



Water Industry Act 1991

1991 CHAPTER 56

PART I

PRELIMINARY

General duties

5 Codes of practice with respect to environmental and recreational duties.

- (1) The Secretary of State may by order approve any code of practice issued (whether by him or by another person) for the purpose of—
- giving practical guidance to relevant undertakers with respect to any of the matters for the purposes of which sections 3 and 4 above have effect; and
 - promoting what appear to him to be desirable practices by such undertakers with respect to those matters,
- and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.
- (2) A contravention of a code of practice as for the time being approved under this section shall not of itself constitute a contravention of any requirement imposed by section 3 or 4 above or give rise to any criminal or civil liability; but the Secretary of State^{F1} . . . shall^{F2} . . . be under a duty to take into account whether there has been or is likely to be any such contravention in determining when and how he should exercise his powers in relation to any relevant undertaker by virtue of this Act, any of the other consolidation Acts or the^{M1} Water Act 1989.
- (3) 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.
- (4) The Secretary of State shall not make an order under this section unless he has first consulted—
- [^{F3}the Environment Agency][^{F4}and the NRBW];
 - [^{F5}Natural England]^{F6} ...;

Status: Point in time view as at 17/05/2024.

Changes to legislation: Water Industry Act 1991, Section 5 is up to date with all changes known to be in force on or before 20 August 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)

- (c) the Historic Buildings and Monuments Commission for England;
 - (d) the Sports Council and the Sports Council for Wales; and
 - (e) such relevant undertakers and other persons as he considers it appropriate to consult.
- (5) In this section “the other consolidation Acts” means the ^{M2}Water Resources Act 1991, ^{F7}... the ^{M3}Land Drainage Act 1991 and the ^{M4}Water Consolidation (Consequential Provisions) Act 1991.

Textual Amendments

- F1** Words in s. 5(2) repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(2), **Sch. 2** (with art. 6)
- F2** Word in s. 5(2) repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(2), **Sch. 2** (with art. 6)
- F3** Words in s. 5(4)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 98** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 5(4)(a) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 226(2)** (with Sch. 7)
- F5** Words in s. 5(4)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, **Sch. 11 para. 130**; S.I. 2006/2541, **art. 2**
- F6** Words in s. 5(4)(b) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 226(3)** (with Sch. 7)
- F7** Words in s. 5(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), **Sch. 23 para. 28(4)(a)**

Marginal Citations

- M1** 1989 c. 15.
- M2** 1991 c. 57.
- M3** 1991 c. 59.
- M4** 1991 c. 60.

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