

Status: Point in time view as at 28/04/2022.

Changes to legislation: Environment Act 1995, Cross Heading: The Water Industry Act 1991 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

SCHEDULE 21

APPLICATION OF CERTAIN ENACTMENTS TO THE CROWN

PART I

ENACTMENTS RELATING TO ENGLAND AND WALES

The Water Industry Act 1991

- 1 (1) For section 221 of the ^{M1}Water Industry Act 1991 (Crown application) there shall be substituted—

“221 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 Environment 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 ^{M2}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Status: Point in time view as at 28/04/2022.

Changes to legislation: Environment Act 1995, Cross Heading: The Water Industry Act 1991 is up to date with all changes known to be in force on or before 05 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)

“the appropriate authority” has the same meaning as it has in Part XIII of the ^{M3}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 ^{M4}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.”

Commencement Information

- I1** Sch. 21 para. 1 partly in force; Sch. 21 para. 1 not in force at Royal Assent see s. 125(3); Sch. 21 para. 1(1) in force at 1.12.2000 by [S.I. 2000/3033](#), [art. 2](#)

Marginal Citations

- M1** 1991 c. 56.
M2 1947 c. 44.
M3 1990 c. 8.
M4 1990 c. 8.

Status:

Point in time view as at 28/04/2022.

Changes to legislation:

Environment Act 1995, Cross Heading: The Water Industry Act 1991 is up to date with all changes known to be in force on or before 05 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.