



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART III

#### WATER SUPPLY

#### CHAPTER IV

#### FLUORIDATION

#### **[<sup>F1</sup>91 [<sup>F2</sup>Old Welsh fluoridation arrangements: transitional provision]**

- (1) With effect from the appointed day, [<sup>F3</sup>old Welsh fluoridation arrangements] shall be treated for the purposes of this Chapter as if they were arrangements entered into by the water undertaker in question with the [<sup>F4</sup>Welsh Ministers] under section 87(1) above.
- (2) The [<sup>F5</sup>Welsh Ministers] may request such modifications to the arrangements as it considers necessary in order to give effect to subsection (1) above, for example to insert the terms mentioned in section 87(6) above.
- (3) If the [<sup>F6</sup>Welsh Ministers] and the water undertaker fail to agree the modifications requested by [<sup>F7</sup>the Welsh Ministers]—
  - (a) subsection <sup>F8</sup>... (3) or, as the case may be, (4) of section 87B above shall apply as if the parties had failed to agree the terms of arrangements requested under section 87(1) above; and
  - (b) following determination of the modifications—
    - (i) the [<sup>F6</sup>Welsh Ministers] shall give notice of the determination to the water undertaker; and
    - (ii) the arrangements shall be deemed to have been modified as so determined with effect from the day after the date of the notice.
- (4) Sections 87(11) and 89(1) above (which relate to consultation) shall not apply to the deemed entry into, and modification of, arrangements by virtue of this section.

---

*Changes to legislation: Water Industry Act 1991, Section 91 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*

---

(5) References in this Chapter to arrangements entered into under section 87(1) above shall include arrangements treated as entered into by a water undertaker by virtue of subsection (1) above.

(6) In this section—

“the appointed day” means the day on which section 58 of the Water Act 2003 comes into force [<sup>F9</sup>in relation to Wales]; and

[<sup>F10</sup>“old Welsh fluoridation arrangements” means arrangements, other than arrangements mentioned in section 90B(6), in pursuance of which a scheme for increasing the fluoride content of water was being operated by a water undertaker by virtue of paragraph 1 of Schedule 7 to this Act immediately before the appointed day.]]

#### Textual Amendments

- F1** S. 91 substituted (26.3.2010 for E.) by [Water Act 2003 \(c. 37\)](#), **ss. 58(7)**, 105(3); S.I. 2010/975, art. 2(a)
- F2** S. 91 heading substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(a)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F3** Words in s. 91(1) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(b)(i)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F4** Words in s. 91(1) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(b)(ii)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F5** Words in s. 91(2) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(c)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F6** Words in s. 91(3) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(d)(i)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F7** Words in s. 91(3) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(d)(ii)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F8** Word in s. 91(3)(a) omitted (1.11.2022 for E.) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(d)(iii)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F9** Words in s. 91(6) inserted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(e)(i)**, 186(6); S.I. 2022/1003, reg. 3(b)
- F10** Words in s. 91(6) substituted (1.11.2022 for E.) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 176(3)(e)(ii)**, 186(6); S.I. 2022/1003, reg. 3(b)

#### 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. 91 excluded (1.4.2013 for E.) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 37(4)**, 306(2)(3); S.I. 2013/160, art. 2(2) (with arts. 7-9)

**Changes to legislation:**

Water Industry Act 1991, Section 91 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.

[View outstanding changes](#)

**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](#)