



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER IV

FLUORIDATION

[^{F2}89 Consultation ^{F1}...

- (1) Before taking any step mentioned in subsection (2) below, [^{F3}a relevant authority] shall—
 - (a) consult and ascertain opinion in accordance with regulations made by [^{F4}that authority]; and
 - (b) comply with the requirements set out in regulations made by [^{F5}that authority].
- (2) The steps are—
 - (a) requesting a water undertaker to enter into arrangements under section 87(1) above;
 - (b) requesting a water undertaker to vary any such arrangements in, or except in, prescribed circumstances or cases;
 - (c) giving notice to a water undertaker under section 87C(7) above to terminate any such arrangements;
 - (d) maintaining any such arrangements in prescribed circumstances.
- (3) Regulations—
 - (a) under paragraph (a) of subsection (1) above shall include provision about the process which [^{F6}the relevant authority is] to follow for the purposes of that paragraph;
 - (b) under paragraph (b) of that subsection shall include provision about the requirements which must be satisfied (with respect to the outcome of that

Changes to legislation: Water Industry Act 1991, Section 89 is up to date with all changes known to be in force on or before 27 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

process or otherwise) before a step mentioned in subsection (2) above may be taken.

- (4) Subsection (1) above shall not apply in relation to a proposal by [^{F7}a relevant authority] to take the step mentioned in subsection (2)(c) above if [^{F8}that authority so directs] by an instrument in writing (and such a direction may apply either generally or in relation to a particular proposal).
- (5) [^{F9}In this section “appropriate authority”—
- (a) in a case where two or more relevant authorities (one of which is the Assembly) propose to request a particular water undertaker to take a step mentioned in subsection (2)(a), (b) or (c) in respect of arrangements in adjoining areas, means the Secretary of State and the Assembly acting jointly;
 - (b) in relation to England (except in a case to which paragraph (a) applies), means the Secretary of State; and
 - (c) in relation to Wales (except in a case to which paragraph (a) applies), means the Assembly.]]

Textual Amendments

- F1** Word in s. 89 heading omitted (1.11.2022 for E.) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(a)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F2** S. 89 substituted (18.2.2005 for E. for specified purposes, 1.8.2008 for E. for further specified purposes and 25.2.2009 for E. insofar as not already in force) by [Water Act 2003 \(c. 37\)](#), **ss. 58(5)**, 105(3); S.I. 2005/344, **art. 2**; S.I. 2008/1922, **art. 2(b)(c)**; S.I. 2009/359, **arts. 2(c)** (with saving in [art. 3](#), Sch.)
- F3** Words in s. 89(1) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(b)(i)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F4** Words in s. 89(1)(a) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(b)(ii)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F5** Words in s. 89(1)(b) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(b)(ii)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F6** Words in s. 89(3)(a) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(c)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F7** Words in s. 89(4) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(d)(i)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F8** Words in s. 89(4) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 175(5)(d)(ii)**, 186(6); S.I. 2022/1003, **reg. 3(a)**
- F9** S. 89(5) omitted (1.4.2013 for E.) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 35(13)(f)**, 306(2)(3); S.I. 2013/160, **art. 2(2)** (with [arts. 7-9](#))

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](#))

Changes to legislation:

Water Industry Act 1991, Section 89 is up to date with all changes known to be in force on or before 27 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](#)