



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER IV

FLUORIDATION

[^{F1}87 Fluoridation of water supplies

- (1) If requested in writing to do so by a relevant authority, a water undertaker shall enter into arrangements with the relevant authority to increase the fluoride content of the water supplied by that undertaker to premises within the area specified in the arrangements.
- (2) But a water undertaker shall not be required by subsection (1) above to enter into any such arrangements until an indemnity with respect to the arrangements has been given by virtue of section 90 below—
 - (a) to the water undertaker; and
 - (b) to any [^{F2}water supply licensee] which is entitled to one.
- (3) In this section and the following provisions of this Chapter—
 - (a) references to a relevant authority—
 - [^{F3}(i) in relation to areas in England, are to the Secretary of State;]
 - (ii) in relation to areas in Wales, are to the Assembly; and
 - (b) references to water supplied by a water undertaker are to water supplied (whether by a water undertaker or a [^{F4}water supply licensee]) to premises using the supply system of that undertaker.

^{F5}(3A)

- (4) The area specified in arrangements under this section may be—

Changes to legislation: Water Industry Act 1991, Section 87 is up to date with all changes known to be in force on or before 19 April 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

- [^{F6}(a) in relation to England, such area [^{F7}in England as the Secretary of State may determine];]
- (b) in relation to Wales, such area comprising the whole or any part of Wales as the Assembly may determine.

(5) The arrangements shall be on such terms as may be agreed between the relevant authority and the water undertaker or, in the absence of agreement, determined in accordance with section 87B below.

- (6) [^{F8}Subject to subsection (6A)] those terms shall include provision—
 - (a) requiring the relevant authority to meet the reasonable capital and operating costs incurred by the water undertaker in giving effect to the arrangements;
 - (b) specifying circumstances in which the requirement to increase the fluoride content may be temporarily suspended; and
 - (c) for the variation of the arrangements at the request of the relevant authority.

[^{F9}(6A) The Secretary of State may by regulations provide that, in circumstances specified in the regulations, subsection (6)(a) is not to apply in relation to arrangements entered into by the Secretary of State.

(6B) The Secretary of State may by regulations require a public body specified in the regulations to make payments to the Secretary of State to meet any costs incurred by the Secretary of State under the terms of the arrangements.]

(7) The relevant authority shall consult the Authority in relation to the terms to be included in any arrangements under this section (in particular, terms which affect the operation of the water undertaker’s supply system).

^{F10}(7A)

^{F10}(7B)

[^{F11}(7G) Before making regulations under subsection (6A) or (6B) the Secretary of State must consult such persons as the Secretary of State considers appropriate.]

^{F12}(8)

^{F12}(9)

^{F12}(10)

(11) Before carrying out the consultation required by subsection (1) of section 89 below in relation to a step mentioned in paragraph (a), (b) or (c) of subsection (2) of that section, [^{F13}a relevant authority] shall consult the water undertaker in question as to whether the arrangements which would result from taking that step would be operable and efficient (or, where it is proposed to terminate the arrangements, as to whether it would be reasonably practicable to do so).

[^{F14}(12) A statutory instrument containing regulations under subsection (6A) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]]

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Textual Amendments

- F1** Ss. 87-87C substituted for s. 87 (1.8.2008 for E. for certain purposes as regards s. 87 and 25.2.2009 for E. for all other purposes) by [Water Act 2003 \(c. 37\)](#), [ss. 58\(2\)\(11\)-\(14\)](#), [105\(3\)](#); [S.I. 2008/1922](#), [art. 2\(a\)](#); [S.I. 2009/359](#), [art. 2](#), (with saving in [art. 3](#), [Sch. 3](#))
- F2** Words in s. 87(2)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 76](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), [art. 16](#))
- F3** S. 87(3)(a)(i) substituted (1.4.2013 for E.) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 35\(2\)](#), [306\(2\)\(3\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F4** Words in s. 87(3)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 76](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), [art. 16](#))
- F5** S. 87(3A) omitted (1.11.2022 for E.) by virtue of [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(a\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F6** S. 87(4)(a) substituted (1.4.2013 for E.) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 35\(4\)](#), [306\(2\)\(3\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F7** Words in s. 87(4)(a) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(b\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F8** Words in s. 87(6) inserted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(c\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F9** S. 87(6A)(6B) inserted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(d\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F10** S. 87(7A)(7B) omitted (1.11.2022 for E.) by virtue of [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(e\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F11** s. 87(7G) inserted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(f\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F12** S. 87(8)-(10) omitted (1.4.2013 for E.) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 35\(7\)](#), [306\(2\)\(3\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F13** Words in s. 87(11) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(g\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)
- F14** S. 87(12) inserted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 175\(2\)\(h\)](#), [186\(6\)](#); [S.I. 2022/1003](#), [reg. 3\(a\)](#)

Modifications etc. (not altering text)

- C1** Pt. 3 Ch. 4 modified (1.4.2013 for E.) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 37\(1\)](#), [306\(2\)\(3\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- C2** S. 87: functions not to be exercised by a primary care trust (1.4.2000) by virtue of [S.I. 2000/695](#), [art. 4\(1\)](#), [Sch. 4](#)

Changes to legislation:

Water Industry Act 1991, Section 87 is up to date with all changes known to be in force on or before 19 April 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)

- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)
- s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)