
STATUTORY INSTRUMENTS

2020 No. 214

**The Isles of Scilly (Application
of Water Legislation) Order 2020**

Citation and application

1.—(1) This Order may be cited as the Isles of Scilly (Application of Water Legislation) Order 2020.

(2) This Order applies to the Isles of Scilly.

Commencement

2.—(1) This Order comes into force on 27th March 2020, subject as follows.

(2) Article 3(1)(b), so far as it applies section 24 of the Water Resources Act 1991 to the Isles of Scilly, comes into force on 1st October 2021.

(3) Article 5(1), (p) and (s) comes into force on 1st April 2023.

Application of the Water Resources Act 1991

3.—(1) The following provisions of the Water Resources Act 1991(1) apply to the Isles of Scilly as they apply to the rest of England—

- (a) section 15;
- (b) Parts 2 and 3;
- (c) sections 126 to 129;
- (d) section 158;
- (e) sections 161 to 161D;
- (f) sections 169 to 174;
- (g) sections 188 to 190;
- (h) sections 191A to 192;
- (i) sections 197 and 198;
- (j) sections 200 to 207;
- (k) section 209;
- (l) sections 216 to 225;
- (m) Schedules 5 and 6;
- (n) Schedules 8 to 11;
- (o) Schedule 20;
- (p) Schedule 24.

This is subject to the modification in paragraph (2).

(1) This Act was last amended by [S.I. 2019/558](#).

(2) Section 221(1) is to be read as if, in the definition of “local authority”, at the end there were inserted “or the Council of the Isles of Scilly”.

Application of the Environment Act 1995

4. The following provisions of the Environment Act 1995(2) apply to the Isles of Scilly as they apply to the rest of England—

- (a) sections 4 and 5;
- (b) section 6(1) and (2);
- (c) sections 7 to 10;
- (d) sections 37 to 41;
- (e) sections 42 and 43;
- (f) sections 53, 54 and 56;
- (g) sections 108 and 109;
- (h) sections 110 to 115;
- (i) sections 122 to 125;
- (j) Schedule 18;
- (k) Schedule 20.

Application of secondary legislation

5. The following instruments apply to the Isles of Scilly as they apply to the rest of England—

- (a) the Trade Effluents (Prescribed Processes and Substances) Regulations 1992(3);
- (b) the Spray Irrigation (Definition) Order 1992(4);
- (c) the Environmental Licences (Suspension and Revocation) Regulations 1996(5);
- (d) the Water (Compulsory Works Powers) (Notice) Regulations 1999(6);
- (e) the Anti-Pollution Works Regulations 1999(7);
- (f) the Water Supply (Water Fittings) Regulations 1999(8);
- (g) the Water Industry (Prescribed Conditions) Regulations 1999(9);
- (h) the Control of Pollution (Oil Storage) (England) Regulations 2001(10);
- (i) the Water Mergers (Modification of Enactments) Regulations 2004(11);
- (j) the Water Mergers (Determination of Turnover) Regulations 2004(12);
- (k) the Water Industry (Determination of Turnover for Penalties) Order 2005(13);
- (l) the Drought Plan Regulations 2005(14);

(2) This Act was last amended by [S.I. 2019/1099](#).
(3) [S.I. 1992/339](#).
(4) [S.I. 1992/1096](#).
(5) [S.I. 1996/508](#), amended by [S.I. 2013/755](#).
(6) [S.I. 1999/221](#).
(7) [S.I. 1999/1006](#), last amended by [S.I. 2013/755](#).
(8) [S.I. 1999/1148](#), last amended by [S.I. 2019/558](#).
(9) [S.I. 1999/3442](#), last amended by [S.I. 2013/755](#).
(10) [S.I. 2001/2954](#), last amended by [S.I. 2016/1154](#).
(11) [S.I. 2004/3202](#), last amended by [S.I. 2019/1245](#).
(12) [S.I. 2004/3206](#), last amended by [S.I. 2014/549](#).
(13) [S.I. 2005/477](#), last amended by [S.I. 2017/506](#).
(14) [S.I. 2005/1905](#), last amended by [S.I. 2013/755](#).

- (m) the Water Supply (Exceptions from Supply System Prohibitions) Regulations 2005(15);
- (n) the Water Supply Licence (Prescribed Water Fittings Requirements) Regulations 2005(16);
- (o) the Water Resources (Abstraction and Impounding) Regulations 2006(17), except regulations 29 and 30;
- (p) the Water Resources Management Plan Regulations 2007(18);
- (q) the Water (Prevention of Pollution) (Code of Good Agricultural Practice) (England) Order 2009(19);
- (r) the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010(20);
- (s) the Water Use (Temporary Bans) Order 2010(21);
- (t) the Water Industry (Charges) (Vulnerable Groups) (Consolidation) Regulations 2015(22);
- (u) the Water Supply (Water Quality) Regulations 2016(23);
- (v) the Water Quality and Supply (Fees) Order 2016(24);
- (w) the Private Water Supplies (England) Regulations 2016(25);
- (x) the Sewerage Services (Exception from Sewerage System Prohibition) (England) Regulations 2017(26);
- (y) the Water Industry Designated Codes (Appeals to the Competition and Markets Authority) Regulations 2017(27);
- (z) the Water Infrastructure Adoption (Prescribed Water Fittings Requirements) (England) Regulations 2017(28);
- (aa) the Water Abstraction and Impounding (Exemptions) Regulations 2017(29).

Amendments to the Isles of Scilly (Application of Water Legislation) Order 2019

6.—(1) Article 4 of the Isles of Scilly (Application of Water Legislation) Order 2019(30) is amended as follows.

(2) For paragraph (2)(c) substitute—

“(c) for subsection (2) there were substituted—

“(2) Subject to subsections (3) to (6)—

(a) the Secretary of State; and

(b) with the consent of or in accordance with a general authorisation given by the Secretary of State, the Authority,

(15) [S.I. 2005/3075](#), last amended by [S.I. 2017/506](#).

(16) [S.I. 2005/3077](#).

(17) [S.I. 2006/641](#), last amended by [S.I. 2017/1047](#).

(18) [S.I. 2007/727](#), amended by [S.I. 2013/755](#).

(19) [S.I. 2009/46](#).

(20) [S.I. 2010/639](#), last amended by [S.I. 2019/558](#).

(21) [S.I. 2010/2231](#).

(22) [S.I. 2015/365](#).

(23) [S.I. 2016/614](#), last amended by [S.I. 2019/558](#).

(24) [S.I. 2016/303](#), amended by [S.I. 2016/614](#).

(25) [S.I. 2016/618](#), last amended by [S.I. 2019/558](#).

(26) [S.I. 2017/244](#).

(27) [S.I. 2017/447](#).

(28) [S.I. 2017/841](#).

(29) [S.I. 2017/1044](#), last amended by [S.I. 2019/558](#).

(30) [S.I. 2019/1259](#).

shall have power, by notice to a company holding an appointment under this Chapter, to terminate the appointment or to vary the area to which it relates.

This subsection does not apply in the case of the variation of an area if the power under subsection (2A) is exercisable in relation to that variation.

(2A) Subject to subsections (3) to (6), where there is no existing relevant undertaker for the Isles of Scilly—

- (a) the Secretary of State; and
- (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, the Authority,

shall have power, by notice to a company holding an appointment under this Chapter, to vary the area to which it relates to include the Isles of Scilly.

In this Act, “original Isles of Scilly variation” means a variation made under this subsection.””.

(3) After paragraph (8) insert—

“(8A) Section 102(2) is to be read as if at the end there were inserted—

“; but nothing in this subsection shall confer any right to make an application under this subsection before 1st April 2025””.

(4) For paragraph (9) substitute—

“(9) Section 105(1)(b) is to be read as if at the end there were inserted “following an application under section 102(2)””.

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

At 10.30 a.m. on 4th March 2020