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## SCHEDULES

### SCHEDULE 25

Section 190.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

*Adaptation of enactments relating to statutory undertakers etc.*

- 1 (1) Each of the following, that is to say—
- (a) [<sup>F1</sup>the Environment Agency];
  - (b) every water undertaker; and
  - (c) every sewerage undertaker,
- shall be deemed to be statutory undertakers, and its undertaking a statutory undertaking, for the purposes of the enactments specified in sub-paragraph (2) below.
- (2) The enactments mentioned in sub-paragraph (1) above are—
- (i) the <sup>M1</sup>Public Health Act 1925;
  - (ii) the <sup>M2</sup>Public Health Act 1936;
  - (iii) section 4 of the <sup>M3</sup>Requisitioned Land and War Works Act 1948;
  - (iv) the National Parks and Access to the <sup>M4</sup>Countryside Act 1949;
  - (v) sections 20 and 30 of the <sup>M5</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
  - (vi) the <sup>M6</sup>Landlord and Tenant Act 1954;
  - (vii) ..... <sup>F2</sup>
  - (viii) the <sup>M7</sup>Opencast Coal Act 1958;
  - (ix) section 17(10) of the <sup>M8</sup>Public Health Act 1961;
  - (x) the <sup>M9</sup>Pipe-lines Act 1962;
  - (xi) Schedule 3 to the <sup>M10</sup>Harbours Act 1964;
  - (xii) Schedule 6 to the <sup>M11</sup>Gas Act 1965;
  - (xiii) section 40 of the <sup>M12</sup>Forestry Act 1967;
  - (xiv) section 2 of the <sup>M13</sup>Countryside Act 1968, in so far as references in that section to a public body are to be construed as references to a statutory undertaker, and sections 13 and 16 of, and Schedule 2 to, that Act;
  - (xv) section 5 of the <sup>M14</sup>Development of Tourism Act 1969;
  - (xvi) ..... <sup>F3</sup>
  - (xviii) sections 51 . . . <sup>F4</sup> of the <sup>M15</sup>Land Compensation Act 1973;
  - (xix) section 73 of the <sup>M16</sup>Control of Pollution Act 1974;
  - (xx) the <sup>M17</sup>Welsh Development Agency Act 1975;
  - (xxi) Part I of the <sup>M18</sup>Local Government (Miscellaneous Provisions) Act 1976;

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- <sup>F5</sup>(xxii) . . . . .
- (xxiii) the <sup>M19</sup>Ancient Monuments and Archaeological Areas Act 1979;
- (xxiv) [<sup>F6</sup>Part]XVI of the <sup>M20</sup>Local Government, Planning and Land Act 1980;
- (xxv) the <sup>M21</sup>Highways Act 1980;
- (xxvi) subject to sub-paragraph (5) below, the <sup>M22</sup>New Towns Act 1981;
- (xxvii) the <sup>M23</sup>Acquisition of Land Act 1981;
- (xxviii) the <sup>M24</sup>Civil Aviation Act 1982;
- (xxix) section 30 of the <sup>M25</sup>Local Government (Miscellaneous Provisions) Act 1982;
- (xxx) section 2(2)(c) of the <sup>M26</sup>Cycle Tracks Act 1984;
- (xxxi) the <sup>M27</sup>Building Act 1984;
- (xxxii) Part IX and section 611 of the <sup>M28</sup>Housing Act 1985.
- (3) [<sup>F1</sup>The Environment Agency], a water undertaker or a sewerage undertaker shall be deemed to be a statutory company for the purposes of the <sup>M29</sup>Landlord and Tenant Act 1927.
- (4) The references in the <sup>M30</sup>Civil Defence Act 1939 to public utility undertakers do not include references to [<sup>F1</sup>the Environment Agency] or to any water undertaker or sewerage undertaker and, accordingly, references in that Act to a public utility undertaking do not include references to the undertaking of the Authority or of such an undertaker.
- (5) The references in section 39 of the New Towns Act 1981 (power of development corporation to transfer undertakings) to statutory undertakers do not include references to any water undertaker or sewerage undertaker and, accordingly, references in that section to a statutory undertaking do not include references to the statutory undertaking of such an undertaker.
- (6) References in section 26 of the <sup>M31</sup>Land Compensation Act 1973 (acquisition of land in connection with public works) to a responsible authority shall not include references to [<sup>F7</sup>the Environment Agency], a water undertaker or a sewerage undertaker.
- (7) A water undertaker or sewerage undertaker shall be deemed to be statutory undertakers for the purposes of section 9(3) of the <sup>M32</sup>Inner Urban Areas Act 1978 (loans for site preparation).
- (8) A water undertaker or sewerage undertaker shall be deemed to be public utility undertakers for the purposes of the Highways Act 1980 <sup>F8</sup> . . . .
- (9) In the enactments specified in sub-paragraph (10) below, “the appropriate Minister”, in relation to statutory undertakers, means—
- (a) in the case of [<sup>F1</sup>the Environment Agency], the Secretary of State or the Minister; and
  - (b) in the case of a water undertaker or sewerage undertaker, the Secretary of State.
- (10) The enactments mentioned in sub-paragraph (9) above are—

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- (i) the <sup>M33</sup>Opencast Coal Act 1958;
  - (ii) Schedule 3 to the <sup>M34</sup>Harbours Act 1964;
  - (iii) paragraph 2 of Schedule 6 to the <sup>M35</sup>Gas Act 1965;
  - (iv) ..... <sup>F3</sup>
  - (v) the <sup>M36</sup>Welsh Development Agency Act 1975;
  - <sup>F5</sup>(vi) .....
  - (vii) sections 121 and 290 of the <sup>M37</sup>Highways Act 1980;
  - (viii) the <sup>M38</sup>New Towns Act 1981;
  - (ix) the <sup>M39</sup>Acquisition of Land Act 1981.
- (11) References to a local authority in the following enactments . . . <sup>F9</sup> shall not include references to [<sup>F7</sup>the Environment Agency], namely—
- (i) the <sup>M40</sup>Opencast Coal Act 1958;
  - (ii) ..... <sup>F3</sup>
  - (iii) Part I of Schedule 6 to the Highways Act 1980;
  - (iv) the New Towns Act 1981;
  - (v) the Acquisition of Land Act 1981.

#### Textual Amendments

- F1** Words in Sch. 25 para. 1(1)(a)(3)(4)(9)(a) substituted (1.4.1996) by S.I. 1996/396, reg. 3, **Sch. 2 para. 4(2)**
- F2** Sch. 25 para. 1(2)(vii) repealed by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 53(2), **Sch. 8** (with s. 53(1), Sch. 7)
- F3** Sch. 25 paras. 1(2)(xvi)(xvii), (10)(iv), (11)(ii), 42 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I** (with Sch. 3 paras. 1, 2, 4, 6)
- F4** Words repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I** (with Sch. 3 paras. 1, 2, 4, 6)
- F5** Sch. 25 para. 1(2)(xxii)(10)(vi) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F6** Words in Sch. 25 para. 1(2)(xxiv) substituted (1.10.1998) by 1998 c. 38, s. 135(2)(a) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F7** Words in Sch. 25 para. 1(6)(11) substituted (1.4.1996) by S.I. 1996/396, reg. 3, **Sch. 2 para. 4(3)**
- F8** Words in Sch. 25 para. 1(8) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(2), **Sch. 9** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch. 2**.
- F9** Words repealed by S.I. 1990/776, art. 8, **Sch. 3 para. 28**

#### Marginal Citations

- M1** 1925 c. 71.
- M2** 1936 c. 49.
- M3** 1948 c. 17.
- M4** 1949 c. 97.
- M5** 1951 c. 65.
- M6** 1954 c. 56.
- M7** 1958 c. 69.
- M8** 1961 c. 64.
- M9** 1962 c. 58.
- M10** 1964 c. 40.
- M11** 1965 c. 36.

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**M12** 1967 c. 10.  
**M13** 1968 c. 41.  
**M14** 1969 c. 51.  
**M15** 1973 c. 26.  
**M16** 1974 c. 40.  
**M17** 1975 c. 70.  
**M18** 1976 c. 57.  
**M19** 1979 c. 46.  
**M20** 1980 c. 65.  
**M21** 1980 c. 66.  
**M22** 1981 c. 64.  
**M23** 1981 c. 67.  
**M24** 1982 c. 16.  
**M25** 1982 c. 30.  
**M26** 1984 c. 38.  
**M27** 1984 c. 55.  
**M28** 1985 c. 68.  
**M29** 1927 c. 36.  
**M30** 1939 c. 31.  
**M31** 1973 c. 26.  
**M32** 1978 c. 50.  
**M33** 1958 c. 69.  
**M34** 1964 c. 40.  
**M35** 1965 c. 36.  
**M36** 1975 c. 70.  
**M37** 1980 c. 66.  
**M38** 1981 c. 64.  
**M39** 1981 c. 67.  
**M40** 1958 c. 69.

*Adaptation of enactments referring to the Drought Act 1976*

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F10

**Textual Amendments**

**F10** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)<sup>F11F11</sup>*

**Textual Amendments**

**F11** Sch. 25 para. 3 repealed (19.11.1998) by 1998 c. 43, s. 1(1) **Sch. 1 Pt. X** Group 3

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3 .....

*The Public Health (Scotland) Act 1897 (c. 38)*

4 In section 16 of the Public Health (Scotland) Act 1897 (definition of nuisance), in the proviso, after paragraph (b) there shall be inserted the following paragraph—

“(c) paragraphs (2) and (3) above shall not apply in relation to the supply of water for domestic purposes within the meaning of section 7 of the Water (Scotland) Act 1980.”

*The Public Health Act 1936 (c. 49)*

5 In section 227 of the Public Health Act 1936 (power of local authority to lay pipes for the purposes of baths), at the end there shall be inserted the words “and for the purposes of the provision, laying down or maintenance in any street of any such pipes or apparatus—

- (a) the authority shall be entitled in relation to any such pipes or apparatus to exercise the same powers as, for the purpose of carrying out its functions, are conferred on a water undertaker in relation to relevant pipes by paragraph 2 of Schedule 19 to the Water Act 1989 (street works); and
- (b) the provisions of that Act shall apply, with the necessary modifications, in relation to the power conferred by virtue of paragraph (a) above as they apply in relation to the power conferred by the said paragraph 2;

and in this section “street” has the same meaning as in that Schedule. ”

*The Requisitioned Land and War Works Act 1948 (c. 17)*

6,7. .... <sup>F12</sup>

**Textual Amendments**

**F12** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, [Sch. 3 Pt. I](#) (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Requisitioned Land and War Works Act 1945 (c. 43)*

8 In section 17(1) of the Requisitioned Land and War Works Act 1945 (publication of proposed orders relating to highways)—

- (a) in paragraph (b), after the word “water,” there shall be inserted the word “sewerage,”; and
- (b) after that paragraph there shall be inserted the following paragraph—

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“(bb) to be sent to the National Rivers Authority where the National Rivers Authority has any mains or pipes laid along, across, over or under any such highways as aforesaid; and”.

*The Fire Services Act 1947 (c. 41)*

- 9 (1) Subject to the following provisions of this paragraph, references in the Fire Services Act 1947 to statutory water undertakers or to water undertakers shall have effect as references to a water undertaker.
- (2) In section 14 of that Act (supply of water by water undertakers)—
  - (a) in subsection (3), for the words before paragraph (a) there shall be substituted the words—
 

“The following provisions shall have effect in relation to any fire-hydrant for the time being provided by a water undertaker by being fixed on any pipe of the undertaker, that is to say”;
  - (b) for subsection (4) there shall be substituted the following subsection—
 

“(4) The obligations of a water undertaker under subsections (1) to (3) of this section or any agreement under subsection (1) of this section shall be enforceable under section 20 of the Water Act 1989 by the Secretary of State.”
- (3) In section 15(2) of that Act (provision of water supply otherwise than by water undertakers), after the words “foregoing subsection” there shall be inserted the words “and without prejudice to sections 47(1) and 81(1) of the Water Act 1989”.
- (4) In section 16 of that Act (notice to be given of proposed works affecting water supply and fire-hydrants)—
  - (a) in subsection (1), for paragraphs (a) and (b) there shall be substituted the words “not less than six weeks before the works are begun.”; and
  - (b) after subsection (2) there shall be inserted the following subsection—
 

“(3) Any authority or other person who, without reasonable excuse, fails within the required period to give any notice which he is required to give under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”
- (5) After subsection (4) of section 30 of that Act (requirement by senior fire officer to provide a greater supply or pressure of water) there shall be inserted the following subsection—
 

“(4A) Any water undertaker which, without reasonable excuse, fails to take any step which it is obliged to take by virtue of subsection (4) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”

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### Textual Amendments

**F13** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

### *The Coast Protection Act 1949 (c. 74)*

- 11 (1) In section 2 of the Coast Protection Act 1949 (constitution of coast protection boards)
- (a) in subsection (2)(b), for the words from the beginning to “drainage authority” there shall be substituted the words “the National Rivers Authority and any sea defence commissioners, internal drainage board”; and
  - (b) in subsection (8)(a), for the words from the beginning to “drainage authority” there shall be substituted the words “in relation to the National Rivers Authority, an internal drainage board”.
- (2) In section 5 of that Act (objections to, and approval of, proposals to carry out coast protection work)—
- (a) in subsection (1), for the words from “on any” to “whose area” there shall be substituted the words “on the National Rivers Authority and on any internal drainage board in whose district”; and
  - (b) in subsection (6), for the words from “in the area” onwards there shall be substituted the words “the coast protection authority shall, before or as soon as possible after the commencement of the work, give notice of the nature of the work—
    - (a) to the National Rivers Authority where it is not represented on the coast protection authority; and
    - (b) to any internal drainage board which are not so represented and in whose district the work is to be or has been carried out.”
- (3) In section 8(1) of that Act (notice to be given where a coast protection authority prepares a works scheme), for the words from “on any” to “whose area” there shall be substituted the words “on the National Rivers Authority and on any internal drainage board in whose district”.
- (4) In section 16(4) of that Act (notice to be given to a coast protection authority for an adjoining area before an application relating to coast protection work is determined), for the words from “and to any” onwards there shall be substituted the words “and to the National Rivers Authority and to any internal drainage board whose district comprises the whole or any part of their area, and shall consider any representations made by the National Rivers Authority or by any such authority or board.”
- (5) In section 17 of that Act (notification to coast protection authority of coast protection work to be carried out by certain authorities)—

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- (a) in subsection (3), for the words from “and to any” to “whose area” there shall be substituted the words “to the National Rivers Authority and to any internal drainage board whose district”; and
  - (b) in subsection (9), for the words from “served” to “drainage authority” there shall be substituted the words “served by the National Rivers Authority or an internal drainage board”.
- (6) In section 45(1)(b) of that Act (service of notices and other documents), for the words from “or a coast” to “drainage authority” there shall be substituted the words “including the National Rivers Authority and an internal drainage board, or a coast protection board”.
- (7) In section 47 of that Act (savings), for paragraph (c) there shall be substituted the following paragraph—
- “(c) authorise or require any person—
    - (i) to carry out any work of alteration, improvement, repair, maintenance, demolition or removal on any works constructed or maintainable by the National Rivers Authority or an internal drainage board, or
    - (ii) to carry out any work on land on which the sowing or planting of vegetation is carried out or vegetation is maintained by the National Rivers Authority or an internal drainage board,
 unless the National Rivers Authority or the internal drainage board consents or the work is done by, or under a scheme prepared by, a coast protection board on which the National Rivers Authority or the internal drainage board is represented and is to be carried out in the area of that coast protection board;”.
- (8) In paragraph 1(b) of Schedule 1 to that Act (procedure for making orders), for the words from the beginning to “drainage authority” there shall be substituted the words “on the National Rivers Authority and on any sea defence commissioners, coast protection board, internal drainage board”.
- (9) In Schedule 2 to that Act (provisions as to orders restricting excavation of materials from the seashore), in each of paragraphs 2 and 12, for the words from “any catchment” to “whose area” there shall be substituted the words “the National Rivers Authority and on any catchment board, conservancy authority, harbour authority or navigation authority whose area, and on any internal drainage board whose district;”.

*The Agricultural Holdings (Scotland) Act 1949 (c. 75)*

- 12 In section 28 of the Agricultural Holdings (Scotland) Act 1949 (Land Court may grant certificate of failure to fulfil responsibilities to farm in accordance with rules of good husbandry), at the end there shall be added the words—
- “ Provided that in determining whether to grant a certificate under this section, the Land Court shall disregard any practice adopted by the tenant in compliance with any obligation imposed on him by or accepted by him under section 31B of the Control of Pollution Act 1974. ”



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*The National Parks and Access to the Countryside Act 1949 (c. 97)*

- 13 (1) In section 20(2) of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves), in the proviso, for the words from “undertakers” to “drainage authority” there shall be substituted the words “undertakers, or an internal drainage board”.
- (2) In section 99(6) of that Act (contributions by local authorities), for the words from “incurred by” to “being” there shall be substituted the words “incurred by the National Rivers Authority or an internal drainage board being”.
- (3) In Schedule 1 to that Act (provisions as to making, confirmation, coming into operation and validity of certain instruments), in paragraph 2(4)—
- (a) for the words “the persons carrying on a statutory undertaking, being a water undertaking,” there shall be substituted the words “the National Rivers Authority or a water undertaker”; and
  - (b) for the words “the undertaking” there shall be substituted the words “the statutory undertaking carried on by that Authority or, as the case may be, undertaker”.

F14 14 .....

**Textual Amendments**

**F14** Sch. 25 para. 14 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22\)](#), s. 168(2), [Sch. 9](#) (with s. 25(2)); [S.I. 1992/2984](#), art. 2(2), [Sch.2](#).

*The Border Rivers (Prevention of Pollution) Act 1951 (c. 7)*

- 15 The Border Rivers (Prevention of Pollution) Act 1951 shall cease to have effect.

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 16 In section 20(4) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (modifications of Rent Acts as respects occupation by employees), for the words from “or to provide” onwards there shall be substituted the words “or being powers or duties of an internal drainage board.”

*The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)*

- 17 In section 18(6) and section 19(3) of the Rivers (Prevention of Pollution) (Scotland) Act 1951, for the words from “tidal waters” to “an authority” there shall be substituted the words “controlled waters within the meaning of section 30A of the Control of Pollution Act 1974” and for the word “authority’s” there shall be substituted the words “river purification authority’s”.

*The Finance Act 1952 (c. 33)*

- 18 Subsections (1)(a) and (2) of section 74 of the Finance Act 1952 (stamp duties in relation to the transfer of undertakings of any water undertakers) shall cease to have effect.

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*The Town Development Act 1952 (c. 54)*

- <sup>F15</sup>19 (1) In section 2(2) of the Town Development Act 1952 (contributions to specified expenses)—
- (a) for paragraph (e) there shall be substituted the following paragraph—
    - “(e) payments under section 41 of the Water Act 1989 in respect of the provision of a water main needed for the purposes or in consequence of the development;”
  - (b) in paragraph (ee), for the words “section 16 of the Water Act 1973” there shall be substituted the words “section 72 of the Water Act 1989”; and
  - (c) in paragraph (f), for the words from “to a” to “drainage authority”, in the second place where those words occur, there shall be substituted the words “to the National Rivers Authority or to an internal drainage board in respect of expenses incurred by the National Rivers Authority or the internal drainage board”.
- (2) In section 8(1)(b) of that Act (the kinds of action for which provision for participation by agreement may be made), for the words from “participating council” to “being action” there shall be substituted the words “participating council, being action”.
- (3) In section 16 of that Act (contributions to expenses of land drainage works), for the words from “incurred by” to “drainage authority” there shall be substituted the words “incurred by the National Rivers Authority or by an internal drainage board”.

**Textual Amendments**

**F15** Sch. 25 para. 19 repealed ( prosp .) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(4), 195(2)(3), [Sch. 12 Pt. II](#)

*The Local Government (Miscellaneous Provisions) Act 1953 (c. 26)*

- 20 Section 6(2) of the Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to access to sewers and other apparatus) shall have effect as if the references to water undertakers included references to the Authority, a water undertaker and a sewerage undertaker.

*The Rural Water Supplies and Sewerage Act 1955 (c. 13)*

- 21 ..... <sup>F16</sup>

**Textual Amendments**

**F16** [S. 5\(1\)–\(4\), 6\(1\)–\(7\), 7–10, 11\(1\)–\(8\), 12, 14–22, 24–28, 31–68, 70\(3\)–\(5\), 71, 73–82, 97–135](#) [137\(1\)–\(8\)\(10\)\(11\), 138, 139\(1\)–\(5\), 140, 142\(1\), 143–167, 170, 171, 176, 178–182, 186, 188, 189\(2\)–\(5\)\(8\), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2\(1\)–\(10\)\(12\), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27\(4\), 31\(1\), 40, 45\(1\)\(2\), 61\(5\), 63, 71\(1\)\(2\), 72, 73, 80\(1\), Sch. 26 paras. 5\(2\)–\(4\), 7, 9–12, 13\(1\), 14\(1\)\(2\), 15\(2\), 16\(1\)\(2\)\(5\)–\(7\)\(10\), 18, 19, 21–25, 27–29, 32–39, 40\(2\), 41\(2\)\(3\), 42–45, 48, 50, 56, 57\(1\)–\(5\)\(7\)](#) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, [Sch. 3 Pt. I](#) (with s. 2, [Sch. 2 paras. 10, 14\(1\), 15](#))

*Status:* Point in time view as at 20/06/2003.

**Changes to legislation:** Water Act 1989, SCHEDULE 25 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*[<sup>F17</sup> The Valuation and Rating (Scotland) Act 1956 (c. 60)*

**Textual Amendments**

**F17** Sch. 25 para. 22 repealed (1.4.1995) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1994/3150, art. 4(d), Sch. 2

22 .....]

*The Coal-Mining (Subsidence) Act 1957 (c. 59)*

23 ..... <sup>F18</sup>

**Textual Amendments**

**F18** Sch. 25 para. 23 repealed by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 53(2), Sch.8 (with s. 53(1), Sch. 7)

*The Manoeuvres Act 1958 (c. 7)*

24 (1) In section 1(3)(a) of the Manoeuvres Act 1958 (notice to certain bodies where provision to authorise execution of manoeuvres is proposed in parts of their areas), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) to the National Rivers Authority and to any local authority or parish or community council any part of whose area is included in the manoeuvres area;”.

(2) In section 2(1) of that Act (powers exercisable for purposes of manoeuvres)—

- (a) in the proviso, for the words “source of supply belonging to a private owner or public authority” there shall be substituted the words “relevant source of supply”; and
- (b) after the proviso there shall be inserted the words—

“In this section “relevant source of supply” means a source of supply which belongs to the National Rivers Authority, a water undertaker or a private owner, or from which the National Rivers Authority, a water undertaker or a private owner is authorised to take water.”

*The Finance Act 1958 (c. 56)*

25 Subsection (5) of section 35 of the Finance Act 1958 (miscellaneous amendments in connection with stamp duty) shall cease to have effect.

*The Opencast Coal Act 1958 (c. 69)*

26 (1) In section 7 of the Opencast Coal Act 1958 (limitation on compulsory rights orders)

- (a) in subsection (2)(c), for the words from “or of the body” to “drainage authority,” there shall be substituted the words “or of any internal drainage board”; and

<sup>F19</sup>(b) .....

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(2) In section 12(1) of that Act (removal and disposal of chattels from land comprised in compulsory rights order), in the proviso, for the words from “or to the body” to “that authority” there shall be substituted the words “and used by those undertakers for the purposes of their undertaking or belonging to an internal drainage board and used by that board”.

<sup>F19</sup>(3) .....

(4) In section 39(6)(b) of that Act (restrictions on powers to enter land for the purpose of carrying out operations), for the words from “a sewerage” to “drainage authority, to” there shall be substituted the words “by an internal drainage board, and those persons or that board object to the proposed operations on the ground that the carrying out of the operations would be seriously detrimental to the carrying on of their undertaking, or, in the case of an internal drainage board, to”.

(5) In section 51(1) of that Act (interpretation), in the definition of “appropriate Minister”, in paragraph (e), for the words “drainage authority” there shall be substituted the words “internal drainage board”.

**Textual Amendments**

**F19** Sch. 25 para. 26(1)(b)(3) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 11 Pt. II (with s. 40(7)); S.I. 1994/2553, art. 2

*The Radioactive Substances Act 1960 (c. 34)*

<sup>F20</sup>27 .....

**Textual Amendments**

**F20** S. 27 repealed (27.8.1993) by 1993 c. 12, ss. 50, 51(2), Sch. 6 Pt.I (with ss. 42, 46).

*The Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

28 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which Act applies in England and Wales), at the end there shall be inserted the following sub-paragraphs—

- “(i) regional and local flood defence committees;
- (j) advisory committees established and maintained under section 2 or 141 of the Water Act 1989;
- (k) customer service committees established and maintained under section 6 of that Act.”;

and the functions of those committees shall be regarded as public functions for the purposes of that Act.

*The Trustee Investments Act 1961 (c. 62)*

29 (1) In section 11(4)(a) of the Trustee Investments Act 1961 (authorities who may invest property in accordance with Local Authority investment schemes), for the words

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from “parish” to “the Common” there shall be substituted the words “parish, the Common”.

- (2) Paragraph 10 of Part II of Schedule 1 to that Act (investments in debentures or in guaranteed or preference stock of a statutory water company to be narrower-range investment) shall cease to have effect except in so far as it relates to the debentures or guaranteed or preference stock of a company which is a statutory water undertaker within the meaning of an enactment in force in Northern Ireland.
- (3) Sub-paragraph (2) above shall not require any property which immediately before the coming into force of this paragraph is, by virtue of the said paragraph 10, comprised in a particular part of any fund to be treated, for the purposes of that Act or any other purpose, as comprised in a different part of that fund.

*The Pipe-lines Act 1962 (c. 58)*

- 30 (1) In section 37 of the Pipe-lines Act 1962 (fire brigades, police etc. to be notified of certain pipe-line accidents and to be furnished with information)—
- (a) in subsection (1)—
    - (i) in paragraph (b), for the words from the beginning to “statutory water” there shall be substituted the words “to all statutory water”; and
    - (ii) in paragraph (c), for the words “sewerage authorities” there shall be substituted the words “sewerage undertakers”;
  - (b) in subsection (2)—
    - (i) in paragraph (b), for the words from the beginning to “statutory water” there shall be substituted the words “in the case of any statutory water”; and
    - (ii) in paragraph (c), for the words “sewerage authority” there shall be substituted the words “sewerage undertaker”.
- (2) In section 66(1) of that Act (interpretation)—
- (a) in the definition of “statutory undertakers”, for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”; and
  - (b) for the definition of “statutory water undertakers” there shall be substituted the following definition—

““statutory water undertakers” means the National Rivers Authority or a water undertaker;”.

*The Harbours Act 1964 (c. 40)*

- 31 (1) ..... F21
- (2) In section 58 of that Act (drainage and river authorities not to be harbour authorities for purposes of that Act if not possessing exceptional powers), for the words “a water authority” there shall be substituted the words “the National Rivers Authority, a water undertaker”.
  - (3) In paragraph 6(2) of Schedule 3 to that Act (procedure for making harbour revision and empowerment orders), in the definition of “statutory undertakers”, for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

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### Textual Amendments

**F21** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

### *The Gas Act 1965 (c. 36)*

- 32 (1) In section 8(5) of the Gas Act 1965 (liability to pay compensation where consent to controlled operations is refused), for the words from “or by” to “it shall” there shall be substituted the words “or by the National Rivers Authority, it shall”.
- (2) In section 9(5) of that Act (compensation for withdrawal of consent or variation of conditions), for the words from “or by” to “it shall” there shall be substituted the words “or by the National Rivers Authority, it shall”.
- (3) In section 15 of that Act (responsibility of public gas supplier for interference with supplies of water)—
- (a) in subsection (2)(a), for the words from “undertakers” to “shall” there shall be substituted the words “undertakers or the National Rivers Authority, the public gas supplier shall”;
  - (b) in subsection (3), for the words from “undertakers”, in the first place where it occurs, to “provide” there shall be substituted the words “undertakers or the National Rivers Authority, the public gas supplier shall, if the statutory water undertakers or the National Rivers Authority provide”;
  - (c) in subsection (4), for the words from “undertakers” to “shall” there shall be substituted the words “undertakers or the National Rivers Authority, the public gas supplier shall”;
  - (d) in subsection (5)(b), for the words from “charges”, in the first place where it occurs, to “so payable” there shall be substituted the words “amounts payable
    - (i) by virtue of section 129 of the Water Act 1989; and
    - (ii) in respect of the alternative supply of water to which subsection (3) or subsection (4) of this section relates,
 having regard to the amount, if any, which would have been payable as mentioned in sub-paragraph (i) above”; and
  - (e) in subsection (10), for the words from “undertakers” to “or any” there shall be substituted the words “undertakers, the National Rivers Authority or any”.
- (4) In section 17(5) of that Act (duty of public gas supplier to make arrangements with various bodies on the occurrence of any accident), in paragraph (a) for the words from the beginning to “undertakers” there shall be substituted the words “for the National Rivers Authority and for every police force, fire authority, statutory water undertakers and sewerage undertaker”.

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- (5) In section 28 of that Act (interpretation)—
- (a) in subsection (1), in the definition of “Minister concerned with water resources”, for paragraphs (a) to (c) there shall be substituted the following paragraph—
    - “(a) in relation to England and Wales, the Secretary of State;”
  - and
  - (b) for the definition of “statutory water undertakers” in that subsection there shall be substituted the following definition—
    - ““statutory water undertakers” means any water undertaker”;

F22

.....
- (6) In Schedule 2 to that Act (storage authorisation orders), in each of paragraphs 4(2), 7(3), 12(1) and 16(2)—
- (a) in paragraph (a), for the words from “authority, every” to “within” there shall be substituted the words “authority and every local authority who are not a local planning authority, being, in either case, an authority within”;
  - (b) in paragraph (b), for the words “limits of supply” there shall be substituted the word “area”; and
  - (c) after paragraph (b) there shall be inserted the following paragraph—
    - “(bb) on the National Rivers Authority, and” ;
- and, in paragraph 12(6), after the words “paragraph (b)” there shall be inserted the words “or paragraph (bb)”.
- (7) In Schedule 3 to that Act (certificates as respects planning permission and grant of statutory licences to abstract water)—
- (a) in paragraph 4—
    - (i) in sub-paragraph (1), for the words from “apply to” onwards there shall be substituted the words “apply to the National Rivers Authority for a certificate under this Schedule as respects those controlled operations.”;
    - (ii) in sub-paragraph (2), for the words from the beginning to “shall” there shall be substituted the words “Where such an application is made, the National Rivers Authority shall”;
    - (iii) in sub-paragraph (3), for the words from the beginning to “statutory” there shall be substituted the words “Where, in the opinion of the National Rivers Authority, a statutory”; and
    - (iv) in sub-paragraph (4), for the words from the beginning to “shall” there shall be substituted the words “On issuing the certificate, the National Rivers Authority shall”;
  - (b) in paragraph 5—
    - (i) in sub-paragraph (1), for the words from the beginning to “have issued” there shall be substituted the words “Where the National Rivers Authority has issued”;
    - (ii) in sub-paragraph (3), for the words from “and to” to “opportunity” there shall be substituted the words “and to the National Rivers Authority an opportunity”; and
    - (iii) in sub-paragraph (4), for the words from the beginning to “had issued” there shall be substituted the words “Where an application is made to the National Rivers Authority for a certificate under this

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Schedule and at the expiry of any period prescribed by regulations under this Schedule (or if an extended period is at any time agreed upon in writing by the applicant and the National Rivers Authority, at the end of that period) no certificate has been issued by the National Rivers Authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the National Rivers Authority had issued”;

and

- (c) in paragraph 6, for the words from “Schedule, the” to “or as” there shall be substituted the words “Schedule, the National Rivers Authority or as”.
- (8) In Part II of Schedule 4 to that Act (compulsory purchases affecting supplies of water), in paragraph 5—
- (a) in sub-paragraph (1), for the words from “undertakers or a” to “provide” there shall be substituted the words “undertakers or the National Rivers Authority, the public gas supplier shall, if the statutory water undertakers or the National Rivers Authority provide”;
  - (b) in sub-paragraph (2), for the words from “undertakers” to “shall” there shall be substituted the words “undertakers or the National Rivers Authority, the public gas supplier shall”; and
  - (c) in sub-paragraph (4)(b), for the words from “charges”, in the first place where it occurs, to “fees”, in the fourth place where it occurs, there shall be substituted the words “amounts payable, by virtue of section 129 of the Water Act 1989, in respect of an alternative supply of water to which the foregoing provisions of this paragraph relate exceed the amounts payable by virtue of that section in respect of the protected right (or where amounts are payable by virtue of that section in respect of an alternative supply but no amounts”.
- (9) In Schedule 6 to that Act (power to enter on land and to prospect and survey land), in paragraph 2—
- (a) for sub-paragraph (3) there shall be substituted the following sub-paragraph—
    - “(3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers or by an internal drainage board, and the statutory undertakers or the internal drainage board object to the proposed operations on the ground that the carrying out of the operations would be seriously detrimental to the carrying on of their undertaking or, in the case of an internal drainage board, to the performance of their functions, the operations shall not be carried out except with the consent of the appropriate Minister.”
  - (b) in sub-paragraph (4), for the words from “statutory” to “the undertakers” there shall be substituted the words “the National Rivers Authority or by statutory water undertakers unless he complies with any reasonable requirements imposed by the National Rivers Authority or, as the case may be, by the undertakers”; and
  - (c) in sub-paragraph (6), for paragraph (c) there shall be substituted the following paragraph—



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“(c) when used in relation to an internal drainage board, means the Secretary of State or the Minister of Agriculture, Fisheries and Food.”

**Textual Amendments**

**F22** Words repealed by Water Consolidation (Consequential Provisions) Act 1991(c. 60, SIF 130), s. 3, Sch. 3 Pt.I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Nuclear Installations Act 1965 (c. 57)*

33 In section 3(3) of the Nuclear Installations Act 1965 (service of notices on specified bodies in connection with grant of nuclear site licences), for paragraph (b) there shall be substituted the following paragraph—

“(b) the National Rivers Authority, any water undertaker or any local fisheries committee;”.

*The Agriculture Act 1967 (c. 22)*

34 In section 50(3) of the Agriculture Act 1967 (bodies which are excepted from control of sale of certain land), for paragraph (g) there shall be substituted the following paragraph—

“(g) the National Rivers Authority or any water undertaker or sewerage undertaker;”.

*The Leasehold Reform Act 1967 (c. 88)*

35 In section 28(5) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after paragraph (e) there shall be inserted the following paragraph—

“(ee) to the National Rivers Authority;”.

*The Capital Allowances Act 1968 (c. 3)*

36 ..... **F23**

**Textual Amendments**

**F23** Sch. 25 para. 36 repealed by Capital Allowances Act 1990 (c.1, SIF 63:1), s. 164(4)(5), Sch. 2

*The Countryside Act 1968 (c. 41)*

37 (1) In section 8(4) of the Countryside Act 1968 (local authority to consult various bodies before providing certain recreational facilities), for the words from “of, any” to “such other” there shall be substituted the words “of, the National Rivers Authority and such”.

(2) In section 12(4) of that Act (local planning authorities to consult various bodies before providing facilities in or near National Parks), for the words from “of, any” to “such other” there shall be substituted the words “of the National Rivers Authority and such”.

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- (3) In section 13(7) of that Act (lakes in National Parks - exemption from the making of byelaws for lakes owned by certain bodies), for the words from “managed” onwards there shall be substituted the words “managed by any statutory undertakers”.
- (4) In section 16(7) of that Act (local planning authorities to consult certain bodies before making agreement or order relating to access to open country), for the words from “of, any” to “question and” there shall be substituted the words “of the National Rivers Authority, and”.
- (5) In section 38 of that Act (avoidance of pollution), for the words “statutory water undertakers or which statutory water undertakers are” there shall be substituted the words “the National Rivers Authority or a water undertaker or which that Authority or a water undertaker is”.

*The Transport Act 1968 (c. 73)*

- 38 (1) In section 109 of the Transport Act 1968 (powers to maintain or take over waterways and connected works)—
  - (a) in subsection (2)—
    - (i) for paragraph (b) there shall be substituted the following paragraph—
 

“(b) the National Rivers Authority;”
    - (ii) for paragraph (h) there shall be substituted the following paragraph—
 

“(h) a water undertaker;”
  - (b) in subsection (3), for paragraph (b) there shall be substituted the following paragraph—
 

“(b) the National Rivers Authority unless the Ministers (as defined in section 82(9) of the Water Resources Act 1963) have consented to the agreement or transfer;”
- and
- (c) in subsection (5)—
  - (i) for the words from “authority or” to “may” there shall be substituted the words “authority may”; and
  - (ii) for the words from “authorities (whether” to “who” there shall be substituted the words “authorities who”.
- (2) In section 112 of that Act (power to extinguish statutory rights and obligations in respect of canals not comprised in undertaking of Waterways Board)—
  - (a) in subsection (2), for the words from “any local” to “in whose” there shall be substituted the words “the National Rivers Authority or any local authority in whose”; and
  - (b) in subsection (3)(a), for the words from “local authority” to “or the” there shall be substituted the words “local authority, the National Rivers Authority or the”.
- (3) In section 113(5) of that Act (byelaws in respect of waterways owned or managed by certain bodies), in the definition of “relevant authority”, for the words from “means” to “order” there shall be substituted the words “means, except in a case where it is itself the applicant for the order, the National Rivers Authority or any local authority”.

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- (4) In paragraph 5(2) of Schedule 13 to that Act (inquiries in connection with proposed orders relating to inland waterways), in paragraph (a), for the words from “authority or” onwards there shall be substituted the words “authority or the National Rivers Authority”.

*The Post Office Act 1969 (c. 48)<sup>F24F24</sup>*

**Textual Amendments**

**F24** Sch. 25 para. 39 repealed (26.3.2001) by 2000 c. 26, s. 127(6), Sch. 9; S.I. 2001/1148, art. 2, Sch.

39 .....

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

40 ..... **F25**

**Textual Amendments**

**F25** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, Sch. 3 Pt. I (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Agriculture Act 1970 (c. 40)*

- 41 (1) In section 98 of the Agriculture Act 1970 (extent of Part VI of that Act), for the words from “regional” to “1973” there shall be substituted the words “National Rivers Authority”.
- (2) Where before the transfer date there is power, by virtue of any saving under Part I of Schedule 3 to that Act, for grants to be made for any purposes to statutory water undertakers, then on and after that date that power shall be exercisable by virtue of that saving as a power to make grants for those purposes to water undertakers.

*The Town and Country Planning Act 1971 (c. 78)*

42 ..... **F26**

**Textual Amendments**

**F26** Sch. 25 paras. 1(2)(xvi)(xvii), (10)(iv), (11)(ii), 42 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I (with Sch. 3 paras. 1, 2, 4, 6)

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*The Local Government Act 1972 (c. 70)*

- 43 <sup>F27</sup>(1) .....
- (2) In Schedule 13 to that Act (borrowing and lending by local authorities)—
- (a) in paragraph 1(a), for the words from “police” to “harbour” there shall be substituted the words “police or harbour”; and
  - (b) in paragraph 13(2), for the words from “police” onwards there shall be substituted the words “police authority”.

**Textual Amendments**

**F27** Sch. 25 para. 43(1) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxv)

*The Land Compensation Act 1973 (c. 26)*

- 44 (1) In section 44(2) of the Land Compensation Act 1973 (compensation for injurious affection), after the words “Gas Act 1986” there shall be inserted the words “paragraph 3 of Schedule 18 to the Water Act 1989”.
- (2) In section 58(2) of that Act (determination of material detriment where part of house etc. proposed for compulsory acquisition), after the words “Gas Act 1986” there shall be inserted the words “paragraph 4 of Schedule 18 to the Water Act 1989”.

*The Fair Trading Act 1973 (c. 41)*

- 45 <sup>F28</sup>(1) .....
- <sup>F29</sup>(3) .....
- <sup>F30</sup>(4) .....

**Textual Amendments**

**F28** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

**F29** Sch. 25 para. 45(3) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

**F30** Sch. 25 para. 45(4) repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, **Sch. para. 8(2)**

*The Health and Safety at Work etc. Act 1974 (c. 37)*

- 46 In section 28 of the Health and Safety at Work etc. Act 1974 (restrictions on disclosure of information)—

*Status: Point in time view as at 20/06/2003.*

*Changes to legislation: Water Act 1989, SCHEDULE 25 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in subsection (3)(c), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

“(ii) an officer of the National Rivers Authority or of a water undertaker, sewerage undertaker, water authority or water development board who is authorised by that Authority, undertaker, authority or board to receive it.”;

and

- (b) in subsection (5)(b), for the words from “local authority” to “or board” there shall be substituted the words “body which is a local authority, the National Rivers Authority, a water undertaker, a sewerage undertaker, a water authority, a river purification board or a water development board, the purposes of the body”.

*The Consumer Credit Act 1974 (c. 39)*

F31 47 .....

**Textual Amendments**

**F31** Sch. 25 para. 47 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

*The Control of Pollution Act 1974 (c. 40)*

- 48 (1) In section 2(3)(a) of the Control of Pollution Act 1974 (duty of a disposal authority to consult various bodies in preparing or revising a waste disposal plan), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) the National Rivers Authority, and”.

- (2) In section 3 of that Act (prohibition on unlicensed disposal of waste), after subsection (4) there shall be inserted the following subsection—

“(5) In this section and subsections (5) and (6) of the following section “land” includes land covered with waters where the land is above the low-water mark of ordinary spring tides and the waters are not inland waters (within the meaning of Chapter I of Part III of the Water Act 1989).”

F32 (3) .....

F32 (4) .....

- (5) In section 14 of that Act (disposal of waste in England and Wales)—

- (a) in subsection (9), for the words “water authority”, wherever they occur, there shall be substituted the words “sewerage undertaker”;

- (b) in subsection (10)—

(i) for the words “water authority”, in both places where they occur, there shall be substituted the words “sewerage undertaker”; and

(ii) for the words “the authority” there shall be substituted the words “the undertaker”;

and

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(c) for subsection (11) there shall be substituted the following subsection—

“(11) For the purposes of so much of the Water Act 1989 as relates to charging by sewerage undertakers the reception and disposal by a sewerage undertaker or other person of matter delivered to it or him by another sewerage undertaker in pursuance of subsection (9) of this section shall be treated as a service provided for that other undertaker by the sewerage undertaker in the course of carrying out its functions.”

- (6) In section 28(1) of that Act (supplementary provisions relating to pipes), for the words “21(4) or 26” there shall be substituted the words “or 21(4)”.
- (7) In section 62(2)(a) of that Act (exceptions to restrictions on the use of loudspeakers in a street), for the words “a water authority” there shall be substituted the words “the National Rivers Authority, a water undertaker or a sewerage undertaker”.
- (8) In section 73(1) of that Act (interpretation of Part III of that Act), in the definition of “statutory undertakers”, for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.
- (9) In section 90(2) of that Act (establishment charges and interest in respect of certain expenses of authorities), for the words from the beginning to “any other” there shall be substituted the words “Where a sum is payable to a”.
- (10) For section 95 of that Act there shall be substituted the following section—

**“95 Service of documents on and by certain undertakers.**

Section 187 of the Water Act 1989 (service of documents) shall apply for the purposes of the service of any document required or authorised by virtue of this Act to be served on or by a water undertaker or sewerage undertaker as it applies for the purposes of the service of any document required or authorised by virtue of that Act to be served on or by any person.”

- (11) In section 98 of that Act (interpretation of Part V of that Act), in the definition of “relevant authority”, after the words “Middle Temple” there shall be inserted the words “and, for the purposes of sections 91 to 93 of this Act, a sewerage undertaker”.

**Textual Amendments**

**F32** Sch. 25 para. 48(3)(4) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxv)

*The Reservoirs Act 1975 (c. 23)*

- 49 In section 1(4)(a) of the Reservoirs Act 1975 (meaning of “undertakers” for the purposes of that Act), for the words “a water authority, that authority” there shall be substituted the words “the National Rivers Authority or a water undertaker, that Authority or, as the case may be, undertaker”.

*Status:* Point in time view as at 20/06/2003.

**Changes to legislation:** Water Act 1989, SCHEDULE 25 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*The Coal Industry Act 1975 (c. 56)<sup>F33F33</sup>*

**Textual Amendments**

**F33** Sch. 25 para. 50 repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 11 Pt. II (with s. 40(7); S.I. 1994/2553, art. 2

50 .....

*The Welsh Development Agency Act 1975 (c. 70)*

51 In section 27(1) of the Welsh Development Agency Act 1975 (interpretation), in the definition of “statutory undertakers”, for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

*The Local Land Charges Act 1975 (c. 76)*

52 In section 1(1)(a) of the Local Land Charges Act 1975 (local land charges), after the words “water authority” there shall be inserted the words “sewerage undertaker”.

*The Restrictive Trade Practices Act 1976 (c. 34)*

53 In section 41(1)(a) of the Restrictive Trade Practices Act 1976 (disclosure of information), after the words “the Civil Aviation Authority,” there shall be inserted the words “the Director General of Water Services,” and after the words “or the Airports Act 1986” there shall be inserted the words “or the Water Act 1989”.

*The Development of Rural Wales Act 1976 (c. 75)<sup>F34F34</sup>*

**Textual Amendments**

**F34** Sch. 25 para. 54 repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. IV (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 4

54 .....

*The Interpretation Act 1978 (c. 30)*

55 (1) Schedule 1 to the Interpretation Act 1978 (definitions of words and expressions) shall be amended as follows.

(2) After the definition of “Secretary of State” there shall be inserted the following definition—

““Sewerage undertaker”, in relation to England and Wales, shall be construed in accordance with section 11 of the Water Act 1989.”

(3) For the definitions of “Water authority” and “water authority area” there shall be substituted the following definition—

““Water undertaker”, in relation to England and Wales, shall be construed in accordance with section 11 of the Water Act 1989.”

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*The Employment Protection (Consolidation) Act 1978 (c. 44)<sup>F35F35</sup>*

**Textual Amendments**

**F35** Sch. 25 para. 56 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

56 .....

*The Estate Agents Act 1979 (c. 38)*

<sup>F36</sup>57 .....

**Textual Amendments**

**F36** Sch. 25 para. 57 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

*The Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

58 In section 61(2) of the Ancient Monuments and Archaeological Areas Act 1979 (meaning of “statutory undertakers” for the purposes of that Act), in paragraph (a), for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

*The Competition Act 1980 (c. 21)*

59 (1) For paragraph (c) of section 11(3) of the Competition Act 1980 (references of public bodies etc. to the Monopolies Commission) there shall be substituted the following paragraph—

“(c) the National Rivers Authority;”.

<sup>F37</sup>(2) .....

**Textual Amendments**

**F37** Sch. 25 para. 59(2) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1)8)

*The Water (Scotland) Act 1980 (c. 45)*

60 (1) In section 31 of the Water (Scotland) Act 1980 (consultation with authorities in England), for the words “water authorities” there shall be substituted the words “water undertakers”.

<sup>F38</sup>(2) .....

**Textual Amendments**

**F38** Sch. 25 para. 60(2) repealed (4.1.1995) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1994/3150, art. 3(d)(e)(iii)



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*The Local Government, Planning and Land Act 1980 (c. 65)*

- 61 (1) In section 4 of the Local Government, Planning and Land Act 1980 (power to direct bodies to publish information)—
- (a) for paragraph (c) of subsection (4) there shall be substituted the following paragraph—  
“(c) the National Rivers Authority.”
  - (b) after subsection (5) there shall be inserted the following subsection—  
“(5A) In this section “the relevant Minister” means, in relation to the National Rivers Authority, the Secretary of State or the Minister of Agriculture, Fisheries and Food.”
- and
- (c) in subsection (6), for the words “subsection (5)” there shall be substituted the words “subsections (5) and (5A)”.
- (2) In section 8(1)(b) of that Act (meaning of “functional work”), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—  
“(ii) a sewerage undertaker; or”.
- <sup>F39</sup>(3) .....
- (4) In section 170(1) of that Act (meaning of “statutory undertakers” for the purposes of Part XVI of that Act), in paragraph (a) for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.
- (5) ..... <sup>F40</sup>
- (6) In Schedule 16 to that Act (bodies to whom Part X of that Act applies)—
- (a) after paragraph 17 there shall be inserted the following paragraph—  
“17A The National Rivers Authority”;
- and
- (b) in the definition of “statutory undertakers”, for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.
- <sup>F39</sup>(7) .....

**Textual Amendments**

- F39** Sch. 25 para. 61(3)(7) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F40** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by **Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130)**, s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*Status: Point in time view as at 20/06/2003.*

*Changes to legislation: Water Act 1989, SCHEDULE 25 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Highways Act 1980 (c. 66)*

- 62 (1) After subsection (4) of section 21 of the Highways Act 1980 (extinguishment of rights of statutory undertakers as to apparatus etc.) there shall be inserted the following subsection—
- “(4A) Subsection (4) above shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that subsection, any person who is—
- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer, is entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.”
- (2) In section 73 of that Act (power to prescribe improvement line for widening streets) —
- (a) in subsection (3), after the word “main,” there shall be inserted the word “sewer;” and
- (b) in subsection (11)(c), at the end there shall be inserted the words “or by sewerage undertakers as a pumping station or sewage disposal works”.
- (3) In section 74 of that Act (power to prescribe a building line)—
- (a) in subsection (3)—
- (i) for the words “or water undertakers” there shall be substituted the words “water undertakers or sewerage undertakers”; and
- (ii) after the word “main,” there shall be inserted the word “sewer;”
- (b) in subsection (11)(b), at the end there shall be inserted the words “or by sewerage undertakers as a pumping station or sewage disposal works”.
- (4) In section 100 of that Act (drainage of highways)—
- (a) in subsection (5), for the words from “water authority” onwards there shall be substituted the words “sewerage undertaker under Schedule 19 to the Water Act 1989 for the purposes of the drainage of highways within the area of that undertaker”; and
- (b) in subsection (6)—
- (i) for the words “under the Public Health Act 1936” there shall be substituted the words “under Schedule 19 to the Water Act 1989”; and
- (ii) for the words “water authority”, in both places where they occur, there shall be substituted the words “sewerage undertaker”.
- (5) In section 107(4) of that Act (orders and schemes providing for construction of bridges or tunnels to be subject to special parliamentary procedure), for the words “any navigation authority or water authority” there shall be substituted the words “the National Rivers Authority or any navigation authority”.
- (6) In section 121(6) of that Act (definition of “appropriate Minister”), in paragraph (a) for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

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- (7) In section 185(3)(b) of that Act (protection of undertakings where power to install refuse or storage bins in streets is exercised), for the words “or water undertakers” there shall be substituted the words “water or sewerage undertakers”.
- (8) In section 241(2) of that Act (acquisition of land between improvement line and boundary of street), after the words “removal of” there shall be inserted the word “sewers,”.
- (9) In section 254(4) of that Act (drainage of highway into watercourse)—
- (a) in paragraph (a), for the words “water authority without the consent of that board or authority” there shall be substituted the words “the National Rivers Authority without the consent of that board or that Authority”; and
  - (b) in paragraph (b), after the word “culvert,” there shall be inserted the word “sewer,”.
- (10) In section 264(3)(c) of that Act (determination of differences between various bodies relating to use of sewers), for the words “water authority” there shall be substituted the words “sewerage undertaker”.
- (11) In section 276 of that Act (contributions to land drainage works which will benefit trunk roads)—
- (a) for the words “a water authority” there shall be substituted the words “the National Rivers Authority”; and
  - (b) for the words “the authority” there shall be substituted the words “that Authority”.
- (12) In section 329(1) of that Act (further provision as to interpretation)—
- (a) in the definition of “drainage authority”, for the words “a water authority” there shall be substituted the words “the National Rivers Authority”; and
  - (b) for the definition of “water undertakers” there shall be substituted the following definition—  

““water undertakers” means the National Rivers Authority or a water undertaker.”
- (13) In section 339 of that Act (saving for works etc. of drainage authorities etc.)—
- (a) in subsection (1)—
    - (i) for the words “a water authority” there shall be substituted the words “the National Rivers Authority”; and
    - (ii) for the words “that authority or” there shall be substituted the words “the National Rivers Authority or that”;
  - and
  - (b) in subsection (4), for the words “a water authority” there shall be substituted the words “the National Rivers Authority”.
- (14) In Schedule 1 to that Act (procedures for making or confirming certain orders and schemes)—
- (a) in item (ii) of the Table set out at the end of paragraph 3, for the words “Every navigation authority and water authority” there shall be substituted the words “The National Rivers Authority and every navigation authority”; and
  - (b) in paragraph 11(b), for the words “every navigation authority and water authority” there shall be substituted the words “the National Rivers Authority and every navigation authority”.

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- (15) In Schedule 11 to that Act (provisions as to orders under section 93 of that Act), in paragraph 13(1), after the word “mains,” there shall be inserted the word “sewers,”.

*The Water Act 1981 (c. 12)*

63

F41

**Textual Amendments**

**F41** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), s. 3, Sch. 3 Pt.I](#) (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The New Towns Act 1981 (c. 64)*

- 64 (1) In section 5(5)(a) of the New Towns Act 1981 (restrictions on powers of development corporations), after the words “or gas” there shall be inserted the words “or for the provision of sewerage services”.
- (2) In section 79(1)(a) of that Act (meaning of “statutory undertakers”), in subparagraph (iii) for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

*The Acquisition of Land Act 1981 (c. 67)*

- 65 In section 8(1)(a)(iii) of the Acquisition of Land Act 1981 (definition of “statutory undertakers”), for the words “hydraulic power or water” there shall be substituted the words “or hydraulic power”.

*The Wildlife and Countryside Act 1981 (c. 69)*

- 66 (1) In section 27(1) of the Wildlife and Countryside Act 1981 (interpretation of Part I of that Act), in the definition of “authorised person”, after paragraph (c) there shall be inserted the following paragraph—
- “(d) any person authorised in writing by the National Rivers Authority, a water undertaker or a sewerage undertaker;”.
- (2) In section 36(7) of that Act (marine nature reserves), in the definition of “relevant authority”, for the words “a water authority or any other statutory water undertakers,” there shall be substituted the words “the National Rivers Authority, a water undertaker, a sewerage undertaker;”.

*The Civil Aviation Act 1982 (c. 16)*

- 67 (1) In section 46(2)(d) of the Civil Aviation Act 1982 (power to exercise control over land in interests of civil aviation), after the word “mains,” there shall be inserted the word “sewers,”.

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- (2) In section 48 of that Act (power of Secretary of State to stop up and divert highways etc. in interests of civil aviation)—
- (a) in each of subsections (3)(e) and (6)(c), after the word “mains,” there shall be inserted the word “sewers,”; and
  - (b) at the end of paragraph (b) of subsection (7) there shall be inserted the words “and
  - (c) the reference in paragraph (c) to water undertakers is a reference to the National Rivers Authority, a water undertaker or a sewerage undertaker.”

*The Telecommunications Act 1984 (c. 12)*

- 68 (1) In section 98 of the Telecommunications Act 1984 (use of certain conduits)—
- (a) in subsection (7)(b), for the word “authority” there shall be substituted the word “person”;
  - (b) in subsection (8)—
    - (i) in paragraph (a), for the words “another authority” there shall be substituted the words “another person”; and
    - (ii) for the words “other authority”, wherever they occur, there shall be substituted the words “other person”;
- and
- (c) in subsection (9)—
    - (i) for paragraph (a) of the definition of “water authority” there shall be substituted the following paragraph—
      - “(a) in England and Wales, means the National Rivers Authority or a water undertaker;”
    - (ii) for paragraph (a) of the definition of “water main” there shall be substituted the following paragraph—
      - “(a) in England and Wales, means a water main within the meaning of the Water Act 1989 or any resource main within the meaning of paragraph 1 of Schedule 19 to that Act;”.
- (2) In section 101 of that Act (general restrictions on disclosure of information)—
- (a) in subsection (2)(b), after the words “Director General of Fair Trading” there shall be inserted the words “the Director General of Water Services”; and
  - (b) in subsection (3), after paragraph (i) there shall be inserted the following paragraph—
    - “(j) the Water Act 1989.”
- (3) In paragraph 23(10) of Schedule 2 to that Act (undertaker’s works), in paragraph (a) (i) of the definition of “relevant undertaker”, after the word “undertaking;” there shall be inserted the word “or”.

*The Road Traffic Regulation Act 1984 (c. 27)*

- 69 In paragraph 4 of Schedule 5 to the Road Traffic Regulation Act 1984 (buildings in relation to which a Secretary of State is the appropriate authority for the purposes of section 74 of that Act), for the words “a water authority or by a statutory water company as defined in section 38 of the Water Act 1973” there shall be

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substituted the words “the National Rivers Authority, a water undertaker or a sewerage undertaker”.

*The Building Act 1984 (c. 55)*

70 (1) In section 25 of the Building Act 1984 (provision of water supply), after subsection (6) there shall be inserted the following subsection—

“(7) Section 65 of the Water Act 1989 (standards of wholesomeness of water) and any regulations made under that section shall apply for the purposes of subsection (1) above as they apply for the purposes of Chapter II of Part II of that Act.”

(2) In section 82 of that Act (notices under section 81 of that Act relating to demolition)

(a) in subsection (4), for the words “gas or water” there shall be substituted the words “or gas or with apparatus or works of a water undertaker or sewerage undertaker”; and

(b) in subsection (5)(a), for the words from “section 67” onwards there shall be substituted the words “section 167 of the Water Act 1989 (interference with water supplies or with waterworks)”.

(3) In section 101 of that Act (incorporation of Part VI of Schedule 3 to the 1945 Act)—

(a) in subsection (1), for the words from “Part VI” onwards there shall be substituted the words “paragraphs 2 and 3 of Schedule 19 of the Water Act 1989 (street works) shall apply, with the necessary modifications, as they apply for the purpose of conferring power on a water undertaker or sewerage undertaker to lay a relevant pipe, within the meaning of that Schedule.”; and

(b) for subsection (2) there shall be substituted the following subsection—

“(2) Those paragraphs shall also so apply so far as necessary for the purposes of any power to lay or maintain a sewer or drain which is conferred by this Act on a person other than a local authority.”

(4) In section 126 of that Act, for the definition of “public sewer” there shall be substituted the following definition—

““public sewer” has the same meaning as in the Public Health Act 1936;”.

*The Companies Act 1985 (c. 6)*

71 (1) . . . . . F42

(3) In section 459 of that Act (order on application of company member), after subsection (2) there shall be inserted the following subsection—

“(3) In this section (and so far as applicable for the purposes of this section, in section 461(2)) “company” means any company within the meaning of this Act or any company which is not such a company but is a statutory water company within the meaning of the Water Act 1989.”

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**Textual Amendments**

**F42** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Business Names Act 1985 (c. 7)*

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F43

**Textual Amendments**

**F43** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Water (Fluoridation) Act 1985 (c. 63)*

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F44

**Textual Amendments**

**F44** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Housing Act 1985 (c. 68)*

74

- (1) In section 573(1) of the Housing Act 1985 (meaning of “public sector authority”), for the words “a water authority” there shall be substituted the words “the National Rivers Authority”.
- (2) In paragraph 4(6) of Schedule 8 to that Act (calculation of rent in relation to shared ownership leases), for the words from “for services” onwards there shall be

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substituted the words “in respect of any services provided by a water undertaker or sewerage undertaker in the course of the carrying out of its functions”.

- (3) In item 2 of Part II of Schedule 14 to that Act (debits to the Housing Revenue Account of amounts equal to rents, rates etc.), for the words “water rates or charges” there shall be substituted the words “charges for the supply of water or for the provision of sewerage services”.

*The Agricultural Holdings Act 1986 (c. 5)*

- 75 In Part II of Schedule 3 to the Agricultural Holdings Act 1986—
- (a) in paragraph 9 (provisions applicable to Case C—failure to farm in accordance with rules of good husbandry), after sub-paragraph (2) there shall be inserted the following sub-paragraph—
- “(3) In determining whether to grant a certificate under this paragraph, the Tribunal shall disregard any practice adopted by the tenant in compliance with any obligation accepted by or imposed on the tenant under section 112 of the Water Act 1989.”;
- and
- (b) in each of paragraphs 10 and 11 (provisions applicable to Cases D and E), after sub-paragraph (2) there shall be inserted the following sub-paragraph—
- “(3) For the purposes of that Case compliance with any obligation accepted by or imposed on the tenant under section 112 of the Water Act 1989 shall not be capable of constituting a breach by the tenant of the terms or conditions of his tenancy.”

*The Airports Act 1986 (c. 31)*

- 76 In section 74 of the Airports Act 1986 (restriction on disclosure of information)—
- (a) in subsection (2)(a), after the words “Director General of Fair Trading” there shall be inserted the words “the Director General of Water Services”;
- and
- (b) in subsection (3), after paragraph (j) there shall be inserted the following paragraph—
- “(k) the Water Act 1989.”

*The Gas Act 1986 (c. 44)*

- 77 In section 42 of the Gas Act 1986 (general restrictions on disclosure of information)—
- (a) in subsection (2)(b), after the words “Director General of Fair Trading” there shall be inserted the words “the Director General of Water Services”;
- and
- (b) in subsection (3), after paragraph (k) there shall be inserted the following paragraph—
- “(l) the Water Act 1989.”



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*The Insolvency Act 1986 (c. 45)*

- 78 (1) In each of sections 233(3)(c) and 372(4)(c) of the Insolvency Act 1986 (supplies of gas, water etc. in a case of insolvency), for the words “statutory water undertakers” there shall be substituted the words “a water undertaker”.
- (2) In section 413(2) of that Act (consultation with the Insolvency Rules Committee), at the end there shall be inserted the words “other than rules which contain a statement that the only provision made by the rules is provision applying rules made under section 411, with or without modifications, for the purposes of provision made by section 23 or 24 of or Schedule 6 to the Water Act 1989.”

*The Local Government Act 1988 (c. 9)*

- 79 (1) In section 3(3) of the Local Government Act 1988 (qualification of definition of works contract for the purposes of Part I of that Act), for the words “water authority” there shall be substituted the words “sewerage undertaker”.
- (2) In section 25(2) of that Act (assistance not requiring consent), for paragraph (b) there shall be substituted the following paragraph—
- “(b) the assistance or benefit is provided in consequence of, or in connection with, the making by the authority, or by persons who include the authority, of a requirement under section 40 or 71 of the Water Act 1989 for the provision of a water main or public sewer;”.

*The Local Government Finance Act 1988 (c. 41)*

- 80 (1) ..... <sup>F45</sup>
- (2) The power of the Secretary of State [<sup>F46</sup>to make regulations under section 119 of the said Act of 1988 (statutory references to rating), his power] by virtue of subparagraph (1) above to make regulations under section 74(2) of that Act and his power to make an order under section 147 of that Act (power to make supplementary provision) shall each include power to make such modifications of any provision of this Act relating to the said functions, or of any enactment amended by any such provision, as the Secretary of State considers appropriate for the purposes for which those powers are conferred.
- (3) In paragraph 10(1)(b) of Schedule 5 to that Act (exemption for hereditaments subject to contributions under paragraph 1(a) of Schedule 3 to the <sup>M41</sup>Salmon and Freshwater Fisheries Act 1975), for the words from “paragraph 1(a)” onwards there shall be substituted the words “section 28(3)(a) of that Act.”

**Textual Amendments**

**F45** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

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**F46** Words repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2) (3), **Sch. 12 Pt. II**

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**Marginal Citations**

**M41** 1975 c. 51.

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