

SCHEDULES

SCHEDULE 4

RESERVOIRS

Regulations and orders

- 38 (1) Section 5 (power to prescribe by regulations) is amended as follows.
- (2) The existing provision becomes subsection (1).
- (3) At the end add—
- “(2) A statutory instrument under this Act—
- (a) may make provision that applies generally or only for specified purposes,
 - (b) may make different provision for different purposes, and
 - (c) may include incidental, consequential or transitional provision.
- (3) Regulations or an order made under any provision listed in subsection (5) or (7) shall be made by statutory instrument.
- (4) A statutory instrument containing regulations, rules or an order made under any provision listed in subsection (5)—
- (a) shall be subject to annulment in pursuance of a resolution of either House of Parliament, in the case of an instrument made by the Secretary of State, or
 - (b) shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales, in the case of an instrument made by the Welsh Ministers.
- (5) The provisions are—
- (a) section A1(4) and (5),
 - (b) section 2(2) or (2C),
 - (c) section 2A(4),
 - (d) section 2E(1),
 - (e) section 3(1) or (3),
 - (f) section 4(9),
 - (g) section 11(1),
 - (h) section 14(6),
 - (i) section 19(5),
 - (j) section 19A(1),
 - (k) section 20(1),
 - (l) section 20A(1),
 - (m) section 21(1),
 - (n) section 21B(1), and

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Regulations and orders. (See end of Document for details)

- (o) section 22D(1).
- (6) A statutory instrument containing regulations or an order made under any provision listed in subsection (7) may not be made unless a draft has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of regulations or an order made by the Secretary of State, or
 - (b) the National Assembly for Wales, in the case of regulations or an order made by the Welsh Ministers.
- (7) The provisions are—
 - (a) section A1(7) and (8),
 - (b) section 2C(1)(b),
 - (c) section 6(6B),
 - (d) section 10(2), and
 - (e) section 13(4).
- (8) The first sets of regulations under section 2E or 19A may not be made unless a draft has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of the first regulations made by the Secretary of State under either section, and
 - (b) the National Assembly for Wales, in the case of the first regulations made by the Welsh Ministers under either section.”

Commencement Information

II Sch. 4 para. 38 in force at 1.10.2011 by S.I. 2011/2204, art. 3(1)(g)

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