
STATUTORY INSTRUMENTS

2008 No. 1922 (C. 87)

WATER, ENGLAND

The Water Act 2003 (Commencement No. 8) Order 2008

Made - - - - *17th July 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 105(3) to (6) of the Water Act 2003⁽¹⁾:

Citation and interpretation

- 1.—(1) This Order may be cited as the Water Act 2003 (Commencement No. 8) Order 2008.
- (2) This Order applies in relation to England only.
- (3) In this Order, “the 1991 Act” means the Water Industry Act 1991⁽²⁾ and “the Act” means the Water Act 2003.

Appointed day

2. The 1st August 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 58(2) (fluoridation of water supplies) in so far as it has effect for the purpose of inserting into the 1991 Act—
 - (i) section 87(1) of the 1991 Act for the purposes of section 89(2)(a) of that Act;
 - (ii) section 87(3)(a)(i) in relation to the definition of “relevant authority” for the purposes of section 87(11) of the 1991 Act and section 89 of the 1991 Act in relation to the provisions of that section commenced by this Order; and
 - (iii) section 87(11) of the 1991 Act;
- (b) section 58(5) in so far as it has effect for the purpose of inserting into the 1991 Act section 89(2)(a);
- (c) section 58(5) in so far as it relates to section 89(1), (3) and (5)(b) of the 1991 Act and in so far as it is not already in force;
- (d) section 58(1) in so far as it relates to provisions commenced by paragraphs (a) to (c);

(1) 2003 c.37.
(2) 1991 c.56.

Status: This is the original version (as it was originally made).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

- (e) paragraph 41 of Schedule 7 (minor and consequential amendments: miscellaneous) and section 101(1) (minor and consequential amendments and repeals) in so far as it relates to that paragraph; and
- (f) Schedule 9 (repeals and revocation: miscellaneous and supplementary) in so far as it relates to the repeal of paragraph 120 of Schedule 1 to the Health Authorities Act 1995⁽³⁾ and section 101(2) in so far as it relates to that paragraph.

Signed by authority of the Secretary of State for Health.

17th July 2008

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

⁽³⁾ 1995 c.17.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of section 58 of the Water Act 2003 (“the Act”) and related consequential amendment and repeal.

Section 58 of the Act makes amendments to provisions of the Water Industry Act 1991 (“the 1991 Act”) relating to fluoridation of water supplies.

Section 58 of the Act is in force, in relation to England, for limited purposes only: first, for the purpose of enabling the Secretary of State to make regulations on the consultation process which relevant authorities will have to follow before requesting water undertakers to enter into fluoridation arrangements or varying or terminating them. Secondly, section 58 of the Act is in force for the purpose of enabling the Secretary of State to make regulations in relation to indemnifying water undertakers and licensed water suppliers for liabilities they may incur in complying with arrangements for fluoridation.

This Commencement Order commences, in particular—

- (a) Section 58(2) of the Act which substitutes section 87(3)(a)(i) and (11) (fluoridation of water supplies at request of relevant authorities) of the 1991 Act.
- (b) section 58(5) of the Act which substitutes section 89(2)(a) of the 1991 Act (consultation); and in so far as not already in force section 89(1), (3) and (5)(b) of the 1991 Act.

This Order only applies in relation to England.

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:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|-----------------------------------|
| s. 1 | 1.4.2006 | 2006/984 (C.30) |
| s. 2 | 1.4.2006 | 2006/984 (C.30) |
| s. 3 | 1.4.2006 | 2006/984 (C.30) |
| s. 4 | 1.4.2006 | 2006/984 (C.30) |
| s.6 | 1.4.2004 and 1.4.2005 | 2004/641 (C.24) & 2005/968 (C.43) |

- (*) 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.
- (‡) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|-----------------------------------|
| s. 8 (partially) | 1.4.2006 | 2006/984 (C.30) |
| s.9 | 1.4.2004 | 2004/641 (C.24) |
| s.10 | 1.4.2004 and 1.4.2005 | 2004/641 (C.24) & 2005/968 (C.43) |
| s. 11 | 1.4.2006 | 2006/984 (C.30) |
| s.12 | 1.4.2006 | 2006/984 (C.30) |
| s.13 | 1.4.2006 | 2006/984 (C.30) |
| s.14 | 1.4.2006 | 2006/984 (C.30) |
| s.15 | 1.4.2004 | 2004/641 (C.24) |
| s.16 | 1.4.2004 and 1.4.2005 | 2004/641 (C.24) & 2005/968 (C.43) |
| s.17 | 1.4.2005 | 2005/968 (C.43) |
| s.18 | 1.4.2004 | 2004/641 (C.24) |
| s.19 | 1.4.2004 and 1.4.2006 | 2004/641 (C.24) & 2006/984 (C.30) |
| s.20 | 1.4.2004 | 2004/641 (C.24) |
| s.21 | 1.4.2006 | 2006/984 (C.30) |
| s.22 | 1.4.2006 | 2006/984 (C.30) |
| s.23 | 1.4.2006 | 2006/984 (C.30) |
| s.24 | 1.4.2005 | 2004/641 (C.24) |
| s.25 | 1.4.2004 and 1.4.2006 | 2004/641 (C.24) & 2006/984 (C.30) |
| s.26 | 1.10.2004 | 2004/2528 (C.106) |
| s.27 | 1.4.2004 | 2004/641 (C.24) |
| ss. 28 and 29 | 1.10.2004 | 2004/2528 (C.106) |
| s.30 | 1.4.2006 | 2006/984 (C.30) |
| s.31 | 1.10.2004 | 2004/2528 (C.106) |
| s.33 | 1.4.2006 | 2006/984 (C.30) |
| s.34 (partially) | 1.4.2006 | 2005/2714 (C.109) |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|----------------------------------|---|--|
| s.35 | 1.8.2005, 1.10.2005 & 1.4.2006 | 2005/968 (C.43) & 2005/2714 (C.109) |
| s.36 & Sch. 3 (^(‡)) | 1.4.2005 & 1.4.2006 | 2005/968 (C.43) & 2005/2714 (C.109) |
| s.37 | 1.4.2004 | 2004/641 (C.24) |
| s.38 | 1.10.2004, 1.8.2005 & 1.10.2005 | 2004/2528 (C.106), 2005/968 (C.43) & 2005/2714 (C.109) |
| ss.39 to 42 | 1.4.2005 | 2005/968 (C.43) |
| ss. 43 to 47 | 1.10.2005 | 2005/2714 (C.109) |
| s.48 | 1.10.2004 & 1.4.2005 | 2004/2528 (C.106) & 2005/968 (C.43) |
| ss. 49 and 50 | 1.10.2004 | 2004/2528 (C.106) |
| s.51 | 1.4.2005 | 2005/968 (C.43) |
| s. 52 | 1.4.2006 | 2005/2714 (C.109) |
| s. 53 ^(*) | 1.4.2004 | 2004/641 (C.24) |
| ss. 54 and 55 | 1.10.2004 | 2004/2528 (C.106) |
| s.56 & Sch. 4 | 1.4.2004, 1.8.2005, 1.10.2005 & 1.12.2005 | 2004/641 (C.24), 2005/968 (C.43) & 2005/2714 (C.109) |
| s.57 | 1.4.2004 | 2004/641 (C.24) |
| s. 59 | 1.10.2004 | 2004/2528 (C.106) |
| ss. 60 and 61 | 1.4.2004 | 2004/641 (C.24) |
| s.62 | 1.10.2004, 1.10.2005, 1.4.2006 & 1.4.2007 | 2004/2528 (C.106), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021 (C.42) |
| s.63 | 1.10.2004 & 1.10.2005 | 2004/2528 (C.106) & 2005/2714 (C.109) |
| ss. 64 and 65 | 1.4.2004 | 2004/641 (C.24) |
| s. 66 ^(†) (partially) | 1.4.2004 | 2004/641 (C.24) |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|--|--|
| s.67 (partially) | 1.4.2004 | 2004/910 (W.93) (C.39) |
| s.68 ^(†) (partially) | 1.4.2004 | 2004/641 (C.24) |
| s.70 | 1.4.2005 | 2005/968 (C.43) |
| s.71 | 1.4.2004 | 2004/641 (C.24) |
| s.72 | 1.4.2004 | 2004/641 (C.24) |
| s.74 ^(*) | 1.10.2004 | 2004/2528 (C.106) |
| s.76 ^(†) | 1.10.2004 | 2004/2528 (C.106) |
| s.79 | 1.10.2004 | 2004/2528 (C.106) |
| ss. 82 to 84 | 1.4.2004 | 2004/641 (C.24) |
| s.85 ^(*) (partially) & Sch. 5 & 6 | 1.4.2004 | 2004/641 (C.24) |
| s.87 | 1.10.2004 | 2004/2528 (C.106) |
| ss.90 to 97 | 28.5.2004 | 2004/641 (C.24) |
| s. 98 | 1.4.2007 | 2007/1021 (C.42) |
| s.99 | 28.5.2004 | 2004/641 (C.24) |
| s.100 (partially) | 17.3.2004, 1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.12.2005, 1.4.2006, 1.4.2006 & 1.4.2007 | 2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021(C.42) |
| s.101(1) (partially) & Sch. 7 (partially) | 1.4.2004, 1.10.2004, 29.12.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.4.2006 & 1.4.2007 | 2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021 (C.42) |
| s.101(1) & Sch. 8 | 1.4.2004, 1.10.2004 & 1.12.2005 | 2004/641 (C.24), 2004/2528 (C.106) & 2005/2714 (C.109) |
| s.101(2) & Sch. 9 (partially) | 1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, | 2004/641 (C.24), 2004/2528 (C.106), |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|---------------------------------|---|
| | 1.10.2005, 1.12.2005 & 1.4.2006 | 2005/968 (C.43) , 2005/2714 (C.109) & 2006/984 (C.30) |

- (*) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.
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The following provisions of the Water Act 2003 have been brought into force in England by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------------|-----------------------------|--|
| s. 58 (partially) | 18.2.2005 | 2005/344 (C.12) |
| s.69 | 17.3.2004 | 2004/641 (C.24) |
| s.75 | 1.4.2004 | 2004/641 (C.24) |
| ss. 77 and 78 | 1.10.2004 | 2004/2528 (C.106) |
| s.80 | 1.10.2004 | 2004/2528 (C.106) |
| s.81 | 1.4.2004 | 2004/641 (C.24) |
| s.86 (partially) | 1.10.2004 | 2004/2528 (C.106) |
| s.101(1) & Sch. 7 (partially) | 17.3.2004 & 1.10.2004 | 2004/641 (C.24) & 2004/2528 (C.106) |
| s.101(2) & Sch. 9 (partially) | 17.3.2004 | 2004/641 (C.24) |

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

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|--|
| s.69 | 1.4.2004 | 2004/910 (W.93) (C.39) |
| s.75 | 1.4.2004 | 2004/910 (W.93) (C.39) |
| ss. 77 and 78 | 11.11.2004 | 2004/2916 (W.255) (C.120) |
| ss. 80 and 81 | 11.11.2004 | 2004/2916 (W.255) (C.120) |
| s.86 (partially) | 11.11.2004 | 2004/2916 (W.255) (C.120) |

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|-------------------------------|-----------------------------|--|
| s.101(1) & Sch. 7 (partially) | 1.4.2004 & 11.11.2004 | 2004/910 (W.93) (C.39) & 2004/2916 (W.255) (C.120) |
| s.101(2) & Sch. 9 (partially) | 1.4.2004 & 11.11.2004 | 2004/910 (W.93) (C.39) & 2004/2916 (W.255) (C.120) |