

2016 No. 79 (W. 36) (C. 6)

**FLOOD RISK MANAGEMENT,
WALES**

The Flood and Water Management
Act 2010 (Commencement No. 1
and Transitional Provisions)
(Wales) Order 2016

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 2010 Act”) in relation to Wales.

Article 2 specifies provisions of the 2010 Act that come into force (so far as not already commenced) on 1 April 2016 in relation to Wales only. These provisions amend the Reservoirs Act 1975 (c. 23) to introduce a new legal framework relating to the safety of large raised reservoirs.

Article 3 contains transitional and savings provisions relating to the amendments of the Reservoirs Act 1975.

**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>	1 September 2010	2010/2169 (C. 108)
Section 1 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Section 2	1 September 2010	2010/2169

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
<i>(partially)</i>		(C. 108)
Section 2 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Section 3 <i>(partially)</i>	1 September 2010	2010/2169 (C. 108)
Section 3 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Section 4 <i>(partially)</i>	1 September 2010	2010/2169 (C. 108)
Section 4 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Section 5	1 October 2010	2010/2169 (C. 108)
Section 6 <i>(partially)</i>	1 September 2010	2010/2169 (C. 108)
Section 6 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Sections 7 to 10	1 October 2010	2010/2169 (C. 108)
Section 11 <i>(in relation to England only)</i>	19 July 2011	2011/1770 (C. 7)
Section 11 <i>(in relation to Wales only)</i>	1 November 2011	2011/2204 (C. 80)
Section 12	1 November 2011	2011/2204 (C. 80)
Section 13	1 October 2010	2010/2169 (C. 108)
Section 14	6 April 2011	2011/694 (C. 25)
Section 15 <i>(partially)</i>	18 January 2011	2011/95 (C. 4)
Section 15 <i>(remainder, in relation to Wales only)</i>	6 April 2011	2011/694 (C. 25)
Section 16	1 October 2010	2010/2169 (C. 108)
Section 17 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Section 17 <i>(remainder)</i>	1 April 2011	2011/694 (C. 25)
Section 18 <i>(in relation to England only)</i>	19 July 2011	2011/1770 (C. 7)
Section 18 <i>(in relation to Wales only)</i>	1 November 2011	2011/2204 (C. 80)
Section 19	6 April 2011	2011/694 (C. 25)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 20	1 October 2010	2010/2169 (C. 108)
Section 21	6 April 2011	2011/694 (C. 25)
Section 22 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Section 22 <i>(remainder)</i>	1 April 2011	2011/694 (C. 25)
Section 23	1 April 2011	2011/694 (C. 25)
Section 24	1 October 2010	2010/2169 (C. 108)
Section 25	1 April 2011	2011/694 (C. 25)
Section 26	1 October 2010	2010/2169 (C. 108)
Section 27	1 October 2011	2011/2204 (C. 80)
Sections 28 and 29	1 October 2010	2010/2169 (C. 108)
Section 30 <i>(partially)</i>	6 April 2011	2011/694 (C. 25)
Section 30 <i>(remainder)</i>	1 August 2012	2012/2000 (C. 79)
Section 31 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
	1 April 2011	2011/694 (C. 25)
	6 April 2011	2011/694 (C. 25)
	19 July 2011	2011/1770 (C. 7)
	1 October 2011	2011/2204 (C. 80)
	6 April 2012	2012/879 (C. 25)
Section 33 <i>(partially)</i>	1 October 2011	2011/2204 (C. 80)
Section 33, <i>(partially in relation to England)</i>	30 July 2013	2013/1590 (C. 64)
Section 34 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
	1 April 2011	2011/694 (C. 25)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 35 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Section 36 <i>(partially)</i>	1 September 2010	2010/2169 (C. 108)
Section 36 <i>(remainder)</i>	1 October 2010	2010/2169 (C. 108)
Section 37	6 April 2011	2011/694 (C. 25)
Sections 38 and 39 <i>(partially)</i>	18 January 2011	2011/95 (C. 4)
Sections 38 and 39 <i>(remainder)</i>	1 December 2011	2011/2856 (C. 101)
Sections 40 and 41	1 October 2010	2010/2169 (C. 108)
Sections 42 and 43 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Section 42 <i>(remainder in relation to Wales only)</i> .	1 October 2010	2010/2169 (C. 108)
Section 44	1 October 2011	2011/2204 (C. 80)
Section 45 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Section 45 <i>(remainder, in relation to Wales only)</i>	1 January 2015	2014/3155 (W. 317) (C. 137)
Sections 46 and 47	1 October 2010	2010/2169 (C. 108)
<i>In Schedule 1—</i>		
Paragraphs 15 and 16 <i>(partially)</i>	6 April 2011	2011/694 (C. 25)
Paragraph 17	6 April 2011	2011/694 (C. 25)
Schedule 1 <i>(remainder)</i>	1 August 2012	2012/2000 (C. 79)
<i>In Schedule 2—</i>		
Paragraphs 1 to 24 <i>(in relation to England only)</i>	19 July 2011	2011/1770 (C. 7)
Paragraphs 1 to 24 <i>(in relation to Wales only)</i>	1 October 2011	2011/2204 (C. 80)
Paragraph 25	1 October 2010	2010/2169 (C. 108)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Paragraphs 26 and 27	6 April 2012	2012/879 (C. 25)
Paragraph 28	1 October 2010	2010/2169 (C. 108)
Paragraphs 29 and 30 (<i>in relation to England only</i>)	19 July 2011	2011/1770 (C. 7)
Paragraphs 29 and 30 (<i>in relation to Wales only</i>)	1 October 2011	2011/2204 (C. 80)
Paragraphs 31, 32(1) to (3) and (5) to (7), 33 and 34	6 April 2012	2012/879 (C. 25)
Paragraphs 35 and 36 (<i>in relation to England only</i>)	19 July 2011	2011/1770 (C. 7)
Paragraphs 35 and 36 (<i>in relation to Wales only</i>)	1 October 2011	2011/2204 (C. 80)
Paragraph 37	6 April 2011	2011/694 (C. 25)
Paragraphs 38 and 39 (<i>in relation to England only</i>)	19 July 2011	2011/1770 (C. 7)
Paragraphs 38 and 39 (<i>in relation to Wales only</i>)	1 October 2011	2011/2204 (C. 80)
Paragraphs 40, 41, 43 and 44	1 April 2011	2011/694 (C. 25)
Paragraphs 45 to 47 (<i>in relation to England only</i>)	19 July 2011	2011/1770 (C. 7)
Paragraphs 45 to 47 (<i>in relation to Wales only</i>)	1 October 2011	2011/2204 (C. 80)
Paragraph 48	1 April 2011	2011/694 (C. 25)
Paragraph 49 (<i>in relation to England only</i>)	19 July 2011	2011/1770 (C. 7)
Paragraph 49 (<i>in relation to Wales only</i>)	1 October 2011	2011/2204 (C. 80)
Paragraphs 50 to 53	1 April 2011	2011/694 (C. 25)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Paragraph 54 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Paragraph 54 <i>(remainder)</i>	6 April 2011	2011/694 (C. 25)
<i>In Schedule 4—</i>		
Paragraph 1	1 October 2011	2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33 and 37 - <i>(partially)</i>	1 October 2011	2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27 and 33 <i>(remainder in relation to England only).</i>	30 July 2013	2011/2204 (C.80)
Paragraphs 3, 5, 6, 8, 9, 11, 13 to 21, 23, 24, 26, 28, 29, 34 to 36 and 41 <i>(in relation to England only).</i>	30 July 2013	2013/1590 (C. 64)
Paragraphs 38 to 40, 42 and 43	1 October 2011	2011/2204 (C. 80)
<i>In Schedule 5—</i>		
Paragraphs 1 and 2	1 April 2011	2011/694 (C. 25)
Paragraph 3 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)
Paragraph 4	1 April 2011	2011/694 (C. 25)
Paragraphs 5 and 6 <i>(partially)</i>	1 October 2010	2010/2169 (C. 108)

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**FLOOD RISK MANAGEMENT,
WALES**

**The Flood and Water Management
Act 2010 (Commencement No. 1
and Transitional Provisions)
(Wales) Order 2016**

Made 26 January 2016

Coming into force 1 April 2016

The Welsh Ministers make this Order in exercise of the powers conferred by sections 48(2) and 49(3)(i) of the Flood and Water Management Act 2010⁽¹⁾.

Title, application and interpretation

1.—(1) The title of this Order is the Flood and Water Management Act 2010 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2016.

(2) This Order applies in relation to Wales.

(3) In this Order—

(a) “the 2010 Act” means the Flood and Water Management Act 2010; and

(b) “the 1975 Act” means the Reservoirs Act 1975⁽²⁾.

Provisions coming into force on 1 April 2016

2.The following provisions of the 2010 Act, so far as not already commenced, come into force on 1 April 2016—

(a) section 33 (reservoirs);

(1) 2010 c. 29.
(2) 1975 c. 23.

- (b) paragraphs 2 to 11, 13 and 14 of Schedule 4 (reservoirs);
- (c) paragraphs 12 and 15 to 19 of Schedule 4 except in relation to any pre-commencement large raised reservoir (see article 3);
- (d) paragraphs 20 to 29, 33 to 36 and 41 of Schedule 4.

Provisions coming into force on applicable day in relation to pre-commencement large raised reservoirs

3.—(1) Paragraphs 12 and 15 to 19 of Schedule 4 to the 2010 Act come into force on the applicable day in relation to any pre-commencement large raised reservoir.

(2) A reservoir is a pre-commencement large raised reservoir if it was registered as a large raised reservoir under the Reservoirs Act 1975 (Registers, Reports and Records) Regulations 1985⁽¹⁾ immediately before 1 April 2016.

(3) Subject to paragraphs (4) and (5), the applicable day in relation to any pre-commencement large raised reservoir is the sooner of—

- (a) 28 days after the date upon which the Natural Resources Body for Wales designates that reservoir by virtue of a notice under section 2B(1) of the 1975 Act; and
- (b) 1 April 2017.

(4) Paragraph (5) applies where a pre-commencement large raised reservoir—

- (a) has been designated by virtue of a notice under section 2B(1) of the 1975 Act; and
- (b) the undertaker of the reservoir appeals against the designation under regulation 4(1) of the Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016⁽²⁾

(5) In any case where paragraph (4) applies, the applicable day is the sooner of—

- (a) the date on which the Welsh Ministers decide the appeal by virtue of regulation 4(2) of the Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016; and
- (b) 1 April 2017.

Carl Sargeant
 Minister for Natural Resources, one of the Welsh Ministers
 26 January 2016

(1) S.I. 1985/177.
 (2) S.I. 2016/78.