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**Changes to legislation:** There are currently no known outstanding effects for the Water Act 1989, Cross  
Heading: General modifications of references to water authorities. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 17

#### TRANSFER OF FISHERIES FUNCTIONS TO THE AUTHORITY

##### *General modifications of references to water authorities*

- 1 (1) Subject to the following provisions of this Schedule and to any repeal made by this Act, any provision to which this paragraph applies which contains, or falls to be construed as containing, a reference (however framed and whether or not in relation to an area) to any one or more water authorities, or to a particular water authority, shall have effect on and after the transfer date as if that reference were a reference to the Authority.
- (2) Subject as aforesaid, any provision to which this paragraph applies which contains, or falls to be construed as containing, a reference (however framed) to the area of a water authority shall have effect on and after the transfer date as if that reference were a reference—
- (a) in the case where the provision is contained in a local statutory provision or in subordinate legislation and the reference is in relation to a particular water authority, to the area which, immediately before the transfer date, was the area of that authority for the purposes of their functions relating to fisheries; and
  - (b) in any other case, to the whole area in relation to which the Authority carries out its functions relating to fisheries.
- (3) Subject as aforesaid, any function of a Minister of the Crown under any provision to which this paragraph applies or under the <sup>M1</sup>Diseases of Fish Act 1937 shall, in so far as immediately before the transfer date it is exercisable by different Ministers according to the water authority or water authority area in relation to which it is exercised, be exercisable on and after that date concurrently by the Minister of Agriculture, Fisheries and Food and by the Secretary of State; and references in any enactment (including a reference inserted by this Act) to a Minister, so far as they have effect for the purposes of, or in connection with, the exercise of any function under a provision to which this paragraph applies or the said Act of 1937, shall have effect accordingly.
- (4) The provisions to which this paragraph applies are the provisions of—
- (a) [<sup>F1</sup>the <sup>M2</sup>Sea Fisheries Regulation Act 1966;]
  - (b) the <sup>M3</sup>Salmon and Freshwater Fisheries Act 1975; and
  - (c) any local statutory provision or subordinate legislation which is in force immediately before the transfer date and—
    - (i) relates to the carrying out by a water authority of any function relating to fisheries; or

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(ii) in the case of subordinate legislation, was made by virtue of any provision to which this paragraph applies or under the Diseases of Fish Act 1937.

(5) The modifications made by this paragraph shall be subject to any power by subordinate legislation to revoke or amend any provision to which this paragraph applies; and, accordingly, any such power, including the powers conferred by section 191 of this Act and paragraph 2 below, shall be exercisable so as to exclude the operation of this paragraph in relation to the provisions in relation to which the power is conferred.

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**Textual Amendments**

**F1** Sch. 17 para. 1(4)(a) repealed (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009](#) (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

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**Marginal Citations**

**M1** 1937 c. 33.  
**M2** 1966 c. 38.  
**M3** 1975 c. 51.

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