

2012 No. 2000 (C. 79)

COAST PROTECTION, ENGLAND AND WALES

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

FLOOD RISK MANAGEMENT, ENGLAND AND WALES

WATER INDUSTRY, ENGLAND AND WALES

The Flood and Water Management Act 2010 (Commencement
No. 7) Order 2012

Made - - - -

30th July 2012

This Order is made—

- (a) in relation to England, in exercise of the powers conferred on the Secretary of State by section 49(3)(h) of the Flood and Water Management Act 2010(a); and
- (b) in relation to Wales, in exercise of the powers conferred on the Welsh Ministers by section 49(3)(i) of that Act.

The Secretary of State and the Welsh Ministers make the following Order.

Citation

1. This Order may be cited as the Flood and Water Management Act 2010 (Commencement No. 7) Order 2012.

Provisions coming into force on 1st August 2012

2. The following provisions of the Flood and Water Management Act 2010 come into force on 1st August 2012—

- (a) section 30 (designation of features), so far as not already commenced; and
- (b) Schedule 1 (risk management: designation of features) so far as not already commenced.

30th July 2012

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

29th July 2012

John Griffiths
Minister for Environment and Sustainable Development
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Flood and Water Management Act 2010 (“the Act”).

Article 2 specifies provisions of the Act that come into force on 1 August 2012. These make provision for the designation of features for the purposes of flood and coastal erosion risk management. Under section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c. 29) (“the Act”), the Environment Agency, local authorities or an internal drainage board may designate structures or environmental features that affect a flood or coastal erosion risk, though they may not necessarily have been designed or constructed for that purpose. Once designated, the owner of the designated feature cannot alter, remove or replace it without consent from the relevant authority, being either the authority which designated the feature or the authority who has since taken over responsibility for the designation in accordance with Schedule 1 to the Act (the “Responsible Authority”). Under Schedule 1 the Responsible Authority also has powers to cancel a designation, grant, vary or withdraw consent (other than in response to an application) and issue enforcement notices in respect of designated features.

An impact assessment of the effect the provisions commenced by this Order will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. It is published alongside this instrument at www.legislation.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Flood and Water Management Act 2010 were brought into force by commencement order made before the date of this Order.

<i>Provision of the Act</i>		<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 2	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 3	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)

<i>Provision of the Act</i>		<i>Date of commencement</i>	<i>S.I. No.</i>
Section 4	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 5		1st October 2010	S.I. 2010/2169 (C. 108)
Section 6	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Sections 7 to 10		1st October 2010	S.I. 2010/2169 (C. 108)
Section 11 <i>in relation to England only</i>		19th July 2011	S.I. 2011/1770 (C. 7)
Section 11 <i>in relation to Wales only</i>		1st November 2011	S.I. 2011/2204 (C. 80)
Section 12		1st November 2011	S.I. 2011/2204 (C. 80)
Section 13		1st October 2010	S.I. 2010/2169 (C. 108)
Section 14		6th April 2011	S.I. 2011/694 (C. 25)
Section 15	<i>partially</i>	18th January 2011	S.I. 2011/95 (C. 4)
	<i>remainder, in relation to Wales only</i>	6th April 2011	S.I. 2011/694 (C. 25)
Section 16		1st October 2010	S.I. 2010/2169 (C. 108)
Section 17	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st April 2011	S.I. 2011/694 (C. 25)
Section 18 <i>in relation to England only</i>		19th July 2011	S.I. 2011/1770 (C. 7)
Section 18 <i>in relation to Wales only</i>		1st November 2011	S.I. 2011/2204 (C. 80)
Section 19		6th April 2011	S.I. 2011/694 (C. 25)
Section 20		1st October 2010	S.I. 2010/2169 (C. 108)
Section 21		6th April 2011	S.I. 2011/694 (C. 25)
Section 22	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st April 2011	S.I. 2011/694 (C. 25)
Section 23		1st April 2011	S.I. 2011/694 (C. 25)
Section 24		1st October 2010	S.I. 2010/2169 (C. 108)
Section 25		1st April 2011	S.I. 2011/694 (C. 25)
Section 26		1st October 2010	S.I. 2010/2169 (C. 108)
Section 27		1st October 2011	S.I. 2011/2204 (C. 80)

<i>Provision of the Act</i>		<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 28 and 29		1st October 2010	S.I. 2010/2169 (C. 108)
Section 30	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
Section 31	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>partially</i>	1st April 2011	S.I. 2011/694 (C. 25)
	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
	<i>partially</i>	19th July 2011	S.I. 2011/1770 (C. 7)
	<i>partially, in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
	<i>partially</i>	6th April 2012	S.I. 2012/879 (C.25)
Section 33	<i>partially</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Section 34	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>partially</i>	1st April 2011	S.I. 2011/694 (C. 25)
Section 35	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 36	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 37		6th April 2011	S.I. 2011/694 (C. 25)
Sections 38 and 39	<i>partially</i>	18th January 2011	S.I. 2011/95 (C. 4)
Sections 38 and 39	<i>remainder</i>	1st December 2011	S.I. 2011/2856 (C. 101)
Sections 40 and 41		1st October 2010	S.I. 2010/2169 (C. 108)
Sections 42 and 43	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 44		1st October 2011	S.I. 2011/2204 (C. 80)
Section 45	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Sections 46 and 47		1st October 2010	S.I. 2010/2169 (C. 108)
<i>In Schedule 1—</i>			
Paragraphs 15 and 16	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
Paragraph 17		6th April 2011	S.I. 2011/694 (C. 25)
<i>In Schedule 2—</i>			
Paragraphs 1 to 24 <i>in relation to England only</i>		19th July 2011	S.I. 2011/1770 (C. 7)
Paragraphs 1 to 24 <i>in relation to Wales only</i>		1st October 2011	S.I. 2011/2204 (C. 80)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Paragraph 25	1st October 2010	S.I. 2010/2169 (C. 108)
Paragraphs 26 and 27	6th April 2012	S.I. 2012/879 (C. 25)
Paragraph 28	1st October 2010	S.I. 2010/2169 (C.108)
Paragraphs 29 and 30 <i>in relation to England only</i>	19th July 2011	S.I. 2011/1770 (C. 7)
Paragraphs 29 and 30 <i>in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraph 31	6th April 2012	S.I. 2012/879 (C. 25)
Paragraph 32 <i>partially</i>	6th April 2012	S.I. 2012/879 (C. 25)
Paragraphs 33 and 34	6th April 2012	S.I. 2012/879 (C. 25)
Paragraphs 35 and 36 <i>in relation to England only</i>	19th July 2011	S.I. 2011/1770 (C. 7)
Paragraphs 35 and 36 <i>in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraph 37	6th April 2011	S.I. 2011/694 (C. 25)
Paragraphs 38 and 39 <i>in relation to England only</i>	19th July 2011	S.I. 2011/1770 (C. 7)
Paragraphs 38 and 39 <i>in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraphs 40, 41, 43 and 44	1st April 2011	S.I. 2011/694 (C. 25)
Paragraphs 45 to 47 <i>in relation to England only</i>	19th July 2011	S.I. 2011/1770 (C. 7)
Paragraphs 45 to 47 <i>in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraph 48	1st April 2011	S.I. 2011/694 (C. 25)
Paragraph 49 <i>in relation to England only</i>	19th July 2011	S.I. 2011/1770 (C. 7)
Paragraph 49 <i>in relation to Wales only</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraphs 50 to 53	1st April 2011	S.I. 2011/694 (C. 25)
Paragraph 54 <i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
<i>remainder</i>	6th April 2011	S.I. 2011/694 (C. 25)
<i>In Schedule 4—</i>		
Paragraph 1	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33 and 37 <i>partially</i>	1st October 2011	S.I. 2011/2204 (C. 80)
Paragraphs 38 to 40, 42 and 43	1st October 2011	S.I. 2011/2204 (C. 80)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
<i>In Schedule 5—</i>		
Paragraphs 1 and 2	1st April 2011	S.I. 2011/694 (C. 25)
Paragraph 3	<i>partially</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Paragraph 4	1st April 2011	S.I. 2011/694 (C. 25)
Paragraphs 5 and 6	<i>partially</i> 1st October 2010	S.I. 2010/2169 (C. 108)