STATUTORY INSTRUMENTS

2017 No. 506

ENVIRONMENTAL PROTECTION
WATER INDUSTRY

The Water Act 2014 (Consequential Amendments etc.) Order 2017

Made - - - - 30th March 2017

Coming into force in accordance with article 1(1)

The Secretary of State makes this Order in exercise of the powers conferred by—

(a) section 103(1)(a) and (2) of the Water Act 2003(**1**), and

(b) section 90(1) and (2) of the Water Act 2014(**2**).

In accordance with section 104(2) of the Water Act 2003 and section 90(3) of the Water Act 2014, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

PART 1

General

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Water Act 2014 (Consequential Amendments etc.) Order 2017 and comes into force on the day after the day on which it is made.

(2) In this Order—

"the 1991 Act" means the Water Industry Act 1991(**3**);

"the 2014 Act" means the Water Act 2014.

(**1**) 2003 c. 37.
(**2**) 2014 c. 21.
(**3**) 1991 c. 56.

PART 2

Consequential amendments to primary legislation

Telecommunications Act 1984

2. In section 101(3)(j) of the Telecommunications Act 1984(**4**), at the end insert "or the Water Act 2014".

Airports Act 1986

3. In section 74(3)(k) of the Airports Act 1986(**5**), at the end insert "or the Water Act 2014".

Water Act 1989

4. In section 174(2) of the Water Act 1989(**6**)—

(a) in paragraph (a), after "the Water Act 2003" insert ", the Water Act 2014";

(b) in paragraph (b), after "by or under this Act" insert ", the Water Act 2014";

(c) in paragraph (j), after "the Water Act 2003" insert ", the Water Act 2014".

Food Safety Act 1990

5. In section 55(b) of the Food Safety Act 1990(**7**), for "licensed water supplier" substitute "water supply licensee".

The 1991 Act

6.—(1) The 1991 Act is amended as follows.

(2) In sections 2A(9) and 2B(9)(**8**), for "section 2(1)(b)" substitute "section 2(1)".

(3) In section 22A(1)(b)(**9**)—

(a) at the end of sub-paragraph (i) omit "or";

(b) at the end of sub-paragraph (ii) insert—

"or

(iii) has failed or is failing to achieve any standard of performance prescribed under section 38ZA(**10**) or 95ZA(**11**),".

(**4**) 1984 c. 12; section 101(3)(j) was inserted by the Water Act 1989 (c. 15), Schedule 25, paragraph 68(2) and amended by the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), Schedule 1, paragraph 38(2) and the Water Act 2003 (c. 37), Schedule 7, paragraph 23(b).

(**5**) 1986 c. 31; section 74(3)(k) was inserted by the Water Act 1989, Schedule 25, paragraph 76(b) and amended by the Water Consolidation (Consequential Provisions) Act 1991, Schedule 1, paragraph 44 and the Water Act 2003, Schedule 7, paragraph 24(b).

(**6**) 1989 c. 15; section 174(2)(a) was amended by the Water Consolidation (Consequential Provisions) Act 1991, Schedule 1, paragraph 50(2), the Water Act 2003, Schedule 7, paragraph 26(2)(a) and S.I. 1996/593, 2013/755 (W. 90), 2014/892. Section 174(2)(b) was amended by the Water Consolidation (Consequential Provisions) Act 1991, Schedule 1, paragraph 50(2), the Water Act 2003, Schedule 8, paragraph 1(2) and the 2014 Act, Schedule 7, paragraph 1(2). Section 174(2)(j) was amended by the Water Consolidation (Consequential Provisions) Act 1991, Schedule 1, paragraph 50(2), the Water Act 2003, Schedule 7, paragraph 26(2)(a) and S.I. 1996/593.

(**7**) 1990 c. 16; section 55 was substituted by S.I. 2005/2035.

(**8**) Sections 2A and 2B were substituted by the 2014 Act, section 24(1).

(**9**) Section 22A was inserted by the Water Act 2003, section 48(1). Subsection (1)(b) was amended by the 2014 Act, Schedule 7, paragraph 31(2)(b).

(**10**) Section 38ZA was inserted by the 2014 Act, section 29(1). It is amended by the 2014 Act, Schedule 5, paragraph 26 from a date to be appointed.

(4) In section 66J(2)(a)(**12**), for "licensed water supplier" substitute "water supply licensee".

(5) In section 185(**13**)—

(a) in subsection (4), for "as the undertaker may reasonably require" substitute "as charging rules allow and the undertaker requires";

(b) omit subsections (6) and (7).

(6) In section 206(3)(**14**)—

(a) in paragraph (a), after "the Water Act 2003" insert ", the Water Act 2014";

(b) in paragraph (b)—

(i) omit "Chapter 4 of Part 1 of";

(ii) at the end insert ", the Water Act 2003 or the Water Act 2014";

(c) in paragraph (j)—

(i) after "the Water Act 2003", in the first place it occurs, insert ", the Water Act 2014";

(ii) for "or the Water Act 2003" substitute ", the Water Act 2003 or the Water Act 2014".

Water Resources Act 1991

7. In section 204(2) of the Water Resources Act 1991(**15**)—

(a) in paragraph (a), after "the Water Act 2003," insert "the Water Act 2014";

(b) in paragraph (b), for "or the Water Act 2003" substitute ", the Water Act 2003 or the Water Act 2014";

(c) in paragraph (j)—

(i) after "the Water Act 2003", in the first place it occurs, insert ", the Water Act 2014";

(ii) for "or the Water Act 2003" substitute ", the Water Act 2003 or the Water Act 2014".

Railways Act 1993

8. In section 145 of the Railways Act 1993(**16**)—

(a) for subsection (2)(b)(vi) substitute—

"(vi) the Water Services Regulation Authority,";

(b) in subsection (3), after paragraph (t) insert—

"(u) the Water Act 2003;

(v) the Water Act 2014.".

(**11**) Section 95ZA was inserted by the 2014 Act, section 30(1). It is amended by the 2014 Act, Schedule 5, paragraph 39 from a date to be appointed.

(**12**) Section 66J was inserted by the Water Act 2003, Schedule 4, paragraph 3.

(**13**) Section 185(6) and (7) were amended by the Water Act 2003, section 36(2).

(**14**) Section 206(3)(a) was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 121(2), the Pollution Prevention and Control Act 1999 (c. 24), Schedule 2, paragraph 7 and Schedule 3, the Water Act 2003, section 36(2) and Schedule 7, paragraph 27(5) and S.I. 2013/755 (W. 90), 2014/892. Section 206(3)(b) was amended by the Water Act 2003, section 36(2) and Schedule 7, paragraph 27(5) and Schedule 8, paragraph 47(2), the 2014 Act, Schedule 7, paragraph 116(2) and S.I. 2016/744. Section 206(3)(j) was amended by the Water Act 2003, Schedule 7, paragraph 27(5).

(**15**) 1991 c. 57; section 204(2)(a) was amended by the Environment Act 1995, Schedule 22, paragraph 173(2), the Pollution Prevention and Control Act 1999, Schedule 2, paragraph 8 and Schedule 3, the Water Act 2003, Schedule 7, paragraph 28(3) and S.I. 2013/755 (W. 90), 2014/892. Section 204(2)(b) was amended by the Water Act 2003, Schedule 7, paragraph 28(3) and Schedule 8, paragraph 53(3)(a), the 2014 Act, Schedule 7, paragraph 126(2) and S.I. 2013/755 (W. 90). Section 204(2)(j) was amended by the Water Act 2003, Schedule 7, paragraph 28(3)(a).

(**16**) 1993 c. 43; section 145(3)(t) was inserted by S.I. 2014/892.

Coal Industry Act 1994

9. In section 59(4) of the Coal Industry Act 1994(**17**), after paragraph (s) insert—

"(t) the Water Act 2014.".

Environment Act 1995

10.—(1) The Environment Act 1995 is amended as follows.

(2) In section 108(15)(**18**)—

(a) in the definition of "local enforcing authority", in paragraph (d), at the end insert "or regulations under section 61 of the Water Act 2014";

(b) in the definition of ""pollution control functions", in relation to the Agency, the Natural Resources Body for Wales or SEPA", in the words after paragraph (n), after "the Pollution Prevention and Control Act 1999" insert "or regulations under section 61 of the Water Act 2014".

(3) In section 113(5)(**19**), in the definition of "local enforcing authority", in paragraph (aa), at the end insert "or regulations under section 61 of the Water Act 2014".

(4) In section 114(2)(a)(viii)(**20**)—

(a) as it applies to England and Wales, at the end insert "or regulations under section 61 of the Water Act 2014 extending to England and Wales";

(b) as it applies to Scotland, after "extending to Scotland" insert ", under section 61 of the Water Act 2014 extending to Scotland".

Greater London Authority Act 1999

11. In section 235 of the Greater London Authority Act 1999(**21**)—

(a) for subsection (2)(c)(vi) substitute—

"(vi) the Water Services Regulation Authority,";

(b) in subsection (3)—

(i) after paragraph (rt) insert—

"(rta) the Water Act 2003;";

(ii) after paragraph (u) insert—

"(v) the Water Act 2014.".

Utilities Act 2000

12. In section 105(6)(l) of the Utilities Act 2000(**22**), at the end insert "or the Water Act 2014".

(**17**) 1994 c. 21; section 59(4)(s) was inserted by S.I. 2014/892.
(**18**) 1995 c. 25; paragraph (d) of the definition of "local enforcing authority" in section 108(15) was inserted by S.I. 2000/1973. The opening words of the definition of ""pollution control functions", in relation to the Agency, the Natural Resources Body for Wales or SEPA" were amended by S.I. 2013/755 (W. 90) and paragraph (n) was inserted, in relation to Scotland, by S.S.I. 2000/323 and amended by the Regulatory Reform (Scotland) Act 2014 (asp 3), Schedule 3, paragraph 5(3).
(**19**) Paragraph (aa) of the definition of "local enforcing authority" in section 113(5) was inserted by S.I. 2000/197.
(**20**) Section 114(2)(a)(viii) was inserted by S.I. 2000/1973 and, in relation to Scotland, by S.S.I. 2000/323 and amended, in relation to Scotland, by the Regulatory Reform (Scotland) Act 2014, Schedule 3, paragraph 5(4).
(**21**) 1999 c. 29; section 235(3)(u) was inserted by S.I. 2014/892.
(**22**) 2000 c. 27; section 105(6)(l) was amended by the Water Act 2003, Schedule 7, paragraph 34(b) and S.I. 2006/3336 (N.I. 21).

Transport Act 2000

13. In paragraph 3(3) of Schedule 9 to the Transport Act 2000(**23**), after paragraph (rg) insert—

"(rh) the Water Act 2014;".

Enterprise Act 2002

14. In Schedule 15 to the Enterprise Act 2002(**24**), after the entry relating to the Energy Act 2013 insert—

"Water Act 2014.".

Regulatory Enforcement and Sanctions Act 2008

15. In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008(**25**), after the entry relating to the Vehicle Excise and Registration Act 1994 insert—

"Water Act 2014 (c. 21), section 61".

Civil Aviation Act 2012

16. In paragraph 4(3) of Schedule 6 to the Civil Aviation Act 2012(**26**), after the entry for the Enterprise and Regulatory Reform Act 2013 insert—

"Water Act 2014;".

PART 3

Consequential amendments and modifications to secondary legislation

The Water Supply (Water Fittings) Regulations 1999

17. In regulations 2, 3, 5 and 12(1)(aa) of, and Schedules 1 and 2 to, the Water Supply (Water Fittings) Regulations 1999(**27**), for "licensed water supplier", in each place it occurs, substitute "water supply licensee".

The Drinking Water (Undertakings) (England and Wales) Regulations 2000

18.—(1) The Drinking Water (Undertakings) (England and Wales) Regulations 2000(**28**) are amended as follows.

(2) In regulation 1(3)—

(a) for the definition of "licensed water supplier" substitute—

""water supply licensee" is to be construed in accordance with section 17A(1) of the Water Industry Act 1991(**29**);"

(b) in the definition of "the relevant enforcement authority", for paragraph (a) substitute—

(**23**) 2000 c. 38; paragraph 3(3)(rg) of Schedule 9 was inserted by S.I. 2014/892.
(**24**) 2002 c. 40; the entry relating to the Energy Act 2013 was inserted by S.I. 2014/469.
(**25**) 2008 c. 13.
(**26**) 2012 c. 19; the entry relating to the Enterprise and Regulatory Reform Act 2013 was inserted by S.I. 2014/892.
(**27**) S.I. 1999/1148, amended by S.I. 2005/2035; there are other amending instruments but none is relevant.
(**28**) S.I. 2000/1297, amended by S.I. 2005/2035; there are other amending instruments but none is relevant.
(**29**) 1991 c. 56; section 17A was substituted by the 2014 Act, section 1(1).