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STATUTORY INSTRUMENTS

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**2005 No. 344 (C.12)**

**WATER, ENGLAND AND WALES**

The Water Act 2003 (Commencement  
No. 3) (England) Order 2005

Made - - - - 17th February 2005

The Secretary of State, in exercise of the powers conferred upon him by sections 105(3), (4) and (6) of the Water Act 2003 (1) hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Water Act 2003 (Commencement No. 3) (England) Order 2005.

(2) In this Order “the Act” means the Water Act 2003.

(3) Unless the contrary intention appears, any reference in this Order to a section is a reference to a section of the Act.

**Provisions coming into force on 18th February 2005**

2. The following provisions of the Act shall come into force on 18th February 2005 in so far as they apply to England—

Section 58(5), (6) and (8), in so far as it has effect for the purpose of inserting into the WIA(2) section 89(1)(a) and (b), (2)(b) and (d), (3), (5)(b) and section 90(3) and section 58(1) in so far as it relates thereto, only for the purpose of enabling the Secretary of State to make regulations in relation to England.

*Melanie Johnson*  
Parliamentary Under Secretary of State for  
Public Health,  
Department of Health

17th February 2005

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(1) 2003 c. 37.

(2) “The WIA” means the Water Industry Act 1991 (c. 56) (section 105(2) of the Act).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force in relation to England, certain provisions of the Water Act 2003, namely section 58 (1), (5), (6) and (8) for the purposes of making regulations in relation to England.

Section 58(1) provides for amendments to be made to the Water Act 2003.

Section 58(5) substitutes section 89 of the Water Industry Act 1991 which provides for consultations and introduces new powers to make regulations on the consultation process which relevant authorities will have to follow before requesting water undertakers to enter into arrangements or varying or terminating or maintaining them.

Section 58(6) replaces section 90 of the Water Industry Act 1991 in relation to indemnities in respect of fluoridation.

Section 58(8) of the Water Act 2003 amends section 213 of the Water Industry Act 1991 and provides for the first exercise by the Secretary of State of the power to make regulations under sections 89 and 90 of the Water Industry Act 1991 to be by affirmative resolution procedure.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Water Act 2003 have been brought into force in England and Wales by commencement orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
s.6 (partially)	1.4.2004	<a href="#">2004/641</a>
s.9	1.4.2004	<a href="#">2004/641</a>
s.10 (partially)	1.4.2004	<a href="#">2004/641</a>
s.15	1.4.2004	<a href="#">2004/641</a>
s.16 (partially)	1.4.2004	<a href="#">2004/641</a>
s.18	1.4.2004	<a href="#">2004/641</a>
s.19 (partially)	1.4.2004	<a href="#">2004/641</a>
s.20	1.4.2004	<a href="#">2004/641</a>
s.25 (partially)	1.4.2004	<a href="#">2004/641</a>
s.26	1.10.2004	<a href="#">2004/2528</a>
s.27	1.4.2004	<a href="#">2004/641</a>
s.28	1.10.2004	<a href="#">2004/2528</a>

\* These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same order.

† These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same order.

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Provision	Date of Commencement	S.I. No.
s.29	1.10.2004	2004/2528
s.31	1.10.2004	2004/2528
s.37	1.4.2004	2004/641
s.38 (partially)	1.10.2004	2004/2528
s.48 (partially)	1.10.2004	2004/2528
s.49	1.10.2004	2004/2528
s.50	1.10.2004	2004/2528
s.53*	1.4.2004	2004/641
s.54	1.10.2004	2004/2528
s.55	1.10.2004	2004/2528
s.56, Sch.4 (partially)	1.4.2004	2004/641
s.57	1.4.2004	2004/641
s.59	1.10.2004	2004/2528
s.60	1.4.2004	2004/641
s.61	1.4.2004	2004/641
s.62 (partially)	1.10.2004	2004/2528
s.63 (partially)	1.10.2004	2004/2528
s.64	1.4.2004	2004/641
s.65	1.4.2004	2004/641
s.66†	1.4.2004	2004/641
s.67	1.4.2004	2004/910 (W. 93)
s.68†	1.4.2004	2004/641
s.71	1.4.2004	2004/641
s.72	1.4.2004	2004/641
s.74*	1.10.2004	2004/2528
s.76†	1.10.2004	2004/2528
s.79	1.10.2004	2004/2528
s.82	1.4.2004	2004/641
s.83	1.4.2004	2004/641
s.84	1.4.2004	2004/641
s.85*	1.4.2004	2004/641

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Provision	Date of Commencement	S.I. No.
s.87	1.10.2004	2004/2528
s.90	28.5.2004	2004/641
s.91	28.5.2004	2004/641
s.92	28.5.2004	2004/641
s.93	28.5.2004	2004/641
s.94	28.5.2004	2004/641
s.95	28.5.2004	2004/641
s.96	28.5.2004	2004/641
s.97	28.5.2004	2004/641
s.99	28.5.2004	2004/641
s.100 (partially)	17.3.2004	2004/641
s.100 (partially)	1.4.2004	2004/641
s.100 (partially)	28.5.2004	2004/641
s.100 (partially)	1.10.2004	2004/2528
s.101(1), Sch.7 (partially)	1.4.2004	2004/641
s.101(1), Sch.7 (partially)	1.10.2004	2004/2528
s.101(1), Sch.7 (partially)	29.12.2004	2004/2528
s.101(1), Sch.8 (partially)	1.4.2004	2004/641
s.101(1), Sch.8 (partially)	1.10.2004	2004/2528
s.101(2), Sch.9 (partially)	1.4.2004	2004/641
s.101(2), Sch.9 (partially)	28.5.2004	2004/641
s.101(2), Sch.9 (partially)	1.10.2004	2004/2528

\* These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same order.

† These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same order.

The following provisions of the Act have been brought into force in England by commencement orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
s.69	17.3.2004	2004/641
s.75	1.4.2004	2004/641
s.77	1.10.2004	2004/2528
s.78	1.10.2004	2004/2528
s.80	1.10.2004	2004/2528
s.81	1.4.2004	2004/641

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Provision	Date of Commencement	S.I. No.
s.86 (partially)	1.10.2004	<a href="#">2004/2528</a>
s.101(1), Sch.7 (partially)	17.3.2004	<a href="#">2004/641</a>
s.101(1), Sch.7 (partially)	1.10.2004	<a href="#">2004/2528</a>
s.101(2), Sch.9 (partially)	17.3.2004	<a href="#">2004/641</a>

The following provisions of the Water Act 2003 have been brought into force in Wales by commencement orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
s.69	1.4.2004	<a href="#">2004/910 (W. 93)</a>
s.75	1.4.2004	<a href="#">2004/910 (W. 93)</a>
s.77	11.11.2004	<a href="#">2004/2916 (W.255)</a>
s.78	11.11.2004	<a href="#">2004/2916 (W.255)</a>
s.80	11.11.2004	<a href="#">2004/2916</a> (W.255)
s.81	11.11.2004	<a href="#">2004/2916</a> (W.255)
s.86 (partially)	11.11.2004	<a href="#">2004/2916</a> (W.255)
s.101(1), Sch.7 (partially)	1.4.2004	<a href="#">2004/910 (W.93)</a>
s.101(1), Sch.7 (partially)	11.11.2004	<a href="#">2004/2916</a> (W.255)
s.101(2), Sch.9 (partially)	1.4.2004	<a href="#">2004/910 (W.93)</a>
s.101(2), Sch.9 (partially)	11.11.2004	<a href="#">2004/2916 (W.255)</a>

The following provision of the Act will come into force in England and Wales by virtue of a commencement order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
s.24	1.4.2005	<a href="#">2004/641</a>