
DRAFT STATUTORY INSTRUMENTS

2019 No.

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(1), for “an EU obligation” substitute “a retained EU obligation”.

Water Industry Act 1991

3.—(1) The Water Industry Act 1991(2) is amended as follows.

(2) In section 2(7)(3), for “EU obligation” substitute “retained EU obligation”.

(3) In section 92(4)—

(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)(5), 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)(6), 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)(7), for “an EU obligation” substitute “a retained EU obligation”.

(1) 1989 c. 15; section 174(2)(k) was amended by S.I. 2011/1043.

(2) 1991 c. 56.

(3) 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.

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

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

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

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

Water Resources Act 1991

- 4.—(1) The Water Resources Act 1991(8) is amended as follows.
- (2) In section 93(9)—
- (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(10)—
- (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(11)—
- (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(12) and 161ZB(13) omit subsection (3).

(8) 1991 c. 57.

(9) Section 93 was amended by S.I. 2009/3104, 2013/755 (W. 90) and 2018/942.

(10) Section 102(a) was amended by S.I. 2011/1043.

(11) 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.

(12) Section 161ZA(3) was inserted by S.I. 2009/3104 and amended by S.I. 2013/755 (W. 90).

(6) In section 161ZC(**14**)—

(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)(**15**), for “an EU obligation” substitute “a retained EU obligation”.

Water Act 2014

5. In paragraph 5(b) of Schedule 8 to the Water Act 2014(**16**), for the words from “obligations” to “treaties” substitute “retained EU obligations”.

(13) Section 161ZB(3) was inserted by S.I. 2009/3104 and amended by S.I. 2013/755 (W. 90).

(14) Section 161ZC(8) was inserted by S.I. 2009/3104.

(15) Section 204(2)(k) was amended by S.I. 2011/1043.

(16) 2014 c. 21.