
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 26

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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