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STATUTORY INSTRUMENTS

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**2012 No. 264 (C. 8)**

**WATER, ENGLAND**

**The Water Act 2003 (Commencement No. 11) Order 2012**

*Made* - - - - *2nd February 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 105(3), (4) and (6) of the Water Act 2003<sup>(1)</sup>.

**Citation and application**

- 1.—(1) This Order may be cited as the Water Act 2003 (Commencement No. 11) Order 2012.
- (2) This Order applies in relation to England only.

**Appointed day**

2. The day appointed for the coming into force of section 86 of the Water Act 2003 so far as not already in force is 6th April 2012.

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

2nd February 2012

*Status: This is the original version (as it was originally made).*

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force, on 6th April 2012, section 86 of the Water Act 2003 (“the Act”) in relation to England so far as not already in force.

Section 86 of the Act makes amendments to Part 2A of the Environmental Protection Act 1990 (“the 1990 Act”) in relation to the definition of contaminated land. The definition of “contaminated land” in section 78A of the 1990 Act is amended so that, in relation to the pollution of controlled waters, for land to be determined as contaminated land, it must cause significant pollution or the significant possibility of such pollution of controlled waters. Section 86 of the Act also makes related changes to sections 78A, 78C, 78E, 78K, 78X and 78YB, consequential on the amendment of that definition.

An impact assessment of the effect that changes to the contaminated land regime, making reference to the main impacts of this Order, will have on the costs of business and the voluntary sector has been produced, and a copy is available from the website of the Department for Environment, Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk). It is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk). No separate impact assessment was made for this Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force in England and Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 1	1.4.2006	2006/984 (C.30)
s. 2	1.4.2006	2006/984 (C.30)
s. 3	1.4.2006	2006/984 (C.30)
s. 4	1.4.2006	2006/984 (C.30)
s. 6	1.4.2004 & 1.4.2005	2004/641 (C.24) & 2005/968 (C.43)
s. 8 (partially)	1.4.2006	2006/984 (C.30)
s. 9	1.4.2004	2004/641 (C.24)
s. 10	1.4.2004 & 1.4.2005	2004/641 (C.24) & 2005/968 (C.43)
s. 11	1.4.2006	2006/984 (C.30)

- (1) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.
- (2) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.
- (3) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 12	1.4.2006	2006/984 (C.30)
s. 13	1.4.2006	2006/984 (C.30)
s. 14	1.4.2006	2006/984 (C.30)
s. 15	1.4.2004	2004/641 (C.24)
s. 16	1.4.2004 & 1.4.2005	2004/641 (C.24) & 2005/968 (C.43)
s. 17	1.4.2005	2005/968 (C.43)
s. 18	1.4.2004	2004/641 (C.24)
s. 19	1.4.2004 & 1.4.2006	2004/641 (C.24) & 2006/984 (C.30)
s. 20	1.4.2004	2004/641 (C.24)
s. 21	1.4.2006	2006/984 (C.30)
s. 22	1.4.2006	2006/984 (C.30)
s. 23	1.4.2006	2006/984 (C.30)
s. 24	1.4.2005	2004/641 (C.24)
s. 25	1.4.2004 & 1.4.2006	2004/641 (C.24) & 2006/984 (C.30)
s. 26	1.10.2004	2004/2528 (C.106)
s. 27	1.4.2004	2004/641 (C.24)
ss. 28 and 29	1.10.2004	2004/2528 (C.106)
s. 30	1.4.2006	2006/984 (C.30)
s. 31	1.10.2004	2004/2528 (C.106)
s. 33	1.4.2006	2006/984 (C.30)
s. 34 (partially)	1.4.2006	2005/2714 (C.109)
s. 35	1.8.2005, 1.10.2005 & 1.4.2006	2005/968 (C.43) & 2005/2714 (C.109)
s. 36 & Sch. 3 <sup>(1)</sup>	1.4.2005 & 1.4.2006	2005/968 (C.43) & 2005/2714 (C.109)
s. 37	1.4.2004	2004/641 (C.24)
s. 38	1.10.2004 & 1.10.2005	2004/2528 (C.106), & 2005/2714 (C.109)

(1) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

(2) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(3) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

**Status:** This is the original version (as it was originally made).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss. 39 to 42	1.4.2005	2005/968 (C.43)
ss. 43 to 47	1.10.2005	2005/2714 (C.109)
s. 48	1.10.2004 & 1.4.2005	2004/2528 (C.106) & 2005/968 (C.43)
ss. 49 and 50	1.10.2004	2004/2528 (C.106)
s. 51	1.4.2005	2005/968 (C.43)
s. 52	1.4.2006	2005/2714 (C.109)
s. 53 <sup>(2)</sup>	1.4.2004	2004/641 (C.24)
ss. 54 and 55	1.10.2004	2004/2528 (C.106)
s. 56 & Sch. 4	1.4.2004, 1.8.2005, 1.10.2005 & 1.12.2005	2004/641 (C.24), 2005/968 (C.43) & 2005/2714 (C.109)
s. 57	1.4.2004	2004/641 (C.24)
s. 59	1.10.2004	2004/2528 (C.106)
ss. 60 and 61	1.4.2004	2004/641 (C.24)
s. 62	1.10.2004, 1.10.2005, 1.4.2006 & 1.4.2007	2004/2528 (C.106), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021 (C.42)
s. 63	1.10.2004 & 1.10.2005	2004/2528 (C.106) & 2005/2714 (C.109)
ss. 64 and 65	1.4.2004	2004/641 (C.24)
s. 66 <sup>(3)</sup>	1.4.2004	2004/641 (C.24)
s. 67 (partially)	1.4.2004	2004/910 (W.93)  (C.39)
s. 68 <sup>(3)</sup>	1.4.2004	2004/641 (C.24)
s. 70	1.4.2005	2005/968 (C.43)
s. 71	1.4.2004	2004/641 (C.24)
s. 72	1.4.2004	2004/641 (C.24)
s. 74 <sup>(2)</sup>	1.10.2004	2004/2528 (C.106)
s. 76 <sup>(3)</sup>	1.10.2004	2004/2528 (C.106)

(1) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

(2) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(3) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 79	1.10.2004	2004/2528 (C.106)
ss. 82 to 84	1.4.2004	2004/641 (C.24)
s. 85 <sup>(2)</sup> & Sch. 5 & 6	1.4.2004	2004/641 (C.24)
s. 87	1.10.2004	2004/2528 (C.106)
ss. 90 to 97	28.5.2004	2004/641 (C.24)
s. 98	1.4.2007	2007/1021 (C.42)
s. 99	28.5.2004	2004/641 (C.24)
s. 100	17.3.2004, 1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.12.2005, 1.4.2006, 1.4.2006 & 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021(C.42)
s. 101(1) (partially) & Sch. 7 (partially)	1.4.2004, 1.10.2004, 29.12.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.4.2006 & 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) & 2007/1021 (C.42)
s. 101(1) & Sch. 8	1.4.2004, 1.10.2004 & 1.12.2005	2004/641 (C.24), 2004/2528 (C.106) & 2005/2714 (C.109)
s. 101(2) & Sch. 9 (partially)	1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.10.2005, 1.12.2005 & 1.4.2006	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109) & 2006/984 (C.30)

- (1) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.
- (2) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.
- (3) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

The following provisions of the Act have been brought into force in England by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 58	18.2.2005, 17.7.2008, 25.2.2009 &	2005/344 (C.12)
s. 69	26.3.2010	2008/1922 (C.87)
s. 75	17.3.2004	2009/359 (C.17)

**Status:** This is the original version (as it was originally made).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss. 77 and 78	1.4.2004	2010/975 (C.65)
s. 80	1.10.2004	2004/641 (C.24)
s. 81	1.10.2004	2004/641 (C.24)
s. 86 (partially)	1.4.2004	2004/2528 (C.106)
s. 101(1) & Sch. 7 (partially)	1.10.2004	2004/2528 (C.106)
s. 101(2) & Sch. 9 (partially)	17.3.2004, 1.10.2004 & 1.8.2008	2004/641 (C.24)

The following provisions of the Act have been brought into force in Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 69	1.4.2004	2004/910 (W.93) (C.39)
s. 75	1.4.2004	2004/910 (W.93) (C.39)
ss. 77 and 78	11.11.2004	2004/2916 (W.255) (C.120)
ss. 80 and 81	11.11.2004	2004/2916 (W.255) (C.120)
s. 86 (partially)	11.11.2004	2004/2916 (W.255) (C.120)
s. 101(1) & Sch. 7 (partially)	1.4.2004 & 11.11.2004	2004/910 (W.93) (C.39) & 2004/2916 (W.255) (C.120)
s. 101(2) & Sch. 9 (partially)	1.4.2004 & 11.11.2004	2004/910 (W.93) (C.39) & 2004/2916 (W.255) (C.120)