



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 6

#### MISCELLANEOUS

##### *Fluoridation of water supplies*

#### **175 Fluoridation of water supplies**

- (1) The Water Industry Act 1991, as amended by the Health and Social Care Act 2012, is amended in accordance with subsections (2) to (7).
- (2) In section 87 (fluoridation of water supplies at request of relevant authorities)—
  - (a) omit subsection (3A);
  - (b) in subsection (4), in paragraph (a), for the words from “as the Secretary of State” to the end of that paragraph substitute “in England as the Secretary of State may determine”;
  - (c) in subsection (6), at the beginning insert “Subject to subsection (6A)”;
  - (d) after subsection (6) insert—

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

(6B) The Secretary of State may by regulations require a public body specified in the regulations to make payments to the Secretary of State to meet any costs incurred by the Secretary of State under the terms of the arrangements.”;
  - (e) omit subsections (7A) and (7B);
  - (f) after subsection (7F) insert—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 175. (See end of Document for details)*

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- “(7G) Before making regulations under subsection (6A) or (6B) the Secretary of State must consult such persons as the Secretary of State considers appropriate.”;
- (g) in subsection (11), for “the Welsh Ministers” substitute “a relevant authority”;
- (h) after subsection (11) insert—
- “(12) A statutory instrument containing regulations under subsection (6A) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- (3) In section 87A (target concentration of fluoride), omit subsection (3A).
- (4) Omit sections 88B to 88O (procedural requirements in connection with fluoridation of water supplies).
- (5) In section 89 (consultation)—
- (a) in the heading, omit “: Wales”;
- (b) in subsection (1)—
- (i) in the words before paragraph (a), for “the Welsh Ministers” substitute “a relevant authority”;
- (ii) in paragraphs (a) and (b), for “the Welsh Ministers” substitute “that authority”;
- (c) in subsection (3), in paragraph (a), for “the Welsh Ministers are” substitute “the relevant authority is”;
- (d) in subsection (4)—
- (i) for “the Welsh Ministers”, in the first place it occurs, substitute “a relevant authority”;
- (ii) for “the Welsh Ministers so direct” substitute “that authority so directs”.
- (6) In section 90A (review of fluoridation), omit subsection (5A).
- (7) In section 213 (power to make regulations), in subsection (1), after “36A” insert “, 87(6A)”.
- (8) In consequence of the amendments made by this section, omit section 36 of the Health and Social Care Act 2012.
- (9) The reference in section 213(1A) of the Water Industry Act 1991 to the first exercise of the power to make regulations under section 89 is to be read as a reference to the first exercise of the power to make regulations under that section as amended by subsection (5).

#### Commencement Information

- I1** S. 175 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** S. 175 in force at 1.11.2022 for specified purposes by [S.I. 2022/1003](#), [reg. 3\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Section 175.