



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART III

#### WATER SUPPLY

#### CHAPTER IV

#### FLUORIDATION

#### 87 Fluoridation of water supplies at request of health authorities.

- (1) Where a [<sup>F1</sup>Strategic Health Authority or][<sup>F2</sup>Health Authority] have applied in writing to a water undertaker for the water supplied within an area specified in the application to be fluoridated, that undertaker may, while the application remains in force, increase the fluoride content of the water supplied by the undertaker within that area.
- (2) For the purposes of subsection (1) above an application under this section shall remain in force until the [<sup>F1</sup>Strategic Health Authority or] Health Authority, after giving reasonable notice to the water undertaker, withdraw it.
- (3) The area specified in an application under this section may be the whole, or any part of, the [<sup>F3</sup>area of the [<sup>F1</sup>Strategic Health Authority or] Health Authority] making the application.
- (4) Where in exercise of the power conferred by this section, the fluoride content of any water is increased, the increase may be effected only by the addition of one or more of the following compounds of fluorine, that is to say—
  - hexafluorosilicic acid (H<sub>2</sub>SiF<sub>6</sub>);
  - disodium hexafluorosilicate (Na<sub>2</sub>SiF<sub>6</sub>).
- (5) Any [<sup>F1</sup>Strategic Health Authority or][<sup>F4</sup>Health Authority] making arrangements with a water undertaker in pursuance of an application under this section shall ensure that those arrangements include provisions designed to secure that the concentration

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of fluoride in the water supplied to consumers in the area in question is, so far as reasonably practicable, maintained at one milligram per litre.

- (6) Water to which fluoride has been added by a water undertaker in exercise of the power conferred by this section (with a view to its supply in any area) may be supplied by that or any other undertaker to consumers in any other area if the undertaker or undertakers concerned consider that it is necessary to do so—
- (a) for the purpose of dealing with any serious deficiency in supply; or
  - (b) in connection with the carrying out of any works (including cleaning and maintenance) by the undertaker concerned or, as the case may be, by any of the undertakers concerned.
- (7) In subsection (6) above—
- (a) the reference to water to which fluoride has been added by a 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 authority (within the meaning of the <sup>M1</sup>Water (Scotland) Act 1980) in exercise of the power conferred by section 1 of the <sup>M2</sup>Water (Fluoridation) Act 1985; and
  - (b) in relation to a supply of such water by a water undertaker, the reference to the water undertakers concerned shall have effect as references to the water undertaker and the water authority concerned.
- (8) In this section “serious deficiency in supply” means any existing or threatened serious deficiency in the supply of water (whether in quantity or quality) caused by an exceptional lack of rain or by any accident or unforeseen circumstances.
- (9) In this section and the following provisions of this Chapter references to a [<sup>F1</sup>Strategic Health Authority or][<sup>F5</sup>Health Authority are references to any [<sup>F6</sup>Strategic Health Authority or] Health Authority established under section 8 of the National Health Service Act 1977.].

#### Textual Amendments

- F1** Words in s. 87 inserted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\), reg. 4, Sch. 1 Pt. I para. 18\(2\)](#)
- F2** Words in s. 87(1) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), [Sch. 1 Pt. III para. 120\(1\)\(2\)\(a\)](#) (with Sch. 2 para. 6)
- F3** Words in s. 87(3) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), [Sch. 1 Pt. III para. 120\(1\)\(2\)\(b\)](#) (with Sch. 2 para. 6)
- F4** Words in s. 87(5) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), [Sch. 1 Pt. III para. 120\(1\)\(2\)\(c\)](#) (with Sch. 2 para. 6)
- F5** Words in s. 87(9) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), [Sch. 1 Pt. III para. 120\(1\)\(2\)\(d\)](#) (with Sch. 2 para. 6)
- F6** Words in s. 87 inserted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\), reg. 4, Sch. 1 Pt. I para. 18\(2\)](#)

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

- C1** S. 87: functions not to be exercised by a primary care trust (1.4.2000) by virtue of [S.I. 2000/695, art. 4\(1\), Sch. 4](#)

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**Marginal Citations**

**M1** 1980 c. 45.

**M2** 1985 c. 63.

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