



# Environment Act 2021

## 2021 CHAPTER 30

### PART 5

#### WATER

##### *Water quality*

#### **89 Water quality: powers of Secretary of State**

- (1) The Secretary of State may by regulations amend or modify any legislation to which this section applies for the purpose of—
- (a) making provision about the substances to be taken into account in assessing the chemical status of surface water or groundwater;
  - (b) specifying standards in relation to those substances or in relation to the chemical status of surface water or groundwater.
- (2) This section applies to —
- (a) the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ([S.I. 2017/407](#));
  - (b) the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 ([S.I. 2003/3245](#));
  - (c) the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 ([S.I. 2004/99](#));
  - (d) the Groundwater Regulations (Northern Ireland) 2009 ([S.R. \(N.I.\) 2009 No. 254](#));
  - (e) the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 ([S.R. \(N.I.\) 2015 No. 351](#));
  - (f) the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 ([S.R. \(N.I.\) 2017 No. 81](#));
  - (g) any regulations modifying that legislation made under or by virtue of the European Union (Withdrawal) Act 2018.

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*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 89. (See end of Document for details)*

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- (3) Regulations under subsection (1) may also, in connection with provision made under subsection (1)(a) or (b), amend or modify legislation to which this section applies so as to make provision—
- (a) setting objectives in relation to the substances about which the provision is made, or in relation to the chemical status of surface water or groundwater (including objectives to maintain specified standards or to achieve specified standards by specified dates);
  - (b) about how objectives set by the regulations are to be met, including provision requiring, or otherwise relating to, measures to be taken to achieve those objectives;
  - (c) requiring, or otherwise relating to, the monitoring or assessment of any matter relating to the chemical status of surface water or the chemical status of groundwater;
  - (d) about the classification of bodies of water according to their chemical status or any matter relating to their chemical status.
- (4) Regulations under this section may not contain provision that could be contained in—
- (a) regulations made by the Welsh Ministers under section 90, or
  - (b) regulations made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under section 91,
- unless those Ministers or that Department consents.
- (5) Regulations under this section may not contain provision applying to that part of a Scottish cross-border river basin district which is in Scotland, unless the Scottish Ministers consent.
- (6) Before making regulations under this section the Secretary of State must consult—
- (a) if the regulations apply to England (or part of England), the Environment Agency;
  - (b) if the regulations do not require the consent of the Welsh Ministers but apply to any part of a Welsh cross-border river basin district, the Welsh Ministers;
  - (c) if the regulations do not require the consent of the Scottish Ministers but apply to any part of a Scottish cross-border river basin district, the Scottish Ministers;
  - (d) any persons or bodies appearing to the Secretary of State to represent the interests of those likely to be affected by the regulations.
- (7) A “Scottish cross-border river basin district” is a river basin district which is partly in England and partly in Scotland.
- (8) A “Welsh cross-border river basin district” is a river basin district which is partly in England and partly in Wales.
- (9) Regulations under this section are subject to the negative procedure.

#### **Commencement Information**

**I1** S. 89 in force at 9.1.2022 for specified purposes, see [s. 147\(2\)\(l\)](#)

**I2** S. 89 in force at 28.2.2022 in so far as not already in force for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(n\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Environment Act 2021, Section 89.