

*Status: Point in time view as at 22/08/1996.*

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## SCHEDULES

### SCHEDULE 26

Section 190.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

##### WATER AUTHORITIES

###### *Water authority members*

- 1 (1) Notwithstanding the repeals made by this Act, any regulations under paragraph 3 of Part I of Schedule 3 to the 1973 Act which are in force immediately before the transfer date and paragraphs 4 to 7 of that Part of that Schedule shall continue, to such extent as the Secretary of State may direct, to have effect on and after that date in the case of any person who is or who has been (whether before, on or after the transfer date) chairman or member of a water authority.
- (2) The Secretary of State may by regulations provide for any liability which is—
- (a) saved by virtue of this paragraph; and
  - (b) transferred in accordance with a scheme under Schedule 2 to this Act to a successor company,
- to be transferred, at a time when that company is wholly owned by the Crown, to that company's nominated holding company.

###### *Pensions etc.*

- 2 (1) The repeal by this Act of section 27 of the 1973 Act (superannuation of employees of statutory water undertakers) shall not, subject to any transfer in accordance with a scheme under Schedule 2 to this Act of any rights or liabilities which have arisen or might arise under the scheme, affect the operation on and after the transfer date, in relation to any period of employment before that date, of any scheme made or designated under that section.
- (2) The Secretary of State may by regulations make such transitional provisions and savings as he considers appropriate in relation to so much of any provision having effect immediately before the transfer date by or under any enactment as provides for or relates to the payment by a water authority of pensions, allowances or gratuities to or in respect of persons who have been—
- (a) officers or employees of any person whose activities at any time before the transfer date appear to the Secretary of State to have consisted in, or to have been connected with, the carrying out of any function which is transferred by this Act or which corresponds to any such function or to any other function under this Act; or
  - (b) chairmen or members of any body whose activities at any such time so appear to the Secretary of State.

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- (3) Without prejudice to the generality of sub-paragraph (2) above or to any transfer in accordance with a scheme under Schedule 2 to this Act of any liability saved by regulations under that sub-paragraph, such regulations may—
- (a) subject to sub-paragraphs (4) and (5) below, impose requirements on the Authority, on any successor company or on the nominated holding company of any successor company;
  - (b) modify any such provision as is mentioned in sub-paragraph (2) above;
  - (c) in the case of regulations made after the transfer date, require provision contained in the regulations to be treated as if it came into force on that date.
- (4) No requirement shall be imposed on any company by any regulations under sub-paragraph (2) above made after the company has ceased to be wholly owned by the Crown; but a company's ceasing to be wholly owned by the Crown shall not affect any requirement imposed on it by any regulations under that sub-paragraph made before the company ceased to be so wholly owned.
- (5) It shall be the duty of the Secretary of State to pay to the Authority out of money provided by Parliament all such sums as the Authority may require for fulfilling requirements imposed on it by regulations under sub-paragraph (2) above.
- (6) The reference in sub-paragraph (2) above to the payment of pensions, allowances or gratuities includes a reference to the payment of compensation for loss of office or of any such compensation as is payable for any other reason to or in respect of any person who holds or has held any such office or employment as is mentioned in that sub-paragraph.

*The Local Government Act 1974 (c. 7)*

- 3 (1) Nothing in this Act shall prevent the completion on or after the transfer date by a Local Commissioner of any investigation which he began to conduct before that date and which is an investigation under Part III of the Local Government Act 1974 in pursuance of a complaint made in relation to a water authority.
- (2) Nothing in this Act shall prevent the making on or after the transfer date of a complaint under the said Part III in respect of any action which was taken by or on behalf of a water authority before that date.
- (3) Notwithstanding the amendment of the said Part III by paragraph 12 of Schedule 1 to this Act, the provisions of that Part shall have effect on and after the transfer date in relation to any complaint to which sub-paragraph (1) or (2) above applies and to its investigation as they would have had effect before that date; but, in so far as the provisions of a scheme under Schedule 2 to this Act allocate a water authority's rights or liabilities in relation to any such complaint to any person, that person shall, on and after that date, stand in the place of the water authority for the purposes of this paragraph.

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## PART II

### WATER AND SEWERAGE SERVICES

#### *Arrangements with statutory water companies*

- 4 (1) Subject to sub-paragraph (2) below, where any arrangements for the purposes of section 12 of the 1973 Act (supply by statutory water companies on behalf of water authorities) are in force immediately before the transfer date, those arrangements shall cease to have effect on that date but their so ceasing to have effect shall not affect their operation on and after that date (subject to the transfer of rights and liabilities in accordance with a scheme under Schedule 2 to this Act) in relation to—
- (a) proceedings for, or any indemnity in respect of or of proceedings for, any breach of duty occurring before the transfer date (whether or not any right of action has arisen in respect of that breach before that day); and
  - (b) claims for, or the payment of any sums in respect of, a contribution payable under section 1 of the <sup>M1</sup>Rural Water Supplies and Sewerage Act 1944.
- (2) In so far as any such arrangements relate to matters for which provision could have been made by an agreement under section 12 of the 1945 Act (supply of water in bulk) those arrangements shall (in accordance with paragraph 5 below) continue to have effect on and after the transfer date as if they had been contained in such an agreement.

#### Marginal Citations

M1 1944 c. 26.

#### *Agreements for water supply in bulk*

- 5 (1) Any agreement made or having effect as if made under section 12 of the 1945 Act (supply of water in bulk) which is in force immediately before the transfer date shall continue in force on and after that date notwithstanding the repeal of that section but subject to the transfer of rights and liabilities under the agreement in accordance with a scheme under Schedule 2 to this Act.
- (2) ..... F1

#### Textual Amendments

F1 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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*Water main requisitions*

- 6 (1) Where—
  - (a) any water authority have, at any time before the transfer date, been required for the purposes of any of the provisions of sections 36 or 37 of the 1945 Act or of section 29 of Schedule 3 to that Act (water main requisitions) to lay any main or do any other thing for bringing water to any place; and
  - (b) the requirement has not been complied with before the transfer date, then, notwithstanding any repeal made by this Act, the provisions of that Act shall have effect for the purpose of making the water undertaker for the area in which that place is situated liable for any contravention of that requirement occurring on or after the transfer date (including so much of any continuing contravention as occurs on or after that date), and for the purpose of preserving on and after that date the effect of any obligation to make payments, to pay interest or to comply with any undertaking.
- (2) Provisions which have effect for any purpose by virtue of sub-paragraph (1) above shall so have effect as if the water undertaker in question were the same person in law as the water authority and as if any reference in the 1945 Act to water rates or to charges payable under Part III of the 1973 Act included a reference to any charges imposed by virtue of this Act [<sup>F2</sup>or Chapter I of Part V of the Water Industry Act 1991] in respect of the supply of water by that undertaker.

**Textual Amendments**  
**F2** Words inserted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 1 para. 50(3)(a)**

*Domestic connections*

7 ..... <sup>F3</sup>

**Textual Amendments**  
**F3** [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)

*Non-domestic supplies*

8 ..... <sup>F4</sup>

**Textual Amendments**  
**F4** [Sch. 26 para. 8](#) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (subject to savings in s. 2, Sch. 2 paras. 8, 10, 14(1), 15)

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9—12. . . . . F5

**Textual Amendments**

**F5** 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)

*Sewerage functions under the Public Health Acts*

13 (1) . . . . . F6

(2) The provisions of Schedule 8 to this Act which vest functions of the Secretary of State in the Director in relation to appeals, references and applications under—

- (a) the said Act of 1937;
- (b) the said Part V; or
- (c) section 43(5) or 45(4) of the <sup>M2</sup>Control of Pollution Act 1974,

shall not, on and after the transfer date, affect the powers and duties of the Secretary of State in relation to any such appeal, reference or application which was made before that date; and any written permission given before the transfer date for the purposes of section 60(5) of the Public Health Act 1961 (extension of time) shall have effect in relation to any appeal made on or after that date as if given by the Director.

(3) So much of any provision of the said Act of 1936 as, by virtue of section 338 of that Act (sewers and drains of collegiate and other corporate bodies and Government departments), has effect in accordance with that section shall continue so to have effect on and after the transfer date notwithstanding the amendments and repeals made by this Act, but shall so have effect subject to the power conferred by section 191(1) of this Act.

**Textual Amendments**

**F6** 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)

**Marginal Citations**

**M2** 1974 c. 40.

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### *Sewer requisitions*

- 14 (1) ..... <sup>F7</sup>
- (3) Subject to sub-paragraph (4) below, where any rights or liabilities of a water authority in respect of any agreement or undertaking entered into before the transfer date for the purposes of section 16 of the 1973 Act, or in respect of any sums deposited with them before that date for those purposes, are transferred in accordance with a scheme under Schedule 2 to this Act to the authority's successor company, those rights and liabilities shall continue to have effect, on and after that date, as rights and liabilities of that company and, in the case of any such right which was subject to subsection (5) of that section (twelve year limit on payments), shall continue to be so subject notwithstanding the repeal of that section.
- (4) On and after the transfer date subsection (8) of section 72 of this Act shall apply, as it applies in relation to the sums mentioned in that subsection, in relation to sums deposited under subsection (6) of section 16 of the 1973 Act.
- (5) Notwithstanding the repeal by this Act of section 16 of the 1973 Act, subsection (10) of that section (determination of certain matters by referee) shall continue to have effect on and after the transfer date for the purposes of anything saved by sub-paragraph . . . <sup>F8</sup> (3) above.

#### **Textual Amendments**

- F7** 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**)
- F8** 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)

#### **Modifications etc. (not altering text)**

- C1** [Sch. 26 para. 14\(5\)](#) extended by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 2 para. 9(1)**

### *Arrangements for carrying out sewerage functions*

- 15 (1) This paragraph applies to any arrangements between a water authority and a relevant authority which have been made under section 15 of the 1973 Act (arrangements for carrying out sewerage functions) [<sup>F9</sup>continue to have effect (notwithstanding the repeal of sub-paragraph (2) of this paragraph) in accordance with paragraph 1 of Schedule 2 to the [Water Consolidation \(Consequential Provisions\) Act 1991](#) and were] in force immediately before the transfer date.
- (2) ..... <sup>F10</sup>
- (3) Subject to sub-paragraph (5) below, on and after the transfer date the arrangements shall be varied only by agreement between the sewerage undertaker for the relevant

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area and the relevant authority and shall be brought to an end only by such agreement or under sub-paragraph (4) below.

- (4) Subject to sub-paragraph (6) below, the arrangements may be brought to an end by the sewerage undertaker for the relevant area or the relevant authority giving reasonable notice to the other.
- (5) Any reasonable notice with respect to the arrangements which has been given before the transfer date under paragraph 5(1)(b) of Schedule 4A to the 1973 Act (termination of arrangements by relevant authority) shall, if it expires after the transfer date, take effect when it expires as if it had been reasonable notice given under sub-paragraph (4) above to the sewerage undertaker for the relevant area.
- (6) The sewerage undertaker for the relevant area shall not give any notice under sub-paragraph (4) above which expires before 1st April 1992.
- (7) Section 101(2) of the <sup>M3</sup>Local Government Act 1972 (delegation by committee or sub-committee) shall apply for the purposes of the arrangements only if and to the extent that the sewerage undertaker for the relevant area does not otherwise direct.
- (8) In this paragraph “relevant authority” has the same meaning as in section 73 of this Act.

#### Textual Amendments

- F9** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), s. 2, Sch. 1 para. 50\(3\)\(b\)](#)
- 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 \[s. 2, Sch. 2 paras. 10, 14\\(1\\), 15\]\(#\)\)](#)

#### Marginal Citations

- M3** [1972 c. 70.](#)

#### *Water charges etc.*

16 (1) .....

F11

- (3) So much of any such scheme as is mentioned in sub-paragraph (1) above as has effect immediately before the transfer date and relates to charges in respect of anything which does not fall to be done on and after that date in the course of the carrying out of the functions of the Authority or any water undertaker or sewerage undertaker shall have effect on and after that date, in relation to the doing of that thing by the successor company of the water authority which made the scheme, as if it were contained in an agreement for the doing of that thing between that company and the person who would have been liable to the charge under the scheme.

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- (4) The repeal by this Act of section 30 of the 1973 Act (charges) and the preceding provisions of this paragraph shall not affect the liability of any person for any charge which—
  - (a) has been fixed before the transfer date by virtue of subsection (1)(b)(ii) of that section (environmental services charge); and
  - (b) is due to a water authority immediately before that date or would have become due to such an authority on or after that date in respect of a period ending no later than with the end of the financial year current on that date;
 and such a charge shall, subject to the provisions of the scheme, be payable on or after that date to the person to whom the right to receive it is transferred in accordance with a scheme under Schedule 2 to this Act.
- (5) ..... F11
- (8) The repeal by this Act of section 123 of the <sup>M4</sup>Public Health Act 1936 (power of local authorities to give guarantees to water companies) shall not affect any liability arising under any undertaking given under that section before the transfer date to a water authority or statutory water company; but any such undertaking given before that date to a water authority shall have effect on and after that date as if given to the water undertaker for the area to which, or to any part of which, the undertaking relates.
- (9) The repeal by this Act of subsection (4) of section 38 of the 1945 Act (liability for charges etc.) shall not affect the right under that subsection of the occupier of any premises to deduct from his rent at any time on or after the transfer date any sum paid by him (whether or not before that date) in respect of any charge arising under Part III of the 1973 Act in respect of services performed, facilities provided or rights made available before that date.
- (10) ..... F11

**Textual Amendments**

**F11** 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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**Marginal Citations**

**M4** 1936 c. 49.

*Joint water boards and joint water committees*

17 Subject to any transfer of property, rights or liabilities in accordance with a scheme under Schedule 2 to this Act, nothing in this Act shall affect—



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- (a) the existence or constitution of any joint water board or joint water committee constituted by virtue of an order made under section 9 of the 1945 Act before the transfer date;
- (b) any rights or liabilities arising by virtue of any agreement made in pursuance of such an order; or
- (c) the application in relation to any such board or committee of any provision of Schedule 3 to the 1945 Act or the operation of Part V of that Act in relation to any such provision.

18, 19. .... F12

**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 Building Act 1984 (c. 55)*

- 20 (1) Any directions given before the transfer date by a water authority under subsection (3) of section 18 of the Building Act 1984 which are effective immediately before that date in relation to any drain or sewer shall have effect on and after that date as if they were notifications given under that subsection by the sewerage undertaker for the area which immediately before that date is the water authority's area for the purposes of section 14 of the 1973 Act.
- (2) Notwithstanding its repeal by this Act, section 69 of the Building Act 1984 (notices requiring provision of water supply to occupied house), except subsection (7), shall continue to have effect on and after the transfer date for the purposes of any notice served under that section before that date; but, in relation to any such notice, the water undertaker for the area in which the house in question is situated shall, on and after that date, stand in the place of the statutory water undertakers on whom any obligation or power is imposed or conferred by virtue of the notice.

**PART III**

CONTROL OF POLLUTION

21–25. .... F13

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: Water Act 1989, SCHEDULE 26 is up to date with all changes known to be in force on or before 30 July 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)*

**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)

*Byelaws*

26 ..... **F14**

**Textual Amendments**

**F14** Sch. 26 para. 26 repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I**(subject to savings in s. 2, Sch. 2 paras. 4(6), 10, 14(1), 15)

27, 28. .... **F15**

**Textual Amendments**

**F15** 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)

**PART IV**

**WATER RESOURCES**

*General transitional provision*

29 ..... **F16**

**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)

*Status: Point in time view as at 22/08/1996.*

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(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)

30,31. . . . . **F17**

**Textual Amendments**

**F17** Sch. 26 paras. 30, 31 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) subject to savings with modifications by Water Resources Act 1991 (c. 57, SIF 130), ss. 48, 55, 60, 61, 65, **Sch. 7** (with ss. 16 (6), 178, 179, 222(3), 224(1), Sch. 22 paras. 1, 2, Sch. 23 para. 6)

32—35. . . . . **F18**

**Textual Amendments**

**F18** 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)

**PART V**

FLOOD DEFENCE

*General*

36—39. . . . . **F19**

**Textual Amendments**

**F19** 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 22/08/1996.*

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## PART VI

### FISHERIES

- 40 (1) Subject to the following provisions of this paragraph, any byelaw or appointment made, permission given, licence granted or other thing done by a water authority which—
- (a) is made, given, granted or done under any enactment or subordinate legislation which relates to the functions of the authority relating to fisheries; and
  - (b) is in force or effective immediately before the transfer date,
- shall have effect on and after that date as if it were made, given, granted or done by the Authority.
- (2) ..... <sup>F20</sup>
- (3)
- ... <sup>F21</sup> nothing in paragraph 7(7) or (14) of Schedule 17 to this Act shall affect the validity or effect of any order under [<sup>F22</sup>section 28(3) of the Salmon and Freshwater Fisheries Act 1975] which is in force immediately before the transfer date
- (4) Nothing in this Act shall be construed as preventing so much of any order under section 28(3) of the Salmon and Freshwater Fisheries Act 1975 or of any licence under Part I of Schedule 3 to that Act as—
- (a) is in force immediately before the transfer date; and
  - (b) has the effect for the purposes of section 6 of that Act (prohibition on placing and use of unauthorised fixed engines) of authorising the placing or use of any fixed engine,
- from continuing to have that effect on and after that date.

#### Textual Amendments

**F20** 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)

**F21** 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)

**F22** Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(3)(c)**

*Status: Point in time view as at 22/08/1996.*

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## PART VII

### COMPULSORY PURCHASE AND WORKS POWERS

#### *Compulsory purchase orders and works orders*

- 41 (1) Where—
- (a) any compulsory purchase order made by virtue of any enactment repealed by this Act;
  - (b) any order made under section 23 of the 1945 Act, section 67 of the <sup>M5</sup>Water Resources Act 1963 or section 1 of the <sup>M6</sup>Water Resources Act 1971 (compulsory works orders etc.); or
  - (c) any resolution for extinguishing a right of way under section 9 of Schedule 3 to the 1945 Act,

is in force or effective immediately before the transfer date, then, notwithstanding any repeal made by this Act, that order or resolution, and any enactment repealed by this Act in so far as it relates to that order or resolution, shall continue to have effect on and after that date, as they had effect before that date, subject to such modifications as are necessary for the purposes of sub-paragraph (4) below.

- (2) . . . . . <sup>F23</sup>
- (4) In so far as the provisions of a scheme under Schedule 2 to this Act allocate a water authority's rights or liabilities in relation to any order or application saved by sub-paragraph (1) . . . <sup>F24</sup> above to any person, that person shall, on and after the transfer date, stand in the place of that water authority for the purposes of the provision made by that sub-paragraph.
- (5) On and after the transfer date, any obligation of a water authority by virtue of section 20(5) of the 1973 Act (obligation to provide recreational facilities etc.) which, in accordance with this paragraph and a scheme under Schedule 2 to this Act, becomes an obligation of a water undertaker shall be enforceable under [<sup>F25</sup>section 18 of the Water Industry Act 1991] by the Secretary of State.

#### Textual Amendments

- F23** 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)
- F24** 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)
- F25** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 1 para. 50(3)(d)**

#### Marginal Citations

- M5** 1963 c. 38.

*Status: Point in time view as at 22/08/1996.*

**Changes to legislation:** Water Act 1989, SCHEDULE 26 is up to date with all changes known to be in force on or before 30 July 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)

**M6** 1971 c. 34.

42—45. . . . . **F26**

**Textual Amendments**

**F26** 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. 1** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

*The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)*

- 46 (1) The repeal by this Act of Part IV of Schedule 3 to the 1945 Act (minerals underlying waterworks) shall not affect the operation of that Part, as incorporated, by virtue of the Public Health Act 1875 (Support of Sewers) Amendment Act 1883, in any enactment or order making provision in relation to any sanitary work of a local authority.
- (2) In this paragraph “local authority” and “sanitary work” have the same meanings as in the said Act of 1883.

*Maps of sewers etc.*

- 47 Where immediately before the transfer date a local authority keep a map deposited at their offices under section 32 of the <sup>M7</sup>Public Health Act 1936 (sewer maps), it shall be the duty of that authority—
  - (a) to provide a copy of that map to every sewerage undertaker which is required, by virtue of the coming into force on that date of an appointment under Chapter I of Part II of this Act, to include information shown on the map in records to be kept by that undertaker under section 166 of this Act; and
  - (b) themselves to keep a copy of that map until they have performed the duty imposed by paragraph (a) above.

**Marginal Citations**

**M7** 1936 c. 49.

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## PART VIII

### MISCELLANEOUS AND GENERAL

#### *Notifications by Nature Conservancy Council etc.*

48

F27

#### Textual Amendments

**F27** 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)

#### *Recreational activities*

49

The repeal by this Act of subsections (2) to (5) of section 22 of the <sup>M8</sup>Countryside Act 1968 and of subsections (1) and (3) of section 20 of the 1973 Act (powers with respect to recreation) shall not be construed as affecting the power—

- (a) of the Authority; or
- (b) of any water authority’s successor company or of any statutory water company,

to continue, subject to any transfer in accordance with a scheme under Schedule 2 to this Act of any rights or liabilities which have arisen or might arise under any of those subsections, to do anything on and after the transfer date, in accordance with any powers conferred by virtue of [<sup>F28</sup>by virtue of any enactment], which a water authority or statutory water company were doing under any of those subsections immediately before the transfer date.

#### Textual Amendments

**F28** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 1 para. 50(3)(e)**

#### Marginal Citations

**M8** 1968 c. 41.

#### *Overseas activities*

50

F29

#### Textual Amendments

**F29** 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),

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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)

#### *Arrangements with local authorities*

- 51 Where any arrangements made by virtue of section 7 of the 1973 Act between a local authority and a water authority are in force immediately before the transfer date, then, subject to any transfer in accordance with a scheme under Schedule 2 to this Act of any rights or liabilities under those arrangements, those arrangements shall continue to have effect on and after that date notwithstanding the repeal by this Act of that section; and, accordingly, a local authority shall have all such powers on and after that date for giving effect to any such arrangements as they would have had by virtue of that section.

- (2) In this paragraph “local authority” has the same meaning as in section 1 of the <sup>M9</sup>Local Authorities (Goods and Services) Act 1970.

#### **Marginal Citations**

**M9** 1970 c. 39.

#### *Treasury guarantees*

- 52 The repeal by this Act of paragraph 36 of Schedule 3 to the 1973 Act (Treasury guarantees of water authority liabilities) shall have effect subject, in the case of a guarantee given before that date, to the application on and after that date in relation to that guarantee (with such modifications as are necessary in consequence of any transfer in accordance with a scheme under Schedule 2 to this Act of any liability to which the guarantee applies) of sub-paragraphs (2) to (5) of that paragraph.

#### *Enactments applying particular provisions of Schedule 3 to the 1945 Act*

- 53 The repeals made by this Act shall not affect the operation of the following enactments (each of which applies provisions of Schedule 3 to the 1945 Act), namely—
- (a) sections 12(7) and 14(5) of the <sup>M10</sup>Control of Pollution Act 1974; and
  - (b) sections 11(5) and 12(2) of the <sup>M11</sup>Local Government (Miscellaneous Provisions) Act 1976.

#### **Marginal Citations**

**M10** 1974 c. 40.

**M11** 1976 c. 57.



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*Local statutory provisions*

- 54 (1) Where any order made under the 1945 Act has effect immediately before the transfer date in relation to a statutory water company or water authority as a local statutory provision, the repeal by this Act of the power under which that order was made and the repeal of any provision of Part V of that Act shall not, subject to sub-paragraph (2) below, affect the operation on and after that date of that order or, in relation to that order, of that Part.
- (2) Any order which has effect by virtue of sub-paragraph (1) above shall so have effect as if any reference in that order to a particular water authority were a reference to that authority's successor company; and nothing in that sub-paragraph shall affect the exercise in relation to such an order of the power conferred by section 191 of this Act or prejudice the effect, in relation to any such order of—
- (a) any repeal by this Act of provisions of Schedule 3 to the 1945 Act applied (with or without modifications) by that order;
  - (b) any saving made by the preceding provisions of this Schedule in relation to any such repeal; or
  - (c) in the case of an order making such provision as is mentioned in section 23(1)(c) of that Act or applying, or making provision corresponding to, any of sections 74 to 77 of Schedule 3 to that Act, the provisions of [<sup>F30</sup>the Statutory Water Companies Act 1991].
- (3) Without prejudice to any amendment made by or under this Act, the repeal by this Act of subsection (2) of section 6 of the <sup>M12</sup>Public Utility Transfers and Water Charges Act 1988 shall not affect any modification made before the transfer date by an order made before that date under that subsection.

**Textual Amendments**

**F30** Words substituted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), s. 2, Sch. 1 para. 50\(3\)\(f\)](#)

**Marginal Citations**

**M12** 1988 c. 15.

*The Town and Country Planning Act 1959 (c. 53)*

- 55 The repeal by this Act of paragraphs 6 and 10 to 12 of Part I of Schedule 4 to the Town and Country Planning Act 1959 shall not affect the operation on and after the transfer date of any enactment in relation to which Part II of that Act has effect and which confers powers on any internal drainage board or any joint board or joint committee.

*Transitory provision relating to rating*

- 56 ..... <sup>F31</sup>

**Textual Amendments**

**F31** [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\(2\)–\(5\)\(8\),](#)

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: Water Act 1989, SCHEDULE 26 is up to date with all changes known to be in force on or before 30 July 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)*

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)

### *Byelaws*

- 57 (1) ..... F32
- (6) Nothing in this Act shall, in relation to any byelaws made before the transfer date and continuing to have effect on and after that date, alter the area in relation to which those byelaws have effect.
- (7) ..... F32

### **Textual Amendments**

**F32** 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)

### *Saving for criminal liability of water authorities*

- 58 Nothing in this Act or in any scheme under Schedule 2 to this Act shall have the effect, in relation to any criminal liability of a water authority in respect of an offence committed before the transfer date, of transferring that liability to the Authority or to the water authority's successor company.

### *Periods of time*

- 59 Where any period of time—
- (a) is specified in any enactment to which a provision of this Act corresponds (whether by virtue of its being the re-enactment, with or without modifications, of the whole or any part of that enactment or by virtue of any provision having effect for the purposes of this Schedule); or
- (b) is specified in an enactment any function under which is transferred by virtue of any provision of this Act from a water authority to any other person,
- then, if any period is current for the purposes of that enactment on the day on which the said provision of this Act comes into force, so much of the period as has expired before that day shall be taken into account, in relation to anything done before that day which is treated as done under that provision or, as the case may be, by or in relation to that person, as if that provision had been in force when the period began to run.

**Status:**

Point in time view as at 22/08/1996.

**Changes to legislation:**

Water Act 1989, SCHEDULE 26 is up to date with all changes known to be in force on or before 30 July 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.