
STATUTORY INSTRUMENTS

2011 No. 95 (C. 4)

**COAST PROTECTION, ENGLAND AND WALES
ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES
FLOOD RISK MANAGEMENT,
ENGLAND AND WALES**

The Flood and Water Management Act
2010 (Commencement No. 2) Order 2011

Made - - - - 18th January 2011

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⁽¹⁾; 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. 2) Order 2011.

Provisions coming into force on 18th January 2011

2. The following provisions of the Flood and Water Management Act 2010 come into force on 18th January 2011—

- (a) section 15 (civil sanctions), so far as it provides power for the Minister, as defined in subsection (10) of that section, to make regulations under subsection (8) of that section;
- (b) section 38 (incidental flooding or coastal erosion: Environment Agency), so far as it provides power for the Minister, as defined in subsection (10) of that section, to make an order under subsection (8) of that section;

(1) 2010 c. 29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) section 39 (incidental flooding or coastal erosion: local authorities), so far as it provides power for the Minister, as defined in subsection (14) of that section, to make an order under subsection (12) of that section.

18th January 2011

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

15th January 2011

Jane Davidson
Minister for Environment, Sustainability and
Housing
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”) to provide power for Ministers to make orders and regulations to give effect to the Act. The Order refers to the relevant definitions of “the Minister”.

Article 2 provides that sections 15, 38 and 39 of the Act come into force on 18th January 2011 so far as to enable Ministers—

- (a) to make regulations providing a right of appeal against a penalty imposed under section 15; and
- (b) to make orders under sections 38 and 39 applying provisions of the Water Resources Act 1991⁽²⁾ to those sections.

Impact assessments of the effect that the commencement of sections 15, 38 and 39 of the Act will have on the costs of business and the voluntary sector have been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The following provisions of the Flood and Water Management Act 2010 were brought into force by the Flood and Water Management Act 2010 (Commencement No. 1 and Transitional Provisions) Order 2010⁽³⁾.

| <i>Provision of the Act</i> | <i>Date of commencement</i> |
|---------------------------------|-------------------------------------|
| Section 1 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Section 2 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Section 3 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Section 4 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Section 5 | 1st October 2010 |
| Section 6 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Sections 7, 8, 9, 10, 13 and 16 | 1st October 2010 |

(2) 1991 c. 57.

(3) S.I. 2010/2169 (C. 108).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision of the Act</i> | <i>Date of commencement</i> |
|-----------------------------|-------------------------------------|
| Section 17 | <i>partially</i> 1st October 2010 |
| Section 20 | 1st October 2010 |
| Section 22 | <i>partially</i> 1st October 2010 |
| Sections 24, 26, 28 and 29 | 1st October 2010 |
| Sections 31, 34 and 35 | <i>partially</i> 1st October 2010 |
| Section 36 | <i>partially</i> 1st September 2010 |
| | <i>remainder</i> 1st October 2010 |
| Sections 40 and 41 | 1st October 2010 |
| Sections 42, 43 and 45 | <i>partially</i> 1st October 2010 |
| Sections 46 and 47 | 1st October 2010 |
| <i>In Schedule 2—</i> | |
| Paragraphs 25 and 28 | 1st October 2010 |
| Paragraph 54 | <i>partially</i> 1st October 2010 |
| <i>In Schedule 5—</i> | |
| Paragraphs 3, 5 and 6 | <i>partially</i> 1st October 2010 |