



Midland Metro Act 1992

1992 CHAPTER vii

PART V

GENERAL

26 Amendment of Act of 1989

- (1) The Act of 1989 shall have effect subject to the following amendments consequential on the coming into operation of the relevant provisions of the Electricity Act 1989, the Water Industry Act 1991, the Water Resources Act 1991 and the Land Drainage Act 1991:—
- (a) In subsection (1) of section 2 (Interpretation)—
- (i) after the definition of “the railways board” there shall be inserted—
- “sewerage undertaker” has the same meaning as in the Water Industry Act 1991”;
- (ii) in the definition of “statutory undertakers”, for the words “the Central Electricity Generating Board, the Midlands Electricity Board, the water authority and the South Staffordshire Waterworks Company or any of them”, there shall be substituted the words “a licence holder under Part I of the Electricity Act 1989, the National Rivers Authority and a water undertaker within the meaning of the Water Industry Act 1991 or any of such bodies”; and
- (iii) the definition of “water authority” shall be omitted;
- (b) In section 23 (Use of sewers, etc., for removing water)—
- (i) in subsections (1), (2) and (5), for the words “the water authority or a local authority” wherever occurring, there shall be substituted the words “the relevant authority”;
- (ii) for subsection (3) (a) there shall be substituted the following:—
- “(a) section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled waters within the meaning given by section 104 of that Act as if this

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section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.”;

- (iii) in subsection (3) (b), for the words “the main river of the water authority”, there shall be substituted the words “a main river”, for the words “section 116 of the Land Drainage Act 1976”, there shall be substituted the words “section 72 of the Land Drainage Act 1991” and the words from “or forming part” to the end of that paragraph shall be omitted;
- (iv) in subsection (5), the words “, as the case may be,” shall be omitted; and
- (v) after subsection (5) there shall be inserted the following:—

“(6) In this section “relevant authority” means a sewerage undertaker, the National Rivers Authority or a local authority.”;

- (c) In paragraph (1) of section 40 (For protection of public sewers), for the words “Schedule 19 of the Water Act 1989” there shall be substituted the words “the Water Industry Act 1991” and for the definition of “sewerage authority”, there shall be substituted:—

“‘sewerage authority’ means a sewerage undertaker and any local authority which is a relevant authority for the purposes of section 97 of the Water Industry Act 1991”;

- (d) In paragraph (1) of section 41 (For protection of certain statutory undertakers), in the definition of “apparatus”—
 - (i) for paragraph (a) there shall be substituted—
 - “(a) electric lines or electrical plant within the meaning of Part I of the Electricity Act 1989 belonging to or maintained by licence holders under Part I of that Act;” and
 - (ii) in paragraph (c) for the words “the water authority or the South Staffordshire Waterworks Company”, there shall be substituted the words “a water undertaker”.

- (2) Section 23 of the Act of 1989, as that section has effect in accordance with subsection (1) (b) above, is set out in Schedule 7 to this Act.