Draft Regulations laid before Parliament under section 213(1A) of the Water Industry Act 1991, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

WATER INDUSTRY, ENGLAND

The Water Fluoridation (Consultation) (England) Regulations 2005

Made - - - -	*####*
Coming into force - -	*1st April 2005*

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 213(1A) of the Water Industry Act 1991(**1**) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 89(1)(a) and (b), (2)(b) and (d) and (5)(b), 213(2)(d) and (e) and 219(1) of the Water Industry Act 1991(**2**) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Water Fluoridation (Consultation)(England) Regulations 2005, and shall come into force on 1st April 2005.

(2) These Regulations apply in respect of fluoridation arrangements relating to water supplied to premises within an area which is wholly in England other than in a case to which subsection (5)(a) of section 89 of the Act applies.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Water Industry Act 1991;

"fluoridation arrangements" means arrangements under section 87(1) of the Act(**3**);

"local authority" means a county council, a district council, the Greater London Authority, a London borough council or the Common Council of the City of London;

(**1**) 1991 c.56; section 213(1A) was inserted by section 58(8) of the Water Act 2003 (c.37). As these are the first Regulations under section 90, the affirmative procedure applies.
(**2**) Section 89 was substituted by the Water Act 2003, section 58(5); section 219(1) is cited for the definition of "prescribed".
(**3**) Section 87 was substituted by the Water Act 2003, section 58(2).

"house" means any building or part of a building which is occupied as a dwelling-house, whether or not a private dwelling-house, or which, if unoccupied, is likely to be so occupied, and

"Strategic Health Authority" means a Strategic Health Authority established under section 8 of the National Health Service Act 1977 (**4**).

(2) References to individuals who would be affected by a step concerning fluoridation arrangements are to those individuals who live in the area to which the arrangements relate, or work in that area on a regular basis.

Consultation

3.—(1) In order to consult and ascertain opinion before taking any step concerning fluoridation arrangements that falls within section 89(2) of the Act, a Strategic Health Authority shall—

(a) publish details of the step they propose to take, and the manner in which individuals who would be affected by it and bodies with an interest can make representations regarding the proposal—

(i) in one or more newspapers circulating within the area to which the arrangements relate and

(ii) in such other media accessible within that area as the Authority consider appropriate for the purpose of bringing the proposal to the attention of individuals affected and bodies with an interest;

(b) give notice of the proposal to every local authority whose area falls wholly or partly within the area to which the arrangements relate.

(2) The details published under paragraph (1)(a) shall include—

(a) the nature of the step the Authority propose to take;

(b) the reasons for the proposal;

(c) the area affected by the proposal, and

(d) the period, being a period of not less than 3 months from the date on which the details are first published, within which representations can be made to the Authority.

Particular circumstances in which consultation is required

4.—(1) Requesting a water undertaker to vary fluoridation arrangements is a step falling within section 89(2) of the Act if—

(a) the variation concerns the boundary of the area to which the arrangements relate, and

(b) the number of houses that would be affected by the variation, either by being brought within the area or by being excluded from it, exceeds 20% of the number of houses within the area at the time that the request is made.

(2) Maintaining fluoridation arrangements is a step falling within section 89(2) of the Act if it involves the upgrading or replacement of fluoridation plant, otherwise than for the purpose of meeting operational or health and safety standards.

Outcome of consultation

5. A Strategic Health Authority shall not proceed with any step regarding fluoridation arrangements that falls within section 89(2) of the Act unless, having regard to the extent of support

(**4**) 1977 c.49; section 8 was substituted by section 1 of the National Health Service Reform and Health Care Professions Act 2002. (c.17).