



# Water Consolidation (Consequential Provisions) Act 1991

## 1991 CHAPTER 60

An Act to make provision for consequential amendments and repeals, and for transitional and transitory matters and savings, in connection with the consolidation of certain enactments in the Water Resources Act 1991, the Water Industry Act 1991, the Land Drainage Act 1991 and the Statutory Water Companies Act 1991; and to repeal certain related enactments which are spent or unnecessary. [25th July 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Extent Information

- E1** Act: extent is E.W. with exceptions mentioned in s. 4(3)-(7)

### Modifications etc. (not altering text)

- C1** Act saved (E.W.) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), **ss. 140**, 223(2)  
**C2** Act: power to apply (Isles of Scilly) conferred (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), **ss. 222(3)**, 223(2)  
**C3** Act: power to apply (Isles of Scilly) conferred (1.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), **ss. 224(3)**, 225(2)  
**C4** Act: power to apply conferred (1.12.1991) by [Land Drainage Act 1991](#) (c. 59, SIF 73:1), **ss. 75(3)**, 76(2)  
**C5** Act: Transfer of functions (W.) (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**

### Commencement Information

- I1** Act wholly in force at 1.12.1991 see [s. 4\(2\)](#)

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## 1 Interpretation.

(1) In this Act “the consolidation Acts” means—

- (a) the <sup>M1</sup>Water Resources Act 1991, the <sup>M2</sup>Water Industry Act 1991, the <sup>M3</sup>Land Drainage Act 1991 and the <sup>M4</sup>Statutory Water Companies Act 1991; and
- (b) so much of this Act as re-enacts provisions repealed by this Act.

(2) In this Act—

“the 1989 Act” means the <sup>M5</sup>Water Act 1989;

“the 1976 Act” means the <sup>M6</sup>Land Drainage Act 1976;

“commencement” means the commencement of the consolidation Acts and of so much of this Act as gives effect to any repeal;

“local statutory provision” means—

- (a) a provision of a local Act (including an Act confirming a provisional order);
- (b) a provision of so much of any public general Act as has effect with respect to a particular area, with respect to particular persons or works or with respect to particular provisions falling within any paragraph of this definition;
- (c) a provision of an instrument made under any provision falling within paragraph (a) or (b) above; or

(d) a provision of any other instrument which is in the nature of a local enactment;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

“the NRA” means the National Rivers Authority;

“subordinate legislation” has the same meaning as in the <sup>M7</sup>Interpretation Act 1978.

### Marginal Citations

**M1** 1991 c. 57.

**M2** 1991 c. 56.

**M3** 1991 c. 59.

**M4** 1991 c. 58.

**M5** 1989 c. 15.

**M6** 1976 c. 70.

**M7** 1978 c. 30.

## 2 Consequential amendments, transitional and transitory provisions and savings.

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified (being amendments consequential on the re-enactment of provisions in the consolidation Acts).
- (2) The transitional provisions, transitory provisions and savings contained in Schedule 2 to this Act shall have effect.
- (3) The powers under sections 190(1) and 194(5) of the 1989 Act and the powers under paragraph 2 of Schedule 17 to that Act (by virtue of which consequential amendments, transitional provisions and savings may be made in connection with the coming into force of provisions of that Act)—

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- (a) shall not be restricted in consequence of any repeal made by this Act or of any provision of the consolidation Acts; but
  - (b) shall be exercisable in relation to any provision of those Acts to the same extent as, before the coming into force of this Act, they were exercisable in relation to any corresponding provision of that Act.
- (4) The repeals made by this Act shall not affect the following powers to amend local statutory provisions, that is to say—
  - (a) the power conferred by section 317 of the <sup>M8</sup>Public Health Act 1936;
  - (b) the power conferred by section 12 of the <sup>M9</sup>Public Health (Drainage of Trade Premises) Act 1937 and section 69(2) of the <sup>M10</sup>Public Health Act 1961;
  - (c) the power conferred by section 133(1) of the <sup>M11</sup>Water Resources Act 1963;
  - (d) the powers conferred by section 191 of the 1989 Act;but those powers, to the extent that they are exercisable by reference to the effect or operation of, or to things done under, any provision repealed by this Act, shall also be exercisable by reference to the effect or operation of, or to things done under, any corresponding provision of the consolidation Acts.
- (5) The provisions having effect by virtue of this section shall be without prejudice to sections 16 and 17 of the <sup>M12</sup>Interpretation Act 1978 (effect of repeals) and subsections (3) and (4) above shall also be without prejudice to the generality of the provisions of paragraphs 1 and 2 of Schedule 2 to this Act.

#### Marginal Citations

- M8** 1936 c. 49.
- M9** 1937 c. 40.
- M10** 1961 c. 64.
- M11** 1963 c. 38.
- M12** 1978 c. 30.

### 3 Repeals etc.

- (1) Subject to the provisions having effect by virtue of section 2 above, the enactments mentioned in Part I of Schedule 3 to this Act (which include spent and unnecessary enactments) are hereby repealed to the extent specified in the third column of that Part of that Schedule.
- (2) Subject as aforesaid, the subordinate legislation mentioned in Part II of Schedule 3 to this Act is hereby revoked to the extent specified in the third column of that Part of that Schedule.

### 4 Short title, commencement and extent.

- (1) This Act may be cited as the Water Consolidation (Consequential Provisions) Act 1991.
- (2) This Act shall come into force on 1st December 1991.
- (3) Subject to subsections (4) to (7) below, this Act extends to England and Wales only.
- (4) Subject to the provisions—

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- (a) of any order under section 224 of the <sup>M13</sup>Water Resources Act 1991, section 222 of the <sup>M14</sup>Water Industry Act 1991 or section 75 of the <sup>M15</sup>Land Drainage Act 1991 (Isles of Scilly); and
- (b) of any order under section 193 of the <sup>M16</sup>Water Act 1989 (Isles of Scilly) which, by virtue of paragraph 1 of Schedule 2 to this Act, has effect in relation to any provisions of the consolidation Acts as an order falling within paragraph (a) above,

nothing in this Act shall require or authorise any function, duty or power to be carried out, performed or exercised in relation to the Isles of Scilly by the NRA or any water undertaker or sewerage undertaker.

- (5) This Act, so far as it gives effect to amendments of the following enactments, that is to say—

- (a) the <sup>M17</sup>Parliamentary Commissioner Act 1967;
- (b) the <sup>M18</sup>House of Commons Disqualification Act 1975; and
- (c) the <sup>M19</sup>Northern Ireland Assembly Disqualification Act 1975,

extends to the whole United Kingdom.

- (6) This Act so far as it gives effect to amendments of the <sup>M20</sup>Environmental Protection Act 1990 extends to Great Britain.

- (7) This Act, so far as it gives effect to the amendments in Schedule 1 to this Act of the following enactments, that is to say—

- (a) sections 30D(1) and 31(2)(b)(iv) of the <sup>M21</sup>Control of Pollution Act 1974; and
- (b) the <sup>M22</sup>Water (Fluoridation) Act 1985,

extends to Scotland only.

#### Marginal Citations

- M13** 1991 c. 57.
- M14** 1991 c. 56.
- M15** 1991 c. 59.
- M16** 1989 c. 15.
- M17** 1967 c. 13.
- M18** 1975 c. 24.
- M19** 1975 c. 25.
- M20** 1990 c. 43.
- M21** 1974 c. 40.
- M22** 1985 c. 63.

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### CONSEQUENTIAL AMENDMENTS

##### *The Public Health Act 1875 (c. 55)*

- 1 A person shall not be guilty of an offence under section 68 of the Public Health Act 1875 (offences of causing pollution of certain waters) in respect of any entry of matter into any controlled waters (within the meaning of Part III of the <sup>M23</sup>Water Resources Act 1991) which occurs—
- (a) under and in accordance with a consent under Chapter II of Part III of the Water Resources Act 1991 or under Part II of the <sup>M24</sup>Control of Pollution Act 1974 (which makes corresponding provision for Scotland); or
  - (b) as a result of any act or omission under and in accordance with such a consent.

#### Marginal Citations

**M23** 1991 c. 57.

**M24** 1974 c. 40.

##### *The Public Health Act 1936 (c. 49)*

- 2 (1) Section 48 of the Public Health Act 1936 shall cease to have effect in relation to a drain or private sewer connecting with a public sewer; and, accordingly, for the word “relevant” in subsection (1) of that section there shall be substituted the word “local”.
- (2) In section 227 of that Act of 1936—
- (a) in paragraph (a), for the words “paragraph 2 of Schedule 19 to the Water Act 1989” there shall be substituted the words “section 158 of the Water Industry Act 1991”;
  - (b) in paragraph (b), for the words “paragraph 2” there shall be substituted the words “section 158”; and
  - (c) in the words after paragraph (b), for the word “Schedule” there shall be substituted the word “Act”.
- (3) Section 330 of that Act of 1936 shall cease to have effect in relation to any sewers, drains, culverts or pipes vested in a sewerage undertaker.
- (4) In section 343(1) of that Act of 1936, for the definitions of “land drainage authority” and “public sewer” there shall be substituted, respectively, the following definitions—

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““land drainage authority” means the National Rivers Authority or an internal drainage board; and

“public sewer” means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 to the Water Act 1989 or Schedule 2 to the Water Industry Act 1991 or under section 179 of that Act of 1991 or otherwise;”.

*The Agriculture (Miscellaneous Provisions) Act 1941 (c. 50)*

- 3 In section 15 of the Agriculture (Miscellaneous Provisions) Act 1941, for the definitions of “drainage”, “drainage authority”, “internal drainage board” and “internal drainage district” there shall be substituted the following definitions—

““drainage” has the same meaning as in the Land Drainage Act 1991;

“drainage authority” means the National Rivers Authority or an internal drainage board;”.

*The Fire Services Act 1947 (c. 41)*

- 4 (1) In section 14(4) of the Fire Services Act 1947, for the words “section 20 of the Water Act 1989” there shall be substituted the words “ section 18 of the Water Industry Act 1991 ”.
- (2) In section 15(2) of that Act of 1947, for the words “sections 47(1) and 81(1) of the Water Act 1989” there shall be substituted the words “ sections 57(1) and 147(1) of the Water Industry Act 1991 ”.

*The Requisitioned Land and War Works Act 1948 (c. 17)*

- 5 In section 15(4)(c) of the Requisitioned Land and War Works Act 1948, for the words from “paragraphs 2 and 3” to “1989” there shall be substituted the words “ section 158 of the Water Industry Act 1991 ”.

*The Coast Protection Act 1949 (c. 74)*

- 6 In section 49(1) of the Coast Protection Act 1949, for the definitions of “catchment board” and “drainage authority” there shall be substituted the following definition—

““drainage authority” means the National Rivers Authority or an internal drainage board;”.

*The National Parks and Access to the Countryside Act 1949 (c. 97)*

- 7 In section 114(1) of the National Parks and Access to the Countryside Act 1949, for the definition of “drainage authority” there shall be substituted the following definition—

““drainage authority” means the National Rivers Authority or an internal drainage board;”.

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*The Coal-Mining (Subsidence) Act 1957 (c. 59)*

- 8 (1) In section 5 of the Coal-Mining (Subsidence) Act 1957—
- (a) in subsection (2), for the words from “main river” to “shall make” there shall be substituted the words “ main river within the meaning of Part IV of the Water Resources Act 1991, shall make ”; and
  - (b) in subsection (7), for the words from “main river” to “that Act” there shall be substituted the words “ main river within the meaning of Part IV of the Water Resources Act 1991, or outside any internal drainage district as defined by the Land Drainage Act 1991 ”.
- (2) This paragraph shall have no effect after the coming into force of the repeal of section 5 of that Act of 1957 by the Coal Mining Subsidence Act 1991.

*The Radioactive Substances Act 1960 (c. 34)*

F19 .....

**Textual Amendments**

**F1** Sch. 1 para. 9 repealed (25.8.1993) by 1993 c. 12, ss. 50, 51(2), Sch. 6 Pt.I (with ss. 42 and 46).

*The Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

F210 .....

**Textual Amendments**

**F2** Sch. 1 para. 10 repealed (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 29(2), 9 Pt. 3; S.I. 2005/2714, art. 2(l)(m)(vii)

*The Public Health Act 1961 (c. 64)*

- 11 In section 54 of the Public Health Act 1961—
- (a) in subsection (4), for the words from “controlled by” to “internal drainage board” and “the board” there shall be substituted, respectively, the words “ controlled by the National Rivers Authority or any internal drainage board ” and the words “ that Authority or, as the case may be, that board ”; and
  - (b) in subsection (10), for the words from “byelaws”, in the first place where it occurs, onwards there shall be substituted the words “ byelaws made by virtue of paragraph 5 of Schedule 25 to the Water Resources Act 1991 or section 66 of the Land Drainage Act 1991 ”.

*The Pipe-lines Act 1962 (c. 58)*

- 12 In section 66(1) of the Pipe-lines Act 1962, for the definition of “river works consent” there shall be substituted the following definition—
- ““river works consent” means a consent given under section 109 of the Water Resources Act 1991;”.

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*The Harbours Act 1964 (c. 40)*

- 13 (1) References in the Harbours Act 1964 to river works powers shall include references to any powers which are conferred by section 4 or 165 of the <sup>M25</sup>Water Resources Act 1991, or by or under Part VII of that Act or Part VI of the <sup>M26</sup>Water Industry Act 1991 and to any powers conferred by section 14 of the <sup>M27</sup>Land Drainage Act 1991.
- (2) In section 27(2) of that Act of 1964—
- (a) in paragraph (c), for the words from “under” to “that Act” there shall be substituted the words “under section 142 of the Water Resources Act 1991”; and
  - (b) in paragraph (e), for the words “the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991”.

**Marginal Citations**

**M25** 1991 c. 57.

**M26** 1991 c. 56.

**M27** 1991 c. 59.

*The Gas Act 1965 (c. 36)*

- 14 (1) In section 15 of the Gas Act 1965—
- (a) in subsection (1), for the words “section 26 of the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991”; and
  - (b) in subsection (5)(b), for the words “section 129 of the Water Act 1989” there shall be substituted the words “section 123 of the Water Resources Act 1991”.
- (2) In section 23(5) of that Act of 1965, for the words “the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991”.
- (3) In Part II of Schedule 4 to that Act of 1965—
- (a) in paragraph 4, for the words “section 26 of the Water Resources Act 1963” there shall be substituted the words “Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991”; and
  - (b) in paragraph 5(4)(b), for the words “section 129 of the Water Act 1989” there shall be substituted the words “section 123 of the Water Resources Act 1991”.

*The Public Works Loans Act 1965 (c. 63)*

- 15 In Schedule 1 to the Public Works Loans Act 1965—



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- (a) in paragraph 1, for the words “section 87 of the Land Drainage Act 1976 or with any other enactment” there shall be substituted the words “ any enactment ”; and
- (b) in paragraph 2, after the words “as so incorporated” there shall be inserted the words “ or as incorporated with section 55 of the Land Drainage Act 1991 ”.

*The Sea Fisheries Regulation Act 1966 (c. 38)*

<sup>F3</sup>16 .....

**Textual Amendments**

- F3** [Sch. 1 para. 16](#) 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\(3\)](#))

*The Parliamentary Commissioner Act 1967 (c. 13)*

- [<sup>F4</sup>17 In Schedule 2 to the Parliamentary Commissioner Act 1967, in the note 9 inserted by the 1989 Act, for the words from “(that is to say” to “1976)” there shall be substituted the words “ (within the meaning of the Water Resources Act 1991) ”.]

**Textual Amendments**

- F4** [Sch. 1 para. 17](#) repealed (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1996/186, [art. 3\(xxi\)](#)

*The Sea Fish (Conservation) Act 1967 (c. 84)*

- 18 In section 18(1) of the Sea Fish (Conservation) Act 1967 (enforcement of orders relating to salmon and migratory trout)—

<sup>F5</sup>(a) .....

- (b) for paragraph (b) there shall be substituted the following paragraph—

“(b) the provisions of sections 169 and 172 of the Water Resources Act 1991 and, in relation to those sections, of Schedule 20 to that Act (which confer powers of entry) shall apply as if section 4 of this Act, and any order under section 5 or 6 of this Act, were an enactment to which the said sections 169 and 172 applied.”

**Textual Amendments**

- F5** [Sch. 1 para. 18\(a\)](#) repealed (1.4.1996) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1996/186, [art. 3\(xxxi\)](#)

*The Transport Act 1968 (c. 73)*

- 19 In section 109(3)(b) of the Transport Act 1968, for the words “the Ministers (as defined in section 82(9) of the Water Resources Act 1963” there shall be substituted

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the words “ the Ministers (for the purposes of Schedule 2 to the Water Resources Act 1991) ”.

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 20 The powers conferred by section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) shall be exercisable by a local authority, within the meaning of that section, as if the NRA was a public body within the meaning of that section; and the powers of a local authority under that Act shall be deemed to include power to enter into an agreement for the collection and recovery by the authority, on behalf of any water undertaker or sewerage undertaker, of any charges fixed by the undertaker under Chapter I of Part V of the <sup>M28</sup>Water Industry Act 1991.

**Marginal Citations**

**M28** 1991 c. 56.

*The Land Charges Act 1972 (c. 61)*

- 21 In paragraph 1(d) of Schedule 2 to the Land Charges Act 1972—
- (a) for the words “the Land Drainage Act 1976” there shall be substituted the words “ the Land Drainage Act 1991 ” (with a corresponding amendment of the Chapter number); and
  - (b) for the words “Section 26(6)” there shall be substituted the words “ Section 34(2) ”.

*The Local Government Act 1972 (c. 70)*

- 22 (1) In section 73(1) of the Local Government Act 1972, for the words from “conferred” to “or”, in the first place where it occurs, there shall be substituted the words “ conferred by the Water Resources Act 1991, the Land Drainage Act 1991 or ”.
- (2) In section 138(3) of that Act of 1972—
- (a) in paragraph (a), for the words “within the meaning of the Land Drainage Act 1930” there shall be substituted the words “ within the meaning of Part IV of the Water Resources Act 1991 ”; and
  - (b) in paragraph (b), for the words from “section” to the end of paragraph (b) there shall be substituted the words “ sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991 ”.

*The Land Compensation Act 1973 (c. 41)*

- 23 In sections 44(2) and 58(2) of the Land Compensation Act 1973, for the words “Schedule 18 to the Water Act 1989” there shall be substituted the words “ Schedule 9 to the Water Industry Act 1991 or of Schedule 18 to the Water Resources Act 1991 ”.

*The Fair Trading Act 1973 (c. 41)*

<sup>F6</sup>24 .....

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### Textual Amendments

- F6** Sch. 1 para. 24 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

### *The Local Government Act 1974 (c. 7)*

**F7**25 .....

### Textual Amendments

- F7** Sch. 1 para. 25 repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxi)

### *The Consumer Credit Act 1974 (c. 39)*

**F8**26 .....

### Textual Amendments

- F8** Sch. 1 para. 26 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

### *The Control of Pollution Act 1974 (c. 40)*

- 27 (1) In section 30D(1) of the Control of Pollution Act 1974, for the words “section 105 of the Water Act 1989” there shall be substituted the words “ section 83 of the Water Resources Act 1991 ”.

**F9**(2) .....

### Textual Amendments

- F9** Sch. 1 para. 27(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxi)

### *The House of Commons Disqualification Act 1975 (c. 24)*

- 28 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)—

**F10**(a) .....

- (b) in the entry relating to directors of companies holding appointments under Chapter I of Part II of the Water Act 1989, for the words “Water Act 1989” there shall be substituted the words “ Water Industry Act 1991 ”.

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### Textual Amendments

- F10** Sch. 1 para. 28(a) repealed (1.10.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), Sch. 7 para. 29(2), **9 Pt. 3**; S.I. 2005/2714, art. 2(l)(m)(vii)

### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 29 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)—
- <sup>F11</sup>(a) . . . . .
- (b) in the entry relating to directors of companies holding appointments under Chapter I of Part II of the Water Act 1989, for the words “Water Act 1989” there shall be substituted the words “Water Industry Act 1991”.

### Textual Amendments

- F11** Sch. 1 para. 29(a) repealed (1.10.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), Sch. 7 para. 29(2), **9 Pt. 3**; S.I. 2005/2714, art. 2(l)(m)(vii)

### *The Salmon and Freshwater Fisheries Act 1975 (c. 51)*

- 30 (1) A person shall not be guilty of an offence under section 4 of the Salmon and Freshwater Fisheries Act 1975 (offences of causing pollution of certain waters) in respect of any entry of matter into any controlled waters (within the meaning of Part III of the <sup>M29</sup>Water Resources Act 1991) which occurs—
- (a) under and in accordance with [<sup>F12</sup>an environmental permit under regulation 13 of [<sup>F13</sup>the Environmental Permitting (England and Wales) Regulations 2016 ([S.I. 2016/1154](#))] or a consent] under Part II of the <sup>M30</sup>Control of Pollution Act 1974 (which makes corresponding provision for Scotland); or
- (b) as a result of any act or omission under and in accordance with such a [<sup>F14</sup>permit or] consent.
- (2) In section 5(5) of that Act of 1975, for paragraph (c) there shall be substituted the following paragraph—
- “(c) section 85(1) of the Water Resources Act 1991;”.
- (3) In section 39(5) of that Act of 1975, after the words “this section” there shall be substituted the words “the Water Resources Act 1991”.
- (4) In section 41(1) of that Act of 1975, for the definition of “inland water” there shall be substituted the following definition—
- ““inland water” means any area of inland waters within the meaning of the Water Resources Act 1991;”.
- (5) Section 215 of the Water Resources Act 1991 shall apply in relation to a local inquiry under that Act of 1975 as it applies in relation to a local inquiry under a provision of that Act of 1991 to which that section applies.

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- (6) In paragraph 39 of Schedule 3 to that Act of 1975, for the words “the said section 145” there shall be substituted the words “section 4 of the Water Resources Act 1991”.

#### Textual Amendments

- F12** Words in Sch. 1 para. 30(1)(a) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 9(a)** (with reg. 1(2), Sch. 4)
- F13** Words in Sch. 1 para. 30(1)(a) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 10** (with regs. 1(3), 77-79, Sch. 4)
- F14** Words in Sch. 1 para. 30(1)(b) inserted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 9(b)** (with reg. 1(2), Sch. 4)

#### Marginal Citations

**M29** 1991 c. 57.

**M30** 1974 c. 40.

#### *The Restrictive Trade Practices Act 1976 (c. 34)*

- 31 In section 4(1)(a) of the Restrictive Trade Practices Act 1976, after the words “or the Water Act 1989,” there shall be inserted the words “the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)”.

#### *The Interpretation Act 1978 (c. 30)*

- 32 In Schedule 1 to the Interpretation Act 1978, in the definitions of “sewerage undertaker” and “water undertaker”, for the words “section 11 of the Water Act 1989” there shall be substituted the words “section 6 of the Water Industry Act 1991”.

#### *The Estate Agents Act 1979 (c. 38)*

<sup>F15</sup>33 . . . . .

#### Textual Amendments

- F15** [Sch. 1 para. 34](#) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

#### *The Competition Act 1980 (c. 21)*

<sup>F15</sup>34 . . . . .

#### Textual Amendments

- F15** [Sch. 1 para. 34](#) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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

- 35 In section 185(2) of the Local Government, Planning and Land Act 1980—
- (a) for paragraph (b) there shall be substituted the following paragraph—
    - “(b) on any inland waters (within the meaning of the Water Resources Act 1991) in respect of which the National Rivers Authority may make byelaws by virtue of paragraph 1 of Schedule 25 to that Act”;
  - (b) the reference in paragraph (c) to the definition of a “navigation authority” in subsection (1) of section 135 of the <sup>M31</sup>Water Resources Act 1963 shall continue to have effect notwithstanding the repeal and re-enactment of provisions of that section.

**Marginal Citations**

**M31** 1963 c. 38.

*The Highways Act 1980 (c. 66)*

- 36 (1) In section 100(5) and (6) of the Highways Act 1980, for the words “Schedule 19 to the Water Act 1989” there shall be substituted the words “ sections 158, 159, 163, 165 and 168 of the Water Industry Act 1991 ”.
- (2) In section 339 of that Act of 1980, for the words “Land Drainage Act 1976”, in each place where they occur, there shall be substituted the words “ Land Drainage Act 1991 ”.

*The Fisheries Act 1981 (c. 29)*

- 37 In Schedule 4 to the Fisheries Act 1981, for paragraph 6 there shall be substituted the following paragraph—

*“ Offences against byelaws relating to salmon and other freshwater fishing*

- 6 Any offence under section 211 of the Water Resources Act 1991 consisting in a contravention of a byelaw made for any of the following purposes mentioned in paragraph 6(2) of Schedule 25 to that Act—
- (a) prohibiting the taking or removal from any water without lawful authority of any fish, whether alive or dead;
  - (b) prohibiting or regulating the taking of trout or any freshwater fish of a size less than that prescribed by the byelaw;
  - (c) prohibiting the use for taking salmon, trout, or freshwater fish of any instrument (not being a fixed engine) in such waters and at such times as are prescribed by the byelaw;
  - (d) specifying the nets and other instruments (not being fixed engines) which may be used for taking salmon, trout, freshwater fish and eels and imposing requirements as to the use of such nets and other instruments;
  - (e) imposing requirements as to the construction, design, material and dimensions of any such nets or instruments, including in the case of nets the size of mesh;

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- (f) prohibiting the carrying in any boat or vessel whilst being used in fishing for salmon or trout of any net which is not licensed, or which is without the mark, label or number prescribed by the byelaw;
- (g) prohibiting or regulating the carrying in a boat or vessel during the annual close season for salmon of a net capable of taking salmon, other than a net commonly used in the area to which the byelaw applies for sea fishing and carried in a boat or vessel commonly used for that purpose.”

*The Telecommunications Act 1984 (c. 12)*

- 38 (1) In section 98(9) of the Telecommunications Act 1984, in paragraph (a) of the definition of “water main”, for the words from “within”, in the first place where it occurs, to “that Act” there shall be substituted the words “ or resource main within the meaning of the Water Industry Act 1991 ”.
- (2) In section 101(3)(j) of that Act of 1984, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

*The Building Act 1984 (c. 55)*

- 39 (1) The Building Act 1984 shall be amended as follows.
- (2) In section 18(5)—
- (a) in the definition of “disposal main”, for the words “paragraph 1 of Schedule 19 to the Water Act 1989” there shall be substituted the words “ the Water Industry Act 1991 ”; and
  - (b) in the definition of “map of sewers”, for the words “section 166 of the Water Act 1989” there shall be substituted the words “ section 199 of the Water Industry Act 1991 ”.
- (3) In section 25(7)—
- (a) for the words “section 65 of the Water Act 1989” there shall be substituted the words “ section 67 of the Water Industry Act 1991 ”; and
  - (b) for the words “Chapter II of Part II” there shall be substituted the words “ Chapter III of Part III ”.
- (4) In section 82, for the words “section 167 of the Water Act 1989” there shall be substituted the words “ section 174 of the Water Industry Act 1991 or section 176 of the Water Resources Act 1991 ”.
- (5) In section 101—
- (a) in subsection (1), for the words “paragraphs 2 and 3 of Schedule 19 to the Water Act 1989”, the words “they apply” and the words “that Schedule” there shall be substituted, respectively, the words “ section 158 of the Water Industry Act 1991 ”, the words “ it applies ” and the words “ that section ”; and
  - (b) in subsection (2), for the words “Those paragraphs” there shall be substituted the words “ That section ”.

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- (6) In section 126, in the definition of “public sewer”, for the words “Public Health Act 1936” there shall be substituted the words “ Water Industry Act 1991 ”.

*The Companies Act 1985 (c. 6)*

- 40 (1) In [F16 sections 895(2) and 995(4) of the Companies Act 2006] (compromises with creditors and protection of minorities by the Secretary of State), any reference to a company or body corporate which is liable to be wound up includes a reference to a company or body corporate which would be so liable but for section 25 of the Water Industry Act 1991.
- (2) In section 459(3) of that Act of 1985, for the words “the Water Act 1989” there shall be substituted the words “ the Statutory Water Companies Act 1991 ”.

**Textual Amendments**

**F16** Words in [Sch. 1 para. 40\(1\)](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 182](#) (with arts. 6, 11, 12)

*The Business Names Act 1985 (c. 7)*

F17 41 .....

**Textual Amendments**

**F17** [Sch. 1 para. 41](#) repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 2](#) (with art. 10)

*The Water (Fluoridation) Act 1985 (c. 63)*

- 42 In section 1 of the Water (Fluoridation) Act 1985, after subsection (6) there shall be inserted the following subsection—

“(7) In subsection (6) above, the reference to water to which fluoride has been added by a statutory water undertaker in exercise of the power conferred by this section includes a reference to water to which fluoride has been added by a water undertaker in exercise of the power conferred by section 87 of the Water Industry Act 1991.”

*The Agricultural Holdings Act 1986 (c. 5)*

- 43 In paragraphs 9 to 11 of Part II of Schedule 3 to the Agricultural Holdings Act 1986, for the words “section 112 of the Water Act 1989”, wherever they occur, there shall be substituted the words “ section 94 or 95 of the Water Resources Act 1991 ”.

*The Airports Act 1986 (c. 31)*

- 44 In section 74(3)(k) of the Airports Act 1986, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.



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*The Gas Act 1986 (c. 44)*

- 45 In section 42(3)(l) of the Gas Act 1986, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.

*The Insolvency Act 1986 (c. 45)*

- 46 In section 413(2) of the Insolvency Act 1986, for the words “section 23 or 24 of or Schedule 6 to the Water Act 1989” there shall be substituted the words “ any of sections 23 to 26 of the Water Industry Act 1991 or Schedule 3 to that Act ”.

*The Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 47 In section 25(1) of the Norfolk and Suffolk Broads Act 1988, in paragraph (b) of the definition of “statutory undertaker”, for the words “the Land Drainage Act 1976” there shall be substituted the words “ the Land Drainage Act 1991 ”.

*The Local Government Act 1988 (c. 9)*

- 48 In section 25(2)(b) of the Local Government Act 1988, for the words “section 40 or 71 of the Water Act 1989” there shall be substituted the words “ section 41 or 98 of the Water Industry Act 1991 ”.

*The Local Government Finance Act 1988 (c. 41)*

- 49 In Schedule 5 to the Local Government Finance Act 1988—
- (a) in paragraph 10(1)(b), for the words “section 28(3)(a) of that Act” there shall be substituted the words “ section 142(1)(a) of the Water Resources Act 1991 ”; and
  - (b) for sub-paragraph (2) of paragraph 14 there shall be substituted the following sub-paragraph—
 

“(2) “Drainage authority” means the National Rivers Authority or any internal drainage board and “main river” and “watercourse” have the same meanings, respectively, as they have in the Water Resources Act 1991 and the Land Drainage Act 1991.”

*The Water Act 1989 (c. 15)*

- 50 (1) The Water Act 1989 shall be amended as follows.
- (2) In section 174—
- (a) in each of paragraphs (a) and (b) of subsection (2), after the word “Act” there shall be inserted the words “ or any of the water consolidation Acts ”;
  - (b) for paragraph (c) of that subsection there shall be substituted the following paragraph—
 

“(c) in pursuance of any duty imposed by section 197(1)(a) or (2) or 203(1) or (2) of the Water Resources Act 1991 or of any arrangements made by the Director under section 29(6) of the Water Industry Act 1991;”
  - (c) in paragraph (j) of that subsection, after the word “Act”, in the first place where it occurs, there shall be inserted the words “ , any of the water

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consolidation Acts ” and, after that word, in the second place where it occurs, there shall be inserted the words “ or any of those Acts ”;

- (d) in subsection (4)(a), for the words “section 34 above” and the words “this Act” there shall be substituted, respectively, the words “ section 201 of the Water Industry Act 1991 ” and the words “ the water consolidation Acts ”;

- (e) after subsection (7) there shall be inserted the following subsection—

“(8) In this section “the water consolidation Acts” means the Water Resources Act 1991, the Water Industry Act 1991, the Statutory Water Companies Act 1991, the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991.”

- (3) In Schedule 26—

- (a) in paragraph 6(2), after the words “this Act” there shall be inserted the words “ or Chapter I of Part V of the Water Industry Act 1991 ”;
- (b) in paragraph 15(1), for the words “and are” there shall be substituted the words “ continue to have effect (notwithstanding the repeal of subparagraph (2) of this paragraph) in accordance with paragraph 1 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 and were ”;
- (c) in paragraph 40(3), in the words after paragraph (b), for the words “that subsection” there shall be substituted the words “ section 28(3) of the Salmon and Freshwater Fisheries Act 1975 ”;
- (d) in paragraph 41(5), for the words “section 20 of this Act” there shall be substituted the words “ section 18 of the Water Industry Act 1991 ”;
- (e) in paragraph 49, for the words “section 8 or 157 of this Act or otherwise by virtue of this Act” there shall be substituted the words “ by virtue of any enactment ”; and
- (f) in paragraph 54(2), for the words “Chapter VI of Part II of this Act” there shall be substituted the words “ the Statutory Water Companies Act 1991 ”.

*The Electricity Act 1989 (c. 29)*

- 51 (1) In section 57(3)(n) of the Electricity Act 1989, at the end there shall be inserted the words “ the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991) ”.
- (2) In paragraph 3(1)(c) of Schedule 4 to that Act of 1989, for the words “Schedule 19 to the Water Act 1989” there shall be substituted the words “ section 159 of the Water Resources Act 1991 or section 158 of the Water Industry Act 1991 which (whether or not it is in a street) is ”.

*The Companies Act 1989 (c. 40)*

- 52 In section 152(11) of the Companies Act 1989, for the words from “include” onwards there shall be substituted the words “ include sections 32 to 34 of the Water Industry Act 1991 and any reference under section 32 of that Act. ”

*The Capital Allowances Act 1990 (c. 1)*

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**Textual Amendments**

**F18** [Sch. 1 para. 53](#) repealed (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 580, Sch. 4](#)

*The Town and Country Planning Act 1990 (c. 8)*

54 In section 264(4)(a) of the Town and Country Planning Act 1990, for the words “or the Water Act 1989” there shall be substituted the words “ the Water Act 1989 or the Water Industry Act 1991 ”.

*The Food Safety Act 1990 (c. 16)*

55 In section 55(1) of the Food Safety Act 1990, for the words “Chapter II of Part II of the Water Act 1989” there shall be substituted the words “ Part III of the Water Industry Act 1991 ”.

*The Environmental Protection Act 1990 (c. 43)*

<sup>F19</sup>56 .....

**Textual Amendments**

**F19** [Sch. 1 para. 56](#) repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\), s. 7\(3\), Sch. 3; S.S.I. 2015/74, art. 2\(2\)\(c\)](#)

*The New Roads and Street Works Act 1991 (c. 22)*

57 (1) In section 89 of the New Roads and Street Works Act 1991, for the words “the Water Act 1989” there shall be substituted the words “ the Water Industry Act 1991 ”.

(2) In paragraph 7(3) of Schedule 4 to that Act of 1991, for the words “Water Act 1989” there shall be substituted the words “ Water Industry Act 1991 ”.

*The Planning and Compensation Act 1991 (c. 34)*

58 In Part I of Schedule 18 to the Planning and Compensation Act 1991, after the entries relating to the Planning (Hazardous Substances) Act 1990 there shall be inserted the following entries—

|                                                            |                                                                                                                  |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| “Paragraph 1 of Schedule 9 to the Water Resources Act 1991 | Date of entry upon or occupation or use of land                                                                  |
| Paragraph 2(2) or (3) of that Schedule                     | Date of the ordinary drought order                                                                               |
| Paragraph 2(4) of that Schedule                            | Date of decision to prohibit or limit the taking of water                                                        |
| Paragraph 2(5) of that Schedule                            | Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent |

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|                                                                                                             |                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Paragraph 2(1) of Schedule 21 to that Act                                                                   | Date of claim                                                                                                                    |
| Paragraph 2(2) or (3) of that Schedule                                                                      | In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim |
| Paragraph 4(1)(b) of that Schedule                                                                          | Date loss is caused or damage done                                                                                               |
| Paragraph 5(1) of that Schedule (including that provision as applied by paragraph 5(3)(b) of that Schedule) | Date of claim                                                                                                                    |
| Paragraph 2(1) of Schedule 12 to the Water Industry Act 1991                                                | Date of claim                                                                                                                    |
| Paragraph 2(2) or (3) of that Schedule                                                                      | In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim |
| Paragraph 6(1)(b) of that Schedule                                                                          | Date loss is caused or damage done                                                                                               |
| Section 14 of the Land Drainage Act 1991 (including that provision as applied by section 25(4)(b))          | Date of claim                                                                                                                    |
| Section 22 of that Act                                                                                      | Date of claim                                                                                                                    |
| Section 29(5) of that Act (including that provision as applied by sections 30(3) and 31(5))                 | Date of claim”                                                                                                                   |

*The Coal Mining Subsidence Act 1991 (c. 45)*

- 59 In section 36(8) of the Coal Mining Subsidence Act 1991, in the definition of “main river”, for the words “the Land Drainage Act 1976” there shall be substituted the words “ Part IV of the Water Resources Act 1991 ”.

SCHEDULE 2

Section 2.

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

**Modifications etc. (not altering text)**

- C6** Sch. 2: power to modify conferred (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 74(6), 223(2)** (with [s. 219\(3\)](#))

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## PART I

### GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

#### *Principal transitional provision*

- 1 (1) Subject to Part II of this Schedule, any subordinate legislation, application or appointment made, consent or approval given, licence or certificate issued or other thing done under or for the purposes of any enactment repealed by this Act, and anything which has effect as something so made, given, issued or done, shall have effect, so far as necessary for the purposes specified in sub-paragraph (2) below, as made, given, issued or done under the corresponding provision of the consolidation Acts.
- (2) The purposes mentioned in sub-paragraph (1) above are—
- (a) the purpose of preserving and continuing the validity and effect after commencement of anything which has been made, given, issued or otherwise done under or for the purposes of any enactment repealed by this Act, and of anything so far as it is treated as a thing so made, given, issued or done; and
  - (b) the purpose of including references to things which have been so made, given, issued or done before commencement, or which are treated as if they were, in references in the consolidation Acts, in any other enactment and in any subordinate legislation or document to things made, given, issued or otherwise done under or for the purposes of any provision of the consolidation Acts.
- (3) Subject to sub-paragraphs (1) and (2) above, a reference in any Act or in any subordinate legislation or document to any enactment repealed by this Act shall have effect after commencement as a reference to the corresponding enactment contained in the consolidation Acts.
- (4) Without prejudice to the preceding provisions of this paragraph, where—
- (a) by virtue of any enactment repealed by this Act, any subordinate legislation, consent, licence, document or other thing has effect immediately before commencement subject to modifications specified or described in that enactment; and
  - (b) with those modifications that subordinate legislation, consent, licence, document or other thing would continue, in accordance with sub-paragraphs (1) and (2) above, to have effect after commencement as something made, given, issued or done under or for the purposes of any provision of the consolidation Acts,
- then, notwithstanding the repeal, the modifications shall continue to have effect, and those sub-paragraphs shall have effect in relation to that subordinate legislation, consent, licence, document or other thing accordingly.
- (5) Without prejudice to the preceding provisions of this paragraph, anything which immediately before commencement is treated for the purposes of an enactment repealed by this Act as done by or in relation to a particular person shall continue to be treated as done by or in relation to that person for the purposes of the corresponding provisions of the consolidation Acts, and sub-paragraphs (1) and (2) above shall have effect accordingly.
- (6) The repeal by this Act of any provision which authorised any instrument under an enactment repealed by this Act to be made without—

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- (a) such consultation; or
- (b) such compliance with any other requirements,

as would be required in respect of an instrument under the corresponding provision of the consolidation Acts shall not prevent any instrument which in pursuance of that provision has been so made from having effect, in accordance with sub-paragraphs (1) and (2) above, as if made under that corresponding provision.

(7) Where—

- (a) any period of time is specified in any enactment repealed by this Act to which a provision of the consolidation Acts corresponds; and
- (b) that period is current for the purposes of that enactment at commencement, so much of the period as has expired before commencement shall be taken into account, in relation to anything which is treated by virtue of this Schedule as done under that provision, as if that provision had been in force when the period began to run.

(8) References in this paragraph to an enactment repealed by this Act include references to any provision of subordinate legislation which is revoked by this Act.

**Modifications etc. (not altering text)**

- C7** Sch. 2 para. 1 saved (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), **ss. 67(7), 76(2)**  
**C8** Sch. 2 para. 1(1) modified (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 221(8), 225(2)**

*Savings for powers to make, amend or challenge  
subordinate legislation and for certain specific instruments*

2 (1) Without prejudice to the provisions of paragraph 1 above—

- (a) the powers to make subordinate legislation under the <sup>M32</sup>Local Government Finance Act 1988 and section 149 of the <sup>M33</sup>Local Government and Housing Act 1989 (power to make provision in connection with the arrangements for financing local government); and
- (b) any other powers to make subordinate legislation modifying any provision reproduced in the consolidation Acts, including the power to amend or revoke any subordinate legislation reproduced in those Acts,

shall be exercisable in relation to the provisions of those Acts to the like extent as they were exercisable in relation to the enactment or subordinate legislation to which those provisions correspond.

(2) Where provision contained in any subordinate legislation is reproduced in any enactment contained in sections 134 to 136 of the <sup>M34</sup>Water Resources Act 1991, Chapter I or II of Part IV of, or Part II of Schedule 1 to, the <sup>M35</sup>Land Drainage Act 1991 or Part II of this Schedule, that enactment shall not have any greater effect by virtue of being contained in an enactment than it would have had if it had continued to be contained in the subordinate legislation in question.

(3) The repeal by this Act of paragraph 23 of Schedule 13 to the 1989 Act shall not affect the operation in relation to the NRA, in accordance with sub-paragraph (3) of that paragraph, of any provision of an order under section 82 of the <sup>M36</sup>Water Resources Act 1963 which was made before 1st September 1989.

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- (4) The repeal by this Act of section 106 of the Water Resources Act 1963 shall not affect the powers conferred by that section in relation to the provisions of section 5 or Part IX of that Act or in relation to any order under section 10 of that Act.
- (5) The repeal by this Act of sections 45 to 47, 89 and 110 of the 1976 Act shall not affect the operation of those sections so far as—
- (a) they have effect by virtue of any subordinate legislation made, under the Local Government Finance Act 1988 and section 149 of the Local Government and Housing Act 1989, for the purpose of or in connection with the issue of levies by the NRA; or
  - (b) they have effect in relation to any precept issued before 1st April 1990.
- (6) The repeal by this Act of sub-paragraph (2) of paragraph 71 of Schedule 25 to the 1989 Act (power to modify Part XII of the <sup>M37</sup>Companies Act 1985) shall not affect the continuing validity of anything done by virtue of the power conferred by that sub-paragraph to make regulations in relation to times before 1st September 1989.

**Marginal Citations**

**M32** 1988 c. 41.  
**M33** 1989 c. 42.  
**M34** 1991 c. 57.  
**M35** 1991 c. 59.  
**M36** 1963 c. 38.  
**M37** 1985 c. 6.

*Byelaws: prevention of waste of water etc.*

- 3 (1) Subject to section 74(6) of the <sup>M38</sup>Water Industry Act 1991—
- (a) any byelaws made or having effect as if made under section 17 of the 1945 Act and in force immediately before commencement by virtue of paragraph 19 of Schedule 26 to the 1989 Act; and
  - (b) section 19 of the 1945 Act so far as it relates to any such byelaws,
- shall continue to have effect (notwithstanding the repeals made by this Act) with the modifications for which that paragraph provides and as if every duty imposed on a water undertaker by virtue of those modifications were enforceable under section 18 of the Water Industry Act 1991 by the Secretary of State.
- (2) Notwithstanding any repeal by the 1989 Act or this Act, Part V of the 1945 Act shall accordingly have effect in relation to any provisions having effect under the said paragraph 19 and this paragraph as it had effect in relation to those provisions immediately before 1st September 1989.
- (3) In this paragraph and paragraph 4 below “the 1945 Act” means the <sup>M39</sup>Water Act 1945.

**Marginal Citations**

**M38** 1991 c. 56.  
**M39** 1945 c. 42.

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### *Byelaws preventing pollution*

- 4 (1) Where immediately before commencement any byelaws have effect by virtue of paragraph 57 of Schedule 26 to the 1989 Act as if the power conferred by any enactment repealed by this Act included a power to make those byelaws, those byelaws shall continue to have effect as if the corresponding enactment contained in the consolidation Acts contained such a power.
- (2) Notwithstanding any repeal made by the 1989 Act or this Act, the provisions of subsections (2) to (5) of section 18 of the 1945 Act and of subsections (2), (4) and (5) of section 19 of the 1945 Act and, in relation to those provisions, the provisions of Part V of the 1945 Act shall have effect in relation to any byelaws under section 18 of the 1945 Act which have effect by virtue of paragraph 57(1) and (2) of Schedule 26 to the 1989 Act and the preceding provisions of this Schedule—
- (a) as they had effect in relation to those byelaws immediately before 1st September 1989; but
  - (b) as if any references in those provisions of sections 18 and 19 of the 1945 Act to the statutory water undertakers who made the byelaws were references to the relevant body;
- and every duty imposed on a water undertaker by virtue of paragraph (b) above shall be enforceable under section 18 of the Water Industry Act 1991 by the Secretary of State.
- (3) Without prejudice to the power of the Secretary of State under the <sup>M40</sup>Control of Pollution Act 1974 to bring the repeal of section 18 of the 1945 Act into force, the power of the Secretary of State under section 93 of the <sup>M41</sup>Water Resources Act 1991 to make an order for the purposes specified in that section shall include power, by an order under that section—
- (a) to modify the operation of the provisions of this Schedule in relation to any byelaws under the said section 18 that have effect by virtue of those provisions; and
  - (b) to revoke or amend any such byelaws.
- (4) Without prejudice to the power conferred by virtue of sub-paragraph (3) above, the Secretary of State shall not be required to hold a local inquiry before exercising his power, under paragraph 5 of Schedule 10 to the <sup>M42</sup>Water Industry Act 1991 or under paragraph 5 of Schedule 26 to the <sup>M43</sup>Water Resources Act 1991, to revoke any byelaw having effect by virtue of paragraph 57(2) of Schedule 26 to the 1989 Act and this Schedule.
- (5) The repeal by this Act of subsections (8) and (9) of section 79 of the <sup>M44</sup>Water Resources Act 1963 shall not affect the application of those subsections (pending the repeal of subsection (1) of that section) in relation to any byelaws made by virtue of that subsection (1).
- (6) The repeal by this Act of paragraph 26 of Schedule 26 to the 1989 Act (byelaws under the <sup>M45</sup>Rivers (Prevention of Pollution) Act 1951) shall not prevent any order made under that paragraph from continuing, subject to any modification required by paragraph 1(2)(b) above, to have effect; nor shall it affect any power to revoke, amend or re-enact any such order.
- (7) In this paragraph “the relevant body”, in relation to any byelaws—



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- (a) in the case of byelaws made by a statutory water company, means that company;
- (b) in the case of byelaws made by a water authority under section 22(6) of the <sup>M46</sup>Countryside Act 1968 (byelaws with respect to certain waterways) with respect to any waterway or land which—
  - (i) is owned by the water authority's successor company (within the meaning of the 1989 Act); or
  - (ii) without being owned by the NRA, is managed by that company, means that company; and
- (c) in any other case, means the NRA.

#### Marginal Citations

- M40 1974 c. 40.
- M41 1991 c. 57.
- M42 1991 c. 56.
- M43 1991 c. 57.
- M44 1963 c. 38.
- M45 1951 c. 64.
- M46 1968 c. 41.

#### *Savings for local statutory provisions*

- 5
- (1) Notwithstanding the repeal by this Act of subsection (8) of section 136 of the 1989 Act, any local statutory provision having effect with modifications by virtue of that subsection shall continue to have effect with those modifications after commencement.
  - (2) Notwithstanding the repeal by this Act of sub-paragraph (3) of paragraph 1 of Schedule 15 to the 1989 Act and the provisions of the 1976 Act by virtue of which the scheme or order in question was made or treated as made, the functions transferred to the NRA by that sub-paragraph shall continue to be functions of the NRA after commencement as if the scheme or order had been made under the corresponding provisions of the consolidation Acts.
  - (3) The revocation by this Act of any provisions of the <sup>M47</sup>Internal Drainage Boards (Finance) Regulations 1990 shall not affect the operation of those provisions (by virtue of regulation 4 of those regulations) in relation to any local Act.
  - (4) Section 11 of the <sup>M48</sup>Sevenoaks Water Order 1934 (protective provisions for the benefit of the British Railways Board) shall continue to have effect notwithstanding the repeal by this Act of the <sup>M49</sup>Water Supplies (Exceptional Shortage Orders) Act 1934.
  - (5) This paragraph shall be without prejudice to any power to amend local statutory provisions which is saved by virtue of section 2 of this Act.

#### Marginal Citations

- M47 S.I. 1990/72.
- M48 SR & O 1934 No. 799.

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**M49** 1934 c. 20.

*Saving for transfer schemes*

- 6 (1) The repeal by this Act of provisions contained in Schedule 26 to the 1989 Act (transitional provisions) shall be without prejudice to the effect of any scheme made under Schedule 2 to that Act and, in particular, of any provision contained in such a scheme by virtue of paragraph 2(3)(c) of that Schedule 2.
- (2) The repeal by this Act of sub-paragraph (3) of paragraph 29 of Schedule 26 to the 1989 Act shall not prevent any direction under that sub-paragraph from continuing (subject to any such modifications as are required by virtue of sub-paragraph (2)(b) of paragraph 1 above) to have effect in relation to any application which has effect—
- (a) by virtue of a scheme under Schedule 2 to the 1989 Act, as an application by the successor company of a water authority; and
  - (b) by virtue of paragraph 1 above, as an application for a licence under Part II of the <sup>M50</sup>Water Resources Act 1991.

**Marginal Citations**

**M50** 1991 c. 57.

*Water enterprise mergers before the transfer date*

- 7 The repeal by this Act of sections 29 and 30 of the 1989 Act (merger of water enterprises) shall not apply to those sections in so far as they have effect in relation to mergers taking place before 1st September 1989.

*Non-domestic supplies*

- 8 The repeal by this Act of paragraph 8 of Schedule 26 to the 1989 Act shall not affect the power to make a determination under sub-paragraph (2) of that paragraph on any reference which remains outstanding at commencement; and any such determination shall have effect, after it is made, as a determination of the [<sup>F20</sup> Water Services Regulation Authority ] for the purposes of section 55 of the <sup>M51</sup>Water Industry Act 1991.

**Textual Amendments**

**F20** Words in [Sch. 2 para. 8](#) substituted (1.4.2006) by [Water Act 2003 \(c. 37\), s. 105\(3\), Sch. 7 para. 29\(3\)\(a\)](#); [S.I. 2005/2714, art. 4\(f\)](#)

**Marginal Citations**

**M51** 1991 c. 56.

*Sewer requisitions*

- 9 (1) Without prejudice to paragraph 1 above, any duty which has effect under sub-paragraph (1) of paragraph 14 of Schedule 26 to the 1989 Act as a duty owed by a sewerage undertaker under section 71 of that Act shall have effect after

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commencement as owed by that undertaker under section 98 of the Water Industry Act 1991; and, accordingly, sub-paragraph (5) of that paragraph 14 shall have effect for the purposes of anything saved by this sub-paragraph as it has effect for the purposes of anything saved by sub-paragraph (3) of that paragraph.

- (2) The repeal by this Act of section 72 of the 1989 Act shall be without prejudice to the application of subsection (8) of that section by paragraph 14(4) of Schedule 26 to that Act.

*Appeals with respect to sewerage matters etc. begun before 1st September 1989*

- 10 The repeals made by this Act shall not affect anything saved by virtue of sub-paragraph (2) of paragraph 13 of Schedule 26 to the 1989 Act (saving for certain appeals and references); but any determination made after commencement by virtue of that sub-paragraph under an enactment repealed by this Act shall have effect as if made by the [F21 Water Services Regulation Authority] under the corresponding provision of the Water Industry Act 1991.

**Textual Amendments**

- F21** Words in [Sch. 2 para. 10](#) substituted (1.4.2006) by [Water Act 2003 \(c. 37\), s. 105\(3\), Sch. 7 para. 29\(3\)\(b\)](#); [S.I. 2005/2714, art. 4\(f\)](#)

*Savings in respect of charging provisions*

- 11 (1) Notwithstanding its repeal by the 1989 Act, section 4 of the <sup>M52</sup>Public Utility Transfers and Water Charges Act 1988 (approval of metering trials schemes) shall apply, with the necessary modifications, to so much of any scheme made by a water undertaker under section 143 of the Water Industry Act 1991 as amends or revokes any scheme which—
- (a) was made in accordance with the said section 4 before 1st September 1989 and was either in force immediately before that date or due to come into force after that date; and
- (b) continues in force by virtue of paragraph 1 above as a scheme under that section 143.
- (2) The repeal by this Act of sub-paragraph (6) of paragraph 16 of Schedule 26 to the 1989 Act shall not prevent any regulations which have effect in accordance with that sub-paragraph from continuing to have effect after commencement in accordance with paragraph 1 above as if the power in section 149 of the <sup>M53</sup>Water Industry Act 1991 included power to make or revoke any such provision as might have been made by virtue of section 5(3)(e) of the <sup>M54</sup>Public Utility Transfers and Water Charges Act 1988.

**Marginal Citations**

- M52** 1988 c. 15.  
**M53** 1991 c. 56.  
**M54** 1988 c. 15.

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### *Commissioners of Sewers*

- 12 Commissioners of Sewers in existence immediately before commencement—
- (a) shall continue (subject to any scheme under section 3 of the <sup>M55</sup>Land Drainage Act 1991 or to any other scheme under that Act affecting their powers) to have the powers then exercisable by them or, in so far as those powers were exercisable under an enactment repealed by this Act, the corresponding powers under the Land Drainage Act 1991; and
  - (b) shall have those powers subject to the same conditions, restrictions and qualifications or, in so far as the enactments imposing those conditions, restrictions or qualifications are repealed by this Act, the corresponding conditions, restrictions and qualifications in the Land Drainage Act 1991.

#### **Marginal Citations**

**M55** 1991 c. 59.

## **PART II**

### TRANSITORY PROVISIONS IN RESPECT OF FLOOD DEFENCE AND LAND DRAINAGE

#### *Disqualification for membership of regional flood defence committee*

- 13 Where a person is disqualified for membership of a regional flood defence committee by virtue of having been adjudged bankrupt before the coming into force of the <sup>M56</sup>Insolvency Act 1986, the rules applicable apart from the repeals made by this Act, rather than paragraph 3(2) of Schedule 4 to the <sup>M57</sup>Water Resources Act 1991, shall apply for determining when that disqualification shall cease.

#### **Marginal Citations**

**M56** 1986 c. 45.

**M57** 1991 c. 57.

#### *Savings in relation to local flood defence schemes*

- 14 (1) Where immediately before commencement—
- (a) any scheme or committee falls to be treated as a local flood defence scheme or a local flood defence committee by virtue of subsection (2) of section 139 of the 1989 Act; or
  - (b) any person holds office in accordance with subsection (4) of that section, that scheme or committee shall continue to be so treated or, as the case may be, that person shall continue so to hold office, notwithstanding the provisions of section 13 of, or Schedule 4 to, the Water Resources Act 1991 or the repeal of any enactment by this Act.
- (2) Where a person is disqualified for membership of a local flood defence committee by virtue of having been adjudged bankrupt before the coming into force of the Insolvency Act 1986, the rules applicable apart from the repeals made by this Act,

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rather than paragraph 3(2) of Schedule 4 to the Water Resources Act 1991, shall apply for determining when that disqualification shall cease.

**Modifications etc. (not altering text)**

- C9** Sch. 2 para. 14 continued (1.4.1996) by 1995 c. 25, s. 120(2), Sch. 23 Pt. II, para. 23(1)(a) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxxi)

*Drainage rates etc. for the financial years beginning before 1993*

- 15 (1) The repeals and revocations made by this Act shall not affect—
- (a) any provisions regulating, in relation to a drainage district or sub-district, the apportionment for any financial year beginning before 1993 between drainage rates and special levies of any expenses of an internal drainage board; or
  - (b) the powers of the drainage board for any internal drainage district to make a drainage rate, or to levy differential drainage rates, in respect of a financial year beginning before 1993;

and the applicable provisions of the 1976 Act and of the <sup>M58</sup>Internal Drainage Boards (Finance) Regulations 1990 shall continue, notwithstanding those repeals and revocations, to have effect (instead of any provisions of the Land Drainage Act 1991) for the purposes of, and in connection with, the making or levying of any such apportionment or rate and otherwise in relation to drainage rates made in respect of any such financial year.

- (2) Where—
- (a) any order has been made under section 68 of the 1976 Act or is made under that section by virtue of sub-paragraph (1) above or any other thing has been or is done under or for the purposes of any provision having effect by virtue of that sub-paragraph in relation to drainage rates made in respect of a financial year beginning before 1993; and
  - (b) apart from the repeals and revocations made by this Act, that order or thing would have effect both in relation to a rate so made and in relation to drainage rates made in respect of one or more financial years beginning in or after 1993,

that order or other thing shall have effect in relation to the drainage rates made in respect of the latter years as if it had been made or done under or for the purposes of the corresponding provision of Part IV of the Land Drainage Act 1991; and references in that Act, in any other enactment or in any subordinate legislation or document to orders made under that Act or to any other thing done under or for the purposes of that Act shall be construed accordingly.

- (3) References in paragraphs 17 to 19 below, in relation to any drainage rate made for a financial year beginning before 1993, to section 64 of the 1976 Act include references to that section as it has effect, subject to the provisions of the Internal Drainage Boards (Finance) Regulations 1990, by virtue of sub-paragraph (1) above.

**Marginal Citations**

- M58** S.I. 1990/72.

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*Restrictions on appointed members of internal drainage boards until 1993*

- 16 (1) In the period ending with 31st March 1993 the number of appointed members of an internal drainage board—
- (a) shall not exceed two-fifths of the number of all the members of the board; and
  - (b) subject to paragraph (a) above, shall be such that the number of appointed members bears, as nearly as possible, the same proportion to the maximum number of all the members of the board as the first of the following amounts bears to the second, that is to say—
    - (i) the aggregate amount raised by the board by means of drainage rates assessed on land other than agricultural land and agricultural buildings in respect of the financial year beginning in 1989 (including any amount payable to the board under an agreement made under section 81 of the 1976 Act); and
    - (ii) the total amount raised by that board by means of drainage rates in respect of that financial year.
- (2) If, in that period, more than one charging authority is entitled to appoint members of an internal drainage board under paragraph 5 of Schedule 1 to the <sup>M59</sup>Land Drainage Act 1991—
- (a) each such authority may appoint the number of members of the board calculated by multiplying the maximum number of appointed members by the relevant fraction for that authority and disregarding any fraction in the resulting product; and
  - (b) where in respect of the board—
    - (i) any such authority has appointed a member; or
    - (ii) the calculation referred to in paragraph (a) above results in respect of each such authority in a product of less than one,
 the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.
- (3) For the purposes of sub-paragraph (2) above the relevant fraction, in relation to a charging authority, is the fraction which bears the same proportion to one as the aggregate for that authority of the values specified in sub-paragraph (4) below bears to the sum of such aggregate values for all the local charging authorities whose areas lie within the board's district.
- (4) The values mentioned in sub-paragraph (3) above are, in relation to any internal drainage board, the following values for the area of every charging authority whose area lies wholly within the internal drainage district of that board and for such parts of the areas of other charging authorities as lie within that district, that is to say—
- (a) the rateable values shown, on 1st January 1990, for hereditaments in the valuation lists maintained under Part V of the <sup>M60</sup>General Rate Act 1967;
  - (b) the annual values of hereditaments, other than agricultural land and agricultural buildings shown on 1st January 1990 in the register maintained by the board by virtue of the <sup>M61</sup>Registers of Drainage Boards Regulations 1968.

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(5) In this paragraph—

“agricultural buildings” has the meaning provided by paragraphs 2 to 8 of Schedule 5 to the <sup>M62</sup>Local Government Finance Act 1988;

“agricultural land” has the meaning provided by paragraphs 2 and 4 to 8 of that Schedule;

“appointed members”, in relation to an internal drainage board, means members of the board appointed by one or more charging authorities under Part II of Schedule 1 to the Land Drainage Act 1991 or, at a time before commencement, under the corresponding provisions of the <sup>M63</sup>Internal Drainage Boards (Finance) Regulations 1990;

“charging authority” has the same meaning as in the Land Drainage Act 1991.

#### Marginal Citations

**M59** 1991 c. 59.

**M60** 1967 c. 9.

**M61** S.I. 1968/1672.

**M62** 1988 c. 41.

**M63** S.I. 1990/72.

#### *Qualification of electors of members of internal drainage boards—pre 1993 rates*

- 17 (1) Paragraph 2 of Schedule 1 to the Land Drainage Act 1991 (persons entitled to vote in elections of internal drainage board members) shall have effect until the beginning of the financial year beginning in 1993 as if—
- (a) in sub-paragraph (1), for the reference to occupying land on which a drainage rate has been levied there were substituted a reference to owning or occupying such land; and
  - (b) sub-paragraph (2) prevented a person from being entitled to be an elector in respect of his ownership of any land if any amount in respect of an owner’s drainage rate levied on that land remained unpaid for more than a month at the date of the election.
- (2) In paragraph 3(1) of that Schedule, a reference to the assessable value of any land, in relation to a relevant date before 1st April 1993, is a reference to the annual value on which any such drainage rate would be assessable in accordance with section 64 of the 1976 Act.
- (3) In this paragraph “the relevant date” has the same meaning as in paragraph 3 of Schedule 1 to that Act of 1991.

#### *Qualification for election to internal drainage board—pre 1993 rates*

- 18 (1) Paragraph 4 of Schedule 1 to the <sup>M64</sup>Land Drainage Act 1991, shall have effect until the beginning of the financial year beginning in 1993, as if—
- (a) in paragraphs (a) and (d) of sub-paragraph (1), the requirement for the purposes of those paragraphs that a person who is the owner of land such as is mentioned in those paragraphs should also be its occupier were omitted; and



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- (b) in paragraph (c) of that sub-paragraph, the reference to the occupier of any such land as is mentioned in that paragraph were a reference to a person who is the owner or the occupier of any such land.
- (2) Subject to sub-paragraph (3) below, a person shall not, by virtue of paragraph 4(1)(a), (c) or (d) of Schedule 1 to the Land Drainage Act 1991 and sub-paragraph (1) above, be qualified for election as being the owner of any land or a person nominated by the owner of any land if at the date of the election any amount demanded in respect of any owner's drainage rate levied in respect of that land remains unpaid.
- (3) Sub-paragraph (2) above shall not apply if—
  - (a) the date of the election falls less than 6 months after the beginning of the period for which the unpaid rate was made; or
  - (b) the land was occupied, when the amount was demanded, by a person who, as between the owner and the occupier, was liable to pay the owner's drainage rate.
- (4) In paragraph 4(1) of Schedule 1 to the Land Drainage Act 1991, a reference to the assessable value of land is, in relation to a relevant date before 1st April 1993, a reference to the annual value on which any such a drainage rate would be assessable in accordance with section 64 of the 1976 Act.
- (5) In this paragraph "the relevant date" has the same meaning as in paragraph 4 of Schedule 1 to the Land Drainage Act 1991.

#### **Marginal Citations**

**M64** 1991 c. 59.

#### *Qualification for making certain applications—pre-1993 rates*

- 19 (1) Subsections (2) and (3) of section 72 of the Land Drainage Act 1991 (qualification for making certain applications) shall have effect in relation to qualification by reference to a drainage rate made in respect of a financial year beginning before 1993, as if a reference in those subsections to the occupiers of any land included a reference to the owners of the land.
- (2) In paragraph (b)(iii) of subsection (2) of that section, a reference to the assessable value of land is, where the rate referred to in that paragraph was made for a year beginning before 1993, a reference to the annual value on which any such drainage rate would be assessable in accordance with section 64 of the 1976 Act.



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## SCHEDULE 3

Section 3.

## REPEALS AND REVOCATIONS

## PART I

## REPEALS

| Chapter                      | Short title                                                | Extent of repeal                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 & 25 Geo 5. c. 20.        | The Water Supplies (Exceptional Shortage Orders) Act 1934. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 26 Geo. 5 & 1 Edw. 8. c. 49. | The Public Health Act 1936.                                | Sections 17 to 19.<br>Sections 21 and 22.<br>Section 27.<br>Sections 30 and 31.<br>Section 34.<br>Section 36.<br>Section 42.<br>Section 48, in subsection (1), the words “directly or” and subsection (1A).<br>In section 90, in subsection (4), the words from “and any reference” onwards and subsection (5).<br>In section 278(3), the words from “on” in the first place where it occurs, to “them, or”.<br>In section 339, the proviso. |
| 1 Edw. 8 & 1 Geo. 6. c. 40.  | The Public Health (Drainage of Trade Premises) Act 1937.   | Sections 1 to 3.<br>Section 4(5).<br>Sections 7 and 7A.<br>Sections 9 and 10.<br>Sections 13 and 14.                                                                                                                                                                                                                                                                                                                                         |
| 7 & 8 Geo. 6. c. 26.         | The Rural Water Supplies and Sewerage Act 1944.            | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 8 & 9 Geo. 6. c. 42.         | The Water Act 1945.                                        | Section 7.                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        |                                                 | Section 14(9), (10) and (12).                                                                                                                                                                                                                            |
|                        |                                                 | Sections 15 and 16.                                                                                                                                                                                                                                      |
|                        |                                                 | Section 21.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 35(2) and (4).                                                                                                                                                                                                                                   |
|                        |                                                 | Section 41.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 43.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 45.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 48.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 53.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 56.                                                                                                                                                                                                                                              |
|                        |                                                 | Section 59.                                                                                                                                                                                                                                              |
| 11 & 12 Geo 6. c. 22.  | The Water Act 1948.                             | Section 5(4).                                                                                                                                                                                                                                            |
|                        |                                                 | Section 6.                                                                                                                                                                                                                                               |
| 3 & 4 Eliz. 2 c. 13.   | The Rural Water Supplies and Sewerage Act 1955. | The whole Act.                                                                                                                                                                                                                                           |
| 6 & 7 Eliz. 2. c. 69.  | The Opencast Coal Act 1958.                     | In section 51(1), the definition of “drainage authority”.                                                                                                                                                                                                |
| 8 & 9 Eliz. 2. c. 34.  | The Radioactive Substances Act 1960.            | In Part I of Schedule 1, in paragraph 3 the words “twenty-seven”, paragraphs 5, 6 and 8B, the paragraph 8F inserted by Schedule 25 to the Water Act 1989 and the paragraph 8G inserted by the Control of Pollution (Radioactive Waste) Regulations 1989. |
| 9 & 10 Eliz. 2. c. 64. | The Public Health Act 1961.                     | Section 1(3).                                                                                                                                                                                                                                            |
|                        |                                                 | Sections 59 to 64.                                                                                                                                                                                                                                       |
|                        |                                                 | Sections 66 to 68.                                                                                                                                                                                                                                       |
|                        |                                                 | Section 69(1).                                                                                                                                                                                                                                           |
| 1963 c. 33.            | The London Government Act 1963.                 | In Part I of Schedule 11, paragraph 27.                                                                                                                                                                                                                  |
|                        |                                                 | In Schedule 9, paragraphs 11 and 17 of Part II and Part III. In Schedule 14, paragraph 10.                                                                                                                                                               |
| 1963 c. 38.            | The Water Resources Act 1963.                   | Section 2.                                                                                                                                                                                                                                               |
|                        |                                                 | Section 17.                                                                                                                                                                                                                                              |

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|             |                                      |                                                                                                       |
|-------------|--------------------------------------|-------------------------------------------------------------------------------------------------------|
|             |                                      | Section 19.                                                                                           |
|             |                                      | Sections 22 to 32.                                                                                    |
|             |                                      | Sections 36 to 55.                                                                                    |
|             |                                      | Section 60.                                                                                           |
|             |                                      | Sections 63 and 64.                                                                                   |
|             |                                      | Section 71(3).                                                                                        |
|             |                                      | Section 78.                                                                                           |
|             |                                      | Section 79(3) to (6), (8) and (9).                                                                    |
|             |                                      | Sections 81 and 82.                                                                                   |
|             |                                      | Section 88.                                                                                           |
|             |                                      | Section 91.                                                                                           |
|             |                                      | Sections 105 and 106.                                                                                 |
|             |                                      | Section 109.                                                                                          |
|             |                                      | Sections 114 to 118.                                                                                  |
|             |                                      | Section 120.                                                                                          |
|             |                                      | Section 123.                                                                                          |
|             |                                      | Section 126(3) and (4).                                                                               |
|             |                                      | Section 128(1) and (2).                                                                               |
|             |                                      | Sections 131 and 132.                                                                                 |
|             |                                      | Section 133(2).                                                                                       |
|             |                                      | Section 134(1), (2) and (6) (c).                                                                      |
|             |                                      | In section 135—                                                                                       |
|             |                                      | (a) subsection (1), except in so far as it defines “local enactment”, “performance” and “repeal”; and |
|             |                                      | (b) subsections (2), (3) and (5) to (8).                                                              |
|             |                                      | Schedule 7.                                                                                           |
|             |                                      | Schedule 10.                                                                                          |
| 1964 c. 40. | The Harbours Act 1964.               | In section 58, the words “(within the meaning of the Land Drainage Act 1930)”.                        |
| 1965 c. 4.  | The Science and Technology Act 1965. | In Schedule 2, the entry relating to section 7 of the Water Act 1945.                                 |
| 1965 c. 36. | The Gas Act 1965.                    | Section 28(5).                                                                                        |

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|             |                                                      |                                                                                                                                                                 |
|-------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1967 c. 22. | The Agriculture Act 1967.                            | In section 50(3)(h), the words “(within the meaning of the Land Drainage Act 1930)”.                                                                            |
| 1968 c. 13. | The National Loans Act 1968.                         | In section 6(1), the words “section 1(3)(b) of the Rural Water Supplies and Sewerage Act 1955”.                                                                 |
| 1968 c. 35. | The Water Resources Act 1968.                        | The whole Act.                                                                                                                                                  |
| 1971 c. 49. | The Rural Water Supplies and Sewerage Act 1971.      | The whole Act.                                                                                                                                                  |
| 1972 c. 70. | The Local Government Act 1972.                       | In Schedule 13, paragraph 24.                                                                                                                                   |
| 1973 c. 37. | The Water Act 1973.                                  | Section 14(4).<br><br>In Schedule 8, paragraphs 37, 39, 49, 78, 79, 80(1) and (3), 83, 85 and 86.                                                               |
| 1974 c. 40. | The Control of Pollution Act 1974.                   | Section 43.<br><br>Section 44(1), (3) (5) and (6).<br>Section 45.<br><br>In Schedule 2, paragraphs 6 to 9, 14 and 16.<br><br>In Schedule 3, paragraphs 8 to 10. |
| 1975 c. 51. | The Salmon and Freshwater Fisheries Act 1975.        | In section 6(3)(c), the words “under this Act”.<br><br>In section 28, subsections (3) to (8).<br><br>In Schedule 3, paragraphs 7 to 9 and 13 to 38.             |
| 1976 c. 55. | The Agriculture (Miscellaneous Provisions) Act 1976. | In Schedule 3, the entries relating to the Land Drainage Act 1961 and sections 21(1), 23(1) and 24(1) of the Agriculture (Miscellaneous Provisions) Act 1968.   |
| 1976 c. 70. | The Land Drainage Act 1976.                          | Sections 4 to 19.<br><br>Sections 21 to 61.<br><br>Sections 63 and 64.<br><br>Sections 67 to 69.<br><br>Sections 71 and 72.                                     |

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|             |                                                          |                                                                                                                                                         |
|-------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                          | Sections 74 to 79.                                                                                                                                      |
|             |                                                          | Section 80(2) to (4).                                                                                                                                   |
|             |                                                          | Sections 82 to 100.                                                                                                                                     |
|             |                                                          | Sections 102 to 104A.                                                                                                                                   |
|             |                                                          | Sections 106 to 115..                                                                                                                                   |
|             |                                                          | Section 116, except so much of subsection (1) as defines “drainage”, “land”, “land drainage”, “land drainage functions” and “the London excluded area”. |
|             |                                                          | Section 117(1) and (3).                                                                                                                                 |
|             |                                                          | In section 118(3), the words “Save as provided by section 32(4) above”.                                                                                 |
|             |                                                          | Schedules 1 to 4.                                                                                                                                       |
|             |                                                          | Schedule 6.                                                                                                                                             |
|             |                                                          | In Schedule 7, paragraphs 6 and 8.                                                                                                                      |
|             |                                                          | Schedule 8.                                                                                                                                             |
| 1977 c. 45. | The Criminal Law Act 1977                                | In Schedule 1, the entry relating to section 7 of the Water Act 1945. In Schedule 6, the entries relating to sections 14 and 16 of the Water Act 1945.  |
| 1979 c. 46  | The Ancient Monuments and Archaeological Areas Act 1979. | In Schedule 4, paragraph 16.                                                                                                                            |
| 1980 c. 43. | The Magistrates’ Courts Act 1980.                        | In Schedule 7, paragraph 147.                                                                                                                           |
| 1980 c. 65. | The Local Government, Planning and Land Act 1980.        | Section 181.                                                                                                                                            |
| 1980 c. 66. | The Highways Act 1980.                                   | In Schedule 24, paragraph 4.                                                                                                                            |
| 1981 c. 12. | The Water Act 1981.                                      | Section 6.                                                                                                                                              |
| 1981 c. 54. | The [ <sup>F22</sup> Senior Courts Act 1981 ].           | In Schedule 5, the entry relating to the Public Health Act 1961.                                                                                        |
| 1981 c. 67. | The Acquisition of Land Act 1981.                        | In Schedule 4, in paragraph 1, the entry relating to the Land Drainage Act 1976.                                                                        |

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|             |                                         |                                                                                                                                                                                                                                                                                                                                                  |
|-------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1982 c. 32. | The Local Government Finance Act 1982.  | In Schedule 5, paragraph 7.                                                                                                                                                                                                                                                                                                                      |
| 1983 c. 23. | The Water Act 1983.                     | In Schedule 4, paragraphs 5 and 6.                                                                                                                                                                                                                                                                                                               |
| 1983 c. 55. | The Value Added Tax Act 1983.           | In section 20(3)(c), the words “within the meaning of the Land Drainage Act 1976”.                                                                                                                                                                                                                                                               |
| 1984 c. 12  | The Telecommunications Act 1984.        | In Schedule 4, paragraph 66(1) and (2).                                                                                                                                                                                                                                                                                                          |
| 1984 c. 32. | The London Regional Transport Act 1984. | In Schedule 6, paragraph 12.                                                                                                                                                                                                                                                                                                                     |
| 1985 c. 51. | The Local Government Act 1985.          | In Schedule 4, paragraph 47. In Schedule 7, paragraphs 2 and 5 to 9.                                                                                                                                                                                                                                                                             |
| 1985 c. 63. | The Water (Fluoridation) Act 1985       | The whole Act.                                                                                                                                                                                                                                                                                                                                   |
| 1985 c. 65. | The Insolvency Act 1985.                | In Schedule 8, paragraph 29.                                                                                                                                                                                                                                                                                                                     |
| 1986 c. 31. | The Airports Act 1986.                  | In Schedule 2, paragraph 5.                                                                                                                                                                                                                                                                                                                      |
| 1986 c. 44. | The Gas Act 1986                        | In Schedule 7, paragraphs 2(6) and 25.                                                                                                                                                                                                                                                                                                           |
| 1986 c. 49. | The Agriculture Act 1986.               | In Schedule 3, paragraph 3.                                                                                                                                                                                                                                                                                                                      |
| 1986 c. 62. | The Salmon Act 1986.                    | Section 33(3).                                                                                                                                                                                                                                                                                                                                   |
| 1986 c. 63. | The Housing and Planning Act 1986.      | Section 42(1)(b).                                                                                                                                                                                                                                                                                                                                |
| 1987 c. 3.  | The Coal Industry Act 1987.             | In Schedule 1, paragraph 32.                                                                                                                                                                                                                                                                                                                     |
| 1989 c. 15. | The Water Act 1989.                     | In section 1, subsections (1) to (5).<br>Sections 2 and 3.<br>In section 5, subsections (1) to (4).<br>In section 6, subsections (1) to (7).<br>Sections 7 to 10.<br>Section 11(1) to (8).<br>Sections 12 to 68.<br>Section 70(3) to (5).<br>Sections 71 to 82.<br>Sections 97 to 136.<br>In section 137, subsections (1) to (8), (10) and (11). |

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Section 138.

Section 139(1) to (5).

Section 140.

Section 141(1) to (4) and (7).

Section 142(1).

Section 143 to 167.

Sections 170 to 172.

Section 176.

Sections 178 to 182.

In section 184—

(a) in subsection (1), the words “25(2) or” and the words “or by” onwards;

(b) in subsections (3) and (5), the words “or the Minister”; and

(c) in subsection (4), the words from the beginning to “Schedule 6 to this Act”

In section 185(1), the words “(except in the case of regulations under section 13(1) above)”

Section 186.

Section 188.

In section 189—

(a) subsection (1) except in so far as it defines “the 1945 Act”, “the 1973 Act”, “the Authority”, “contravention”, “the director”, “disposal” and cognate expressions,

“enactment”,

“holding company”

“information”, “local statutory provision”, “the Minister”, “modifications” and cognate expressions, “sewer”, “subordinate legislation”,

“statutory water company”, “successor company”,

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“transfer date” and “water authority”;and

(b) subsections (2) to (5) and (8).

In section 192(3), paragraph (c) and the word “or” immediately preceding it.

In Schedule 1, paragraphs 1 to 10 and 14 to 23.

In Schedule 3, paragraphs 1 to 5.

In Schedule 4, paragraphs 1 to 5.

Schedules 5 to 7.

In Schedule 8, paragraphs 1 and 2(1) to (10) and (12) and paragraphs 3 to 5.

Schedules 9 to 16.

In Schedule 17, paragraphs 6(b) and 7(2), (7)(a), (14)(a) to (f) and (g)(i) and (16).

Schedules 18 to 21.

Schedule 24.

In Schedule 25—

(a) paragraph 2;

(b) in paragraph 3(1), the words from “or in” onwards;

(c) paragraphs 6, 7, 10, 21, 27(4) and 31(1);

(d) in paragraph 32(5), the words after paragraph (b);

(e) paragraph 40;

(f) in paragraph 45, sub-paragraphs (1) and (2); and

(g) paragraphs 61(5), 63, 71(1) and (2), 72, 73 and 80(1).

In Schedule 26—

(a) in paragraph 5, sub-paragraphs (2) to (4);

(b) paragraphs 7 to 12;



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|             |                                                   |                                                                                                                                                                                |
|-------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                   | (c) paragraph 13(1);                                                                                                                                                           |
|             |                                                   | (d) in paragraph 14, sub-paragraphs (1) and (2) and in sub-paragraph (5) the words “(1) or”;                                                                                   |
|             |                                                   | (e) in paragraph 15, sub-paragraph (2);                                                                                                                                        |
|             |                                                   | (f) in paragraph 16, sub-paragraphs (1), (2), (5) to (7) and (10);                                                                                                             |
|             |                                                   | (g) paragraphs 18 and 19;                                                                                                                                                      |
|             |                                                   | (h) paragraphs 21 to 39                                                                                                                                                        |
|             |                                                   | (i) in paragraph 40, sub-paragraph (2) and in sub-paragraph (3), the words from the beginning to the end of paragraph (b) and the word “and” immediately after that paragraph; |
|             |                                                   | (j) in paragraph (2) and (3) and in sub-paragraph (4), the words “or (2)”;                                                                                                     |
|             |                                                   | (k) paragraphs 42 to 45;                                                                                                                                                       |
|             |                                                   | (l) paragraph 48;                                                                                                                                                              |
|             |                                                   | (m) paragraph 50;                                                                                                                                                              |
|             |                                                   | (n) paragraph 56; and                                                                                                                                                          |
|             |                                                   | (o) in paragraph 57, sub-paragraphs (1) to (5) and (7).                                                                                                                        |
| 1989 c. 29. | The Electricity Act 1989.                         | In Schedule 16, paragraphs 1(1)(vi) and (5), 3(1)(a), 10, 21 and 37.                                                                                                           |
| 1990 c. 11. | The Planning (Consequential Provisions) Act 1990. | In Schedule 2, paragraphs 46 and 81(1) and (2).                                                                                                                                |
| 1990 c. 16. | The Food Safety Act 1990.                         | Section 55(2) to (6).                                                                                                                                                          |
| 1990 c. 43. | The Environmental Protection Act 1990.            | Section 145(1). In Schedule 8, paragraph 8. In Schedule 9, paragraph 17. In Schedule 15, paragraphs 18, 28, 29 and 30.                                                         |
| 1991 c. 22. | The New Roads and Street Works Act 1991.          | In Schedule 8, paragraphs 110 and 122.                                                                                                                                         |
| 1991 c. 34. | The Planning and Compensation Act 1991.           | In Part I of Schedule 18, the entries relating to the Land                                                                                                                     |

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Drainage Act 1976 and the  
Water Act 1989.

#### Textual Amendments

**F22** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

## PART II

### REVOCATIONS OF SUBORDINATE LEGISLATION

| Number          | Citation                                                                                 | Extent of revocation                                                                                                 |
|-----------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| S.I. 1978/319.  | The Land Drainage Act 1976 (Amendment) Regulations 1978.                                 | The whole instrument.                                                                                                |
| S.I. 1986/208.  | The Local Government Act 1985 (Land Drainage Functions) Order 1986.                      | In Part II of Schedule 1, paragraphs 2 to 4.                                                                         |
| S.I. 1989/440.  | The Valuation and Community Charge Tribunal (Transfer of Jurisdiction) Regulations 1989. | In regulation 6(3), the words “section 79(8) of the Land Drainage Act 1976”. In Part II of Schedule 2, paragraph 4.  |
| S.I. 1989/1158. | The Control of Pollution (Radioactive Waste) Regulations 1989.                           | In regulation 4, the words from “and accordingly” onwards.                                                           |
| S.I. 1990/72.   | The Internal Drainage Boards (Finance) Regulations 1990.                                 | Regulations 3 and 3A. Regulations 6 to 8. Regulation 9(3). Regulation 15(1) and (3). Regulations 16 to 20. Schedule. |
| S.I. 1990/214.  | The Drainage Charges Regulations 1990.                                                   | The whole instrument.                                                                                                |
| S.I. 1991/523.  | The Internal Drainage Boards (Finance) (Amendment) Regulations 1991.                     | Regulations 3 to 5.. Regulations 7 and 8.                                                                            |
| S.I. 1991/983.  | The Local Government Finance (Consequential Amendment) Order 1991.                       | The whole instrument.                                                                                                |

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 52 repealed by [2002 c. 40 Sch. 26](#)
- Sch. 1 para. 40(2) repealed by [2006 c. 46 Sch. 16](#)