Schedule may provide for the
	CHEDULE 3 — The Director General of Water Services
1—5	

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## The Parlier

		The Parliamentary Commissioner
	6	In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments
		Parliamentary disqualification etc.
	7	In the House of Commons Disqualification Act 1975, in Part
1—	S0 -5	CHEDULE 4 — Customer Service Committees
		Parliamentary disqualification etc.
	6	In the House of Commons Disqualification Act 1975, in Part
	SO	CHEDULE 5 — Transitional Provision on Termination of Appointments
		Cases where Schedule applies
	1	(1) This Schedule shall apply in each of the cases
		Making and modification of transfer schemes
	2	(1) The existing appointee, acting with the consent of the
		Transfers by scheme
	3	(1) A scheme under this Schedule for the transfer of
		Supplemental provisions of schemes
	4	(1) A scheme under this Schedule may contain supplemental, consequential
		Duties of existing appointee after the scheme comes into force
	5	(1) A scheme under this Schedule may provide for the
		Further transitional provision and local statutory provisions
	6	(1) The Secretary of State may, if he thinks it
	SC	CHEDULE 6 —
	SC	CHEDULE 7 —
	SO	CHEDULE 8 — Sewerage Functions
		General
	1	
		The Public Health Act 1936 (c. 49)
	2	(1)

Water Act 1989 (c. 15)

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	The Public Health (Drainage of Trade Premises) Act 1937 (c. 40)
3—5	
	The Building Act 1984 (c. 55)
6 7	(1) In subsection (1) of section 18 of the Building In section 60(4) of the said Act of 1984 (notice
SCHEDU	JLES 9—14 —
SCI	HEDULE 15 — Amendments of the Land Drainage Act 1976
	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
7	Section 22 of the 1976 Act
7	In section 22 of the 1976 Act (arrangements with other
0	Section 23 of the 1976 Act
8	In section 23(2) of the 1976 Act (arrangements with certain
9	Section 24 of the 1976 Act (1) In subsection (2) of section 24 of the 1976
10	Section 26 of the 1976 Act 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

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

Section 36 of the 1976 Act

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

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

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

Section 49 of the 1976 Act

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

Section 50 of the 1976 Act

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

Section 51 of the 1976 Act

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

Section 54 of the 1976 Act

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

Section 59 of the 1976 Act

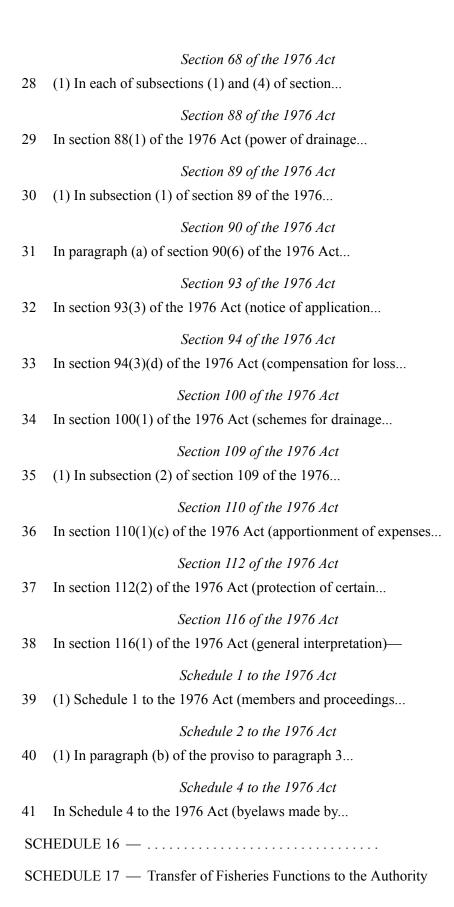
(1) In subsection (1) of section 59 of the 1976... 25

Section 62 of the 1976 Act

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

Section 64 of the 1976 Act

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



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General modifications of references to water authorities

(1) Subject to the following provisions of this Schedule and
Power to amend subordinate legislation etc
(1) If it appears to the Minister or the Secretary
The Diseases of Fish Act 1937 (c. 33)
(1) In the Diseases of Fish Act 1937, the words
Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)
In section 64 of the Salmon and Freshwater Fisheries (Consolidation)
The Sea Fisheries Regulation Act 1966 (c. 38)
(1) The provisions of section 1 of the Sea Fisheries
The Sea Fish (Conservation) Act 1967 (c. 84)
In section 18(1) of the Sea Fish (Conservation) Act 1967
The Salmon and Freshwater Fisheries Act 1975 (c. 51)

The Diseases of Fish Act 1983 (c. 30)

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

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

The Salmon Act 1986 (c. 62)

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

SCHEDULE 22 — Water Quality in Scotland

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

SCHEDULE 23 — Control of Water Pollution in Scotland

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

SCHEDULE 25 — Minor and Consequential Amendments

Adaptation of enactments relating to statutory undertakers etc.

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

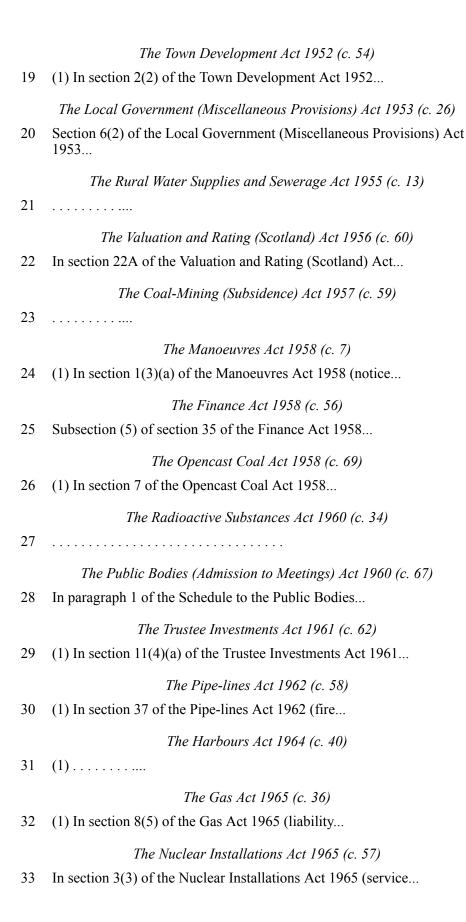
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Adaptation of enactments referring to the Drought Act 19/6
e Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)
(1) Nothing in the Public Health Act 1875 (Support of
The Public Health (Scotland) Act 1897 (c. 38)
In section 16 of the Public Health (Scotland) Act 1897
The Public Health Act 1936 (c. 49)
In section 227 of the Public Health Act 1936 (power
The Requisitioned Land and War Works Act 1948 (c. 17)
The Requisitioned Land and War Works Act 1945 (c. 43)
In section 17(1) of the Requisitioned Land and War Works
The Fire Services Act 1947 (c. 41)
(1) Subject to the following provisions of this paragraph, references
The Coast Protection Act 1949 (c. 74)
(1) In section 2 of the Coast Protection Act 1949
The Agricultural Holdings (Scotland) Act 1949 (c. 75)
In section 28 of the Agricultural Holdings (Scotland) Act 1949
The National Parks and Access to the Countryside Act 1949 (c. 97)
(1) In section 20(2) of the National Parks and Access
The Border Rivers (Prevention of Pollution) Act 1951 (c. 7)
The Border Rivers (Prevention of Pollution) Act 1951 shall cease
Reserve and Auxiliary Forces (Protection of Civil Interests)Act 1951 (c. 65)
In section 20(4) of the Reserve and Auxiliary Forces (Protection
The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)
In section 18(6) and section 19(3) of the Rivers (Prevention
The Finance Act 1952 (c. 33)
Subsections (1)(a) and (2) of section 74 of the Finance

Water Act 1989 (c. 15)

xii

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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)
<del>1</del> 7	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

### 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...

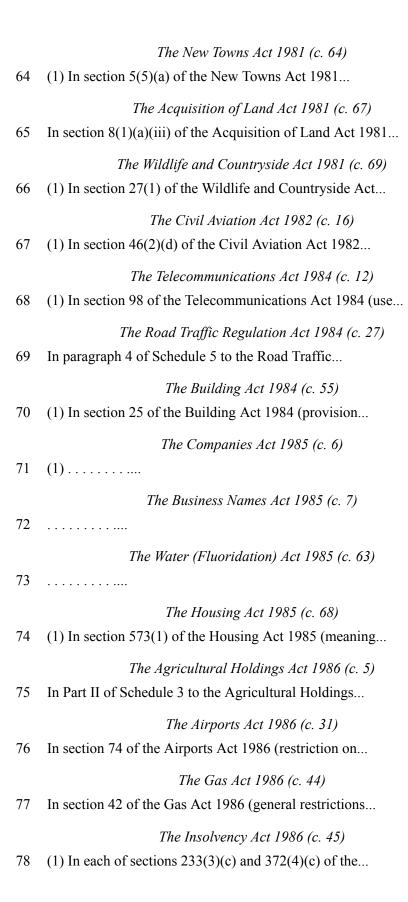
The Local Government, Planning and Land Act 1980 (c. 65)

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)

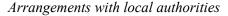


xvi

	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)
SC	HEDULE 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

	Water charges etc.
1	6 (1)
	Joint water boards and joint water committees
1	Subject to any transfer of property, rights or liabilities in
	The Building Act 1984 (c. 55)
2	O (1) Any directions given before the transfer date by a Part III — CONTROL OF POLLUTION
21—2 27, 2	5
	Byelaws
2	Part IV — WATER RESOURCES
	General transitional provision
30,3 32—3	
36—3	General o
4	Part VI — FISHERIES
	Compulsory purchase orders and works orders
4 42—4	( ) J - T - T - T - T - T - T - T - T - T -
	The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)
4	
	Maps of sewers etc.
4	7 Where immediately before the transfer date a local authority keep Part VIII — MISCELLANEOUS AND GENERAL
	Notifications by Nature Conservancy Council etc.
4	8
	Recreational activities
4	The repeal by this Act of subsections (2) to (5)
	Overseas activities
5	)

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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

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

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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