
STATUTORY INSTRUMENTS

2011 No. 2855

**The Incidental Flooding and Coastal
Erosion (England) Order 2011**

Application of power of entry provisions to section 38 of the 2010 Act

5.—(1) Section 170 of the 1991 Act⁽¹⁾ applies for the purposes of section 38 of the 2010 Act as if the reference in subsection (4) to any power conferred by any of the provisions of sections 159, 160, 162(2) and (3) and 163 of the 1991 Act were a reference to any power conferred by section 38 of the 2010 Act.

(2) Section 171 of the 1991 Act⁽²⁾ applies for the purposes of section 38 of the 2010 Act as if—

- (a) the functions referred to in section 171(2)(a) included functions under section 38 of the 2010 Act; and
- (b) section 171(2)(b) were omitted.

(3) Schedule 20 to the 1991 Act⁽³⁾ applies for the purposes of section 38 of the 2010 Act as if—

- (a) the references in paragraphs 1 and 2(1)(a) to powers conferred by sections 169 to 172 of the 1991 Act were references to powers conferred by section 170 or 171 of the 1991 Act as applied by this article;
- (b) the words “the premises in question are on agricultural land,” were inserted after “where” in paragraph 1(2);
- (c) the reference in paragraph 1(3) to the power conferred by section 170 of the 1991 Act were a reference to that power as applied by this article;
- (d) the reference in paragraph 2(4) to the power conferred by section 171 of the 1991 Act were a reference to that power as applied by this article;
- (e) references to a power to which Schedule 20 applies were references to any power conferred by section 170 or 171 of the 1991 Act as applied by this article, including a power exercisable by virtue of a warrant under Schedule 20;
- (f) paragraph 8(2) were omitted; and
- (g) “agricultural land” had the same meaning as in section 145 of the 1991 Act.

(1) Section 170 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraph 128.

(2) Section 171 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraph 128.

(3) Schedule 20 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraphs 128 and 188, and [S.I. 2009/1307](#).

Changes to legislation:

There are currently no known outstanding effects for the The Incidental Flooding and Coastal Erosion (England) Order 2011, Section 5.