

## STATUTORY INSTRUMENTS

# 2019 No. 558

## The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019

### PART 2

#### Amendment of primary legislation

#### Water Act 1989

2. In section 174(2)(k) of the Water Act 1989 <sup>M1</sup>, for “an EU obligation” substitute “ a retained EU obligation ”.

#### Commencement Information

**II** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M1** [1989 c. 15](#); section 174(2)(k) was amended by [S.I. 2011/1043](#).

#### Water Industry Act 1991

3.—(1) The Water Industry Act 1991 <sup>M2</sup> is amended as follows.

(2) In section 2(7) <sup>M3</sup>, for “EU obligation” substitute “ retained EU obligation ”.

(3) In section 92 <sup>M4</sup>—

(a) in the heading, at the end insert “ etc. ”;

(b) in subsection (1)—

(i) in the words before paragraph (a) omit “enabling Her Majesty's Government in the United Kingdom to give effect”;

(ii) for paragraph (a) substitute—

“(a) giving effect to any retained EU obligations, or”;

(iii) at the beginning of paragraph (b) insert “ enabling Her Majesty's Government in the United Kingdom to give effect ”.

(4) In section 127(3)(a) <sup>M5</sup>, for the words from “enabling” to “obligation or” substitute “ giving effect to any retained EU obligation or enabling Her Majesty's Government in the United Kingdom to give effect ”.

(5) In section 131(3)(a) <sup>M6</sup>, for the words from “enabling” to “obligation or” substitute “ giving effect to any retained EU obligation or enabling Her Majesty's Government in the United Kingdom to give effect ”.

(6) In section 206(3)(k) <sup>M7</sup>, for “an EU obligation” substitute “ a retained EU obligation ”.

#### Commencement Information

**I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### Marginal Citations

**M2** 1991 c. 56.

**M3** Section 2(7) was inserted by section 39(9) of the Water Act 2003 (c. 37) and amended by section 24(2) of the Water Act 2014 (c. 21) and by S.I. 2011/1043.

**M4** Section 92(1)(a) was amended by S.I. 2011/1043.

**M5** Section 127(3)(a) was amended by S.I. 2011/1043.

**M6** Section 131(3)(a) was amended by S.I. 2011/1043.

**M7** Section 206(3)(k) was amended by S.I. 2011/1043.

### Water Resources Act 1991

4.—(1) The Water Resources Act 1991 <sup>M8</sup> is amended as follows.

(2) In section 93 <sup>M9</sup>—

- (a) in subsection (1B), for the words from “enabling” to “in relation to” substitute “ achievement of ”;
- (b) omit subsection (2C);
- (c) in subsection (7), at the appropriate places insert the following definitions—

““environmental objectives”—

- (a) in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 (S.I. 2004/99);
- (b) in relation to the Northumbria River Basin District, means the objectives referred to in the WFD Regulations as applied and modified by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 (S.I. 2003/3245);
- (c) in relation to any other river basin district, within the meaning of the WFD Regulations, has the same meaning as in those regulations;”;

““hydromorphological quality element” has the same meaning as in the Water Framework Directive;”;

““the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (S.I. 2017/407).”.

(3) In section 102 <sup>M10</sup>—

- (a) in the heading, at the end insert “ etc. ”;
- (b) in the words before paragraph (a), omit “enabling Her Majesty's Government in the United Kingdom to give effect”;
- (c) for paragraph (a) substitute—
  - “(a) giving effect to any retained EU obligations, or”;
- (d) at the beginning of paragraph (b) insert “ enabling Her Majesty's Government in the United Kingdom to give effect ”.

- (4) In section 116<sup>M11</sup>—
- (a) in the heading, at the end insert “ etc. ”;
  - (b) in subsection (1)—
    - (i) in the words before paragraph (a), omit “enabling Her Majesty's Government in the United Kingdom to give effect”;
    - (ii) for paragraph (a) substitute—
      - “(a) giving effect to any retained EU obligations, or”;
    - (iii) at the beginning of paragraph (b) insert “ enabling Her Majesty's Government in the United Kingdom to give effect ”.
- (5) In each of sections 161ZA<sup>M12</sup> and 161ZB<sup>M13</sup> omit subsection (3).
- (6) In section 161ZC<sup>M14</sup>—
- (a) in subsection (8), omit the words from “and in sections” to the end;
  - (b) after subsection (8) insert—
    - “(9) In sections 161ZA and 161ZB, “environmental objectives”, “hydromorphological quality element” and “Water Framework Directive” have the meanings given by section 93(7) of this Act.”.
- (7) In section 204(2)(k)<sup>M15</sup>, for “an EU obligation” substitute “ a retained EU obligation ”.

#### Commencement Information

- I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M8** [1991 c. 57](#).
- M9** Section 93 was amended by [S.I. 2009/3104](#), 2013/755 (W. 90) and 2018/942.
- M10** Section 102(a) was amended by [S.I. 2011/1043](#).
- M11** Section 116(1)(a) was amended by paragraph 22 of Schedule 16 to the [Marine and Coastal Access Act 2009 \(c. 23\)](#) and by [S.I. 2011/1043](#) and 2013/755 (W. 90). Article 4 of [S.I. 1999/1746](#) disappplied section 116 in relation to part of the River Esk.
- M12** Section 161ZA(3) was inserted by [S.I. 2009/3104](#) and amended by [S.I. 2013/755](#) (W. 90).
- M13** Section 161ZB(3) was inserted by [S.I. 2009/3104](#) and amended by [S.I. 2013/755](#) (W. 90).
- M14** Section 161ZC(8) was inserted by [S.I. 2009/3104](#).
- M15** Section 204(2)(k) was amended by [S.I. 2011/1043](#).

#### Water Act 2014

- 5.** In paragraph 5(b) of Schedule 8 to the Water Act 2014<sup>M16</sup>, for the words from “obligations” to “treaties” substitute “ retained EU obligations ”.

#### Commencement Information

- I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

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**Marginal Citations**

**M16** 2014 c. 21.

**Changes to legislation:**

There are currently no known outstanding effects for the The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019, PART 2.