



Water Industry Act 1991

1991 CHAPTER 56

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Other supplemental provisions

[221] ^{F1}Crown application.

- (1) Subject to the provisions of this section, this Act shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court may, on the application of the [^{F2}appropriate agency], a water undertaker or a sewerage undertaker, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in subsection (2) above, any provision made by or under this Act shall apply to persons in the public service of the Crown as it applies to other persons.
- (4) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate, that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises.
- (5) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the ^{M1}Crown Proceedings Act 1947 (interpretation of references to Her Majesty in her private capacity) were contained in this Act.
- (6) Subject to subsections (4) and (5) above, the powers conferred by sections 155, 159, 161(2) and 167 above shall be exercisable in relation to land in which there is a Crown or Duchy interest only with the consent of the appropriate authority.
- (7) In this section—

Status: Point in time view as at 01/04/2016.

Changes to legislation: Water Industry Act 1991, Cross Heading: Other supplemental provisions is up to date with all changes known to be in force on or before 01 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)

[^{F3}“the appropriate agency” means-

- (a) in relation to any act or omission of the Crown in England, the Agency;
- (b) in relation to any act or omission of the Crown in Wales, the NRBW;]

“the appropriate authority” has the same meaning as it has in Part XIII of the ^{M2}Town and Country Planning Act 1990 by virtue of section 293(2) of that Act;

“Crown or Duchy interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

“Crown premises” means premises held by or on behalf of the Crown.

- (8) The provisions of subsection (3) of section 293 of the ^{M3}Town and Country Planning Act 1990 (questions relating to Crown application) as to the determination of questions shall apply for the purposes of this section.]

Textual Amendments

- F1** S. 221 substituted (1.12.2000) by 1995 c. 25, s. 116, 125(3), **Sch. 21 Pt. I para. 1(1)** (with ss. 7(6), 115, 117)
- F2** Words in s. 221(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 260(2)** (with Sch. 7)
- F3** Words in s. 221(7) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 260(3)** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 221(2)-(8) applied (8.4.2010) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(1)(b)(3)(k) (with s. 49(1)(6))

Marginal Citations

- M1** 1947 c. 44.
M2 1990 c. 8.
M3 1990 c. 8.

[222] ^{F4} Application to the Isles of Scilly.

- (1) Subject to the provisions of any order under this section, this Act shall not apply in relation to the Isles of Scilly.
- (2) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide for the application of any provisions of this Act to the Isles of Scilly; and any such order may provide for the application of those provisions to those Isles with such modifications as may be specified in the order.
- (3) An order under this section may—
 - (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate, including provision saving provision repealed by or under any enactment.

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- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F4** S. 222 substituted (1.2.1996 for specified purposes and otherwise *prosp.*) by 1995 c. 25, **ss. 118(4), 125(3)** (with **ss. 7(6), 115, 117**); S.I. 1996/186, **art. 2**

223 Short title, commencement and extent.

- (1) This Act may be cited as the Water Industry Act 1991.
- (2) This Act shall come into force on 1st December 1991.
- (3) Except for the purpose of giving effect to any scheme under Schedule 2 to this Act, this Act extends to England and Wales only.

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