



Water Industry Act 1991

1991 CHAPTER 56

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Other supplemental provisions

221 Crown application

- (1) Subject to the following provisions of this section, the provisions of this Act shall have effect in relation to land in which there is a Crown or Duchy interest as they have effect in relation to land in which there is no such interest.
- (2) Subject to subsection (3) below, a power which is conferred by or under this Act in relation to land shall be exercisable in relation to any land in which there is a Crown or Duchy interest only with the consent of the appropriate authority.
- (3) Subsection (2) above shall not require any consent to be given—
 - (a) for the exercise of any power in relation to any land in which there is a Crown or Duchy interest to the extent that that power would be so exercisable apart from subsection (1) above;
 - (b) for the imposition in relation to any premises in which there is a Crown or Duchy interest of any charges for a service provided by a relevant undertaker in the course of carrying out its functions; or
 - (c) for the purposes of any provision having effect by virtue of so much of section 167 above and Schedule 11 to this Act as relates to the granting of authority for discharges of water.
- (4) A consent given for the purposes of subsection (2) above may be given on such financial and other conditions as the appropriate authority giving the consent may consider appropriate.
- (5) In this section—

Status: This is the original version (as it was originally enacted).

“the appropriate authority” has the same meaning as in section 293 of the Town and Country Planning Act 1990; and

“Crown or Duchy interest” means an interest belonging 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;

and the provisions of subsection (3) of that section 293 as to the determination of questions shall apply for the purposes of this section.

222 Application to Isles of Scilly

- (1) Subject to the provisions of any order under this section, nothing in this Act shall require or authorise any function, duty or power to be carried out, performed or exercised in relation to the Isles of Scilly by the NRA or any relevant undertaker; and references in the preceding provisions of this Act to England and Wales shall not include references to those Isles.
- (2) The Secretary of State may, on the application of the Council of the Isles of Scilly, by order make provision with respect to the carrying out in those Isles of functions falling under this Act to be carried out in relation to other parts of England and Wales by the NRA or by a relevant undertaker.
- (3) Without prejudice to the generality of the power conferred by subsection (2) above, an order under this section may apply any provision of this Act, of the Water Consolidation (Consequential Provisions) Act 1991 or of the Water Act 1989 in relation to the Isles of Scilly with or without modifications.
- (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.
- (5) 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.
- (6) Chapter IV of Part III of this Act, except section 90, shall apply to the Isles of Scilly as if the Council of the Isles of Scilly were a water undertaker and the Isles were the area of the undertaker.
- (7) The exception of section 90 above from the provisions of subsection (6) above shall be without prejudice to the power to make provision by an order under this section in relation to that section.

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.