



# Water Consolidation (Consequential Provisions) Act 1991

## 1991 CHAPTER 60

### 1 Interpretation

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

- (a) the Water Resources Act 1991, the Water Industry Act 1991, the Land Drainage Act 1991 and the 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- (b) so much of this Act as re-enacts provisions repealed by this Act.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 Water Act 1989;

“the 1976 Act” means the 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 Interpretation Act 1978.

## **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)—
  - (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 Public Health Act 1936;
  - (b) the power conferred by section 12 of the Public Health (Drainage of Trade Premises) Act 1937 and section 69(2) of the Public Health Act 1961;
  - (c) the power conferred by section 133(1) of the 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 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.

## **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—
- (a) of any order under section 224 of the Water Resources Act 1991, section 222 of the Water Industry Act 1991 or section 75 of the Land Drainage Act 1991 (Isles of Scilly); and
  - (b) of any order under section 193 of the 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 Parliamentary Commissioner Act 1967;
  - (b) the House of Commons Disqualification Act 1975; and
  - (c) the 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 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 Control of Pollution Act 1974; and
  - (b) the Water (Fluoridation) Act 1985,
- extends to Scotland only.