
STATUTORY INSTRUMENTS

1987 No. 2052 (N.I. 21)

NORTHERN IRELAND

The Water (Fluoridation) (Northern Ireland) Order 1987

Made - - - - - *26th November 1987*

Coming into Operation *27th January 1988*

At the Court at Buckingham Palace, the 26th day of November 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Water (Fluoridation) (Northern Ireland) Order 1987 and shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“application” means an application under Article 3(1);

“Board” means a Health and Social Services Board;

“the Department” means the Department of the Environment;

“emergency” means an 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.

Fluoridation of water supplies at request of Boards

3.—(1) Where a Board, with the approval of the Department of Health and Social Services, has applied in writing to the Department for the water supplied within an area specified in the application to be fluoridated, the Department may, while the application remains in force, increase the fluoride content of the water supplied by it within that area.

(2) For the purposes of paragraph (1), an application shall remain in force until the Board, after giving reasonable notice in writing to the Department, withdraws it.

(3) The area specified in an application may be the whole, or any part, of the area of the Board making the application.

(4) Where, in exercise of the power conferred by this Article, 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— hexafluorosilicic acid (H_2SiF_6); disodium hexafluorosilicate (Na_2SiF_6).

(5) Any Board making arrangements with the Department in pursuance of an application shall ensure that those arrangements include provisions designed to secure that the concentration of fluoride in the water supplied to consumers in the area in question is, so far as is reasonably practicable, maintained at one milligram per litre.

(6) Water to which fluoride has been added by the Department in exercise of the power conferred by this Article (with a view to its supply in any area) may be supplied by the Department to consumers in any other area if the Department considers that it is necessary to do so—

- (a) for the purpose of dealing with an emergency, or
- (b) in connection with the carrying out of any works (including cleaning and maintenance) by the Department.

Power to vary permitted fluoridation agents

4. The Department of Health and Social Services may by order, made subject to negative resolution, amend Article 3(4) by—

- (a) adding a reference to another compound of fluorine; or
- (b) removing any reference to a compound of fluorine.

Continuity of existing fluoridation schemes

5.—(1) Where, in pursuance of arrangements entered into by the Department before the date of the making of this Order, a scheme for increasing the fluoride content of water supplied by the Department in any part of Northern Ireland was in operation immediately before that date, the Department may, while the conditions mentioned in paragraph (2) are satisfied, operate the scheme.

- (2) The conditions are that the arrangements under which the scheme operates require—
 - (a) fluoridation to be effected only by the addition of one or more of the compounds of fluorine mentioned in Article 3(4); and
 - (b) the concentration of fluoride in the water supplied to consumers to be maintained, so far as is reasonably practicable, at one milligram per litre.
- (3) Where the Department is operating a fluoridation scheme by virtue of this Article—
 - (a) paragraph (6) of Article 3 shall apply in relation to the scheme as it applies in relation to any scheme operated in exercise of the power conferred by that Article;
 - (b) the scheme shall cease to have effect upon the Board in the area of which the scheme operates giving to the Department reasonable notice in writing of the Board's desire to terminate it; and

- (c) the arrangements under which the scheme is operated may be varied to take account of any amendment of Article 3(4) made under Article 4.

Publicity and consultation

- 6.—(1) This Article applies where a Board proposes—
 - (a) to make or withdraw an application; or
 - (b) to terminate a scheme which may be operated by virtue of Article 5 (“a preserved scheme”).
- (2) At least three months before implementing its proposal, the Board shall—
 - (a) publish details of the proposal in one or more newspapers circulating within the area affected by the proposal; and
 - (b) give notice of the proposal to every district council the district of which falls wholly or partly within the area affected by the proposal.
- (3) Before implementing the proposal the Board shall consult each of the district councils to which it is required by paragraph (2)(b) to give notice of the proposal.
- (4) The Board shall, not earlier than seven days after publishing details of the proposal in the manner required by paragraph (2)(a), republish them in that manner.
- (5) Where a Board has complied with this Article in relation to the proposal it shall, in determining whether or not to proceed, have such regard as it considers appropriate—
 - (a) to any representations which have been made to it with respect to the proposal; and
 - (b) to any consultations held under paragraph (3).
- (6) The Department of Health and Social Services may direct that this Article shall not apply in relation to any proposal of a Board to withdraw an application or to terminate a preserved scheme.
- (7) Where, at any meeting of a Board, consideration is given to the question whether the Board should make or withdraw an application or terminate a preserved scheme, the Board shall not exclude the public from the meeting during the course of any proceedings on that question.
- (8) Nothing in paragraph (7) shall preclude the Chairman of a meeting from dealing with an interruption or disturbance of the meeting.

G. I. de Deney
Clerk of the Privy Council

Status: *This is the original version (as it was originally made).*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers the Department of the Environment for Northern Ireland, on the application of a Health and Social Services Board, to fluoridate the water supplied within the area, or a part of the area, of that Board. Before making such an application, a Board is required to publish details of its proposal, consult district councils for the area affected by the proposal and obtain the approval of the Department of Health and Social Services.

The Order makes provision as to the fluoridation agents which may be used and provides, subject to certain conditions, for the continuation of fluoridation schemes in existence before the making of the Order.