
WELSH STATUTORY INSTRUMENTS

2004 No. 2916 (W.255) (C.120)

ENVIRONMENTAL PROTECTION, WALES

The Water Act 2003 (Commencement
No. 2) (Wales) Order 2004

Made - - - - 9 November 2004

The National Assembly for Wales, in exercise of the powers conferred on it by section 105(3) and (6) of the Water Act 2003(1) (“the Act”), makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Water Act 2003 (Commencement No.2) (Wales) Order 2004.

(2) This Order applies to Wales only.

Appointed Day

2. The day appointed for the coming into force of the following provisions of the Act is 11 November 2004—

- (a) section 77 (flood plans: large raised reservoirs);
- (b) section 78 (national security);
- (c) section 80 (Crown application);
- (d) section 81 (duty to encourage water conservation);
- (e) section 86(2)(f), and subsection (1) insofar as it relates thereto (contaminated land: pollution of controlled waters);
- (f) section 101(1), insofar as it relates to the amendment made by paragraph 38 of Schedule 7; and
- (g) section 101(2), insofar as it relates to sections 147 to 149 and section 222(1) of the Water Resources Act 1991(2) and section 101(1) of the Environment Act 1995(3) specified in Schedule 9.

(1) 2003 c. 37. See the table to section 105(6) for the meaning of “*the appropriate authority*” in relation to the commencement of sections 77, 78, 80, 81, 86 and 101of, and Schedule 9 to the Act.

(2) 1991 c. 57.

(3) 1995 c. 25.

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

9 November 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in Wales, on 11 November 2004, certain provisions of the Water Act 2003, namely sections 77, 78, 80, 81 and 86(2)(f) (and section 86(1) as it relates to that paragraph). Sections 77, 78 and 80 amend the Reservoirs Act 1975⁽⁵⁾ (“the 1975 Act”).

Section 77 inserts a new section 12A into the 1975 Act, enabling the Secretary of State (to be understood as the National Assembly for Wales in Wales) to require undertakers to prepare plans setting out the action they would take in the case of flooding from large raised reservoirs.

Section 78 inserts new sections 2(2A) and 12B into the 1975 Act, empowering the National Assembly, on the grounds of national security, to direct the Environment Agency not to include certain information in registers maintained under the 1975 Act ; not to consult persons on the preparation of plans referred to in section 12A of the 1975 Act; and not to publish such plans.

Section 80 inserts a new section 27A into the 1975 Act, which applies the provisions of the 1975 Act to the Crown.

Section 81 requires the National Assembly to take steps to encourage the conservation of water and enables it to make an Order requiring it to prepare reports on such steps.

Section 86 amends the Environmental Protection Act 1990⁽⁶⁾ as it concerns contaminated land and the pollution of controlled waters. Section 86(2)(f) clarifies the definition of “controlled waters” in section 78A(9)(a) of that Act.

Section 101(1) and (2) partially commences Schedule 7 (minor and consequential amendments) and Schedule 9 (repeals and revocations).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order)

The provisions of the Act referred to in Table 1 below have been brought into force in both England and Wales by Commencement Orders made before the date of this Order —

TABLE 1

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6(1) (partially)	1 April 2004	2004/641
Section 9	1 April 2004	2004/641
Section 10(11)	1 April 2004	2004/641
Section 15	1 April 2004	2004/641
Section 16 (except subsections (4) and (5))	1 April 2004	2004/641
Section 18	1 April 2004	2004/641

(5) 1975 c. 23.

(6) 1990 c. 43.

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</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 19 (4)	1 April 2004	2004/641
Section 20	1 April 2004	2004/641
Section 25 (1) (partially), (2) and (4)	1 April 2004	2004/641
Section 26	1 October 2004	2004/2528
Section 27	1 April 2004	2004/641
Sections 28 and 29	1 October 2004	2004/2528
Section 31	1 October 2004	2004/2528
Section 37	1 April 2004	2004/641
Section 38 (partially)	1 October 2004	2004/2528
Section 48(1) (partially)	1 October 2004	2004/2528
Section 49	1 October 2004	2004/2528
Section 50	1 October 2004	2004/2528
Section 53	1 April 2004	2004/641
Sections 54 and 55	1 October 2004	2004/2528
Section 56 (partially)	1 April 2004	2004/641
Section 57	1 April 2004	2004/641
Section 59	1 October 2004	2004/2528
Sections 60 and 61	1 April 2004	2004/641
Section 62 (partially)	1 October 2004	2004/2528
Section 63 (partially)	1 October 2004	2004/2528
Section 64	1 April 2004	2004/641
Section 65	1 April 2004	2004/641
Section 66	1 April 2004	2004/641
Section 68	1 April 2004	2004/641
Section 71	1 April 2004	2004/641
Section 72	1 April 2004	2004/641
Section 74	1 October 2004	2004/2528
Section 76	1 October 2004	2004/2528
Section 79	1 October 2004	2004/2528
Sections 81 to 83	1 April 2004	2004/641
Section 84	1 April 2004	2004/641
Section 85	1 April 2004	2004/641
Section 87	1 October 2004	2004/2528
Sections 90 to 92	28 May 2004	2004/641

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</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 93 to 97 and 99	28 May 2004	2004/641
Section 100(1)	1 October 2004	2004/2528
Section 100(2) (partially)	1 April 2004 and 28 May 2004	2004/641
Section 100(2) (partially)	1 October 2004	2004/2528
Section 100(3) (partially)	1 October 2004	2004/2528
Section 100(4) (partially)	1 April 2004	2004/641
Section 100(4) (partially)	1 October 2004	2004/2528
Section 100(5)	1 April 2004	2004/641
Section 100(6) and (7) (partially)	17 March 2004, 1 April 2004 and 28 May 2004	2004/641
Section 100 (6) and (7) (partially)	1 October 2004	2004/2528
Section 101(1) (partially)	17 March 2004 and 1 April 2004	2004/641
Section 101(1) (partially)	1 October 2004	2004/2528
Section 101(2) (partially)	17 March 2004, 1 April 2004 and 28 May 2004	2004/641
Section 101(2) (partially)	1 October 2004	2004/2528
Schedule 7 (partially)	1 April 2004	2004/641
Schedule 7 (partially)	1 October 2004	2004/2528
Schedule 8 (partially)	1 April 2004	2004/641
Schedule 8 (partially)	1 October 2004	2004/2528
Schedule 9 (partially)	1 April 2004 and 28 May 2004	2004/641
Schedule 9 (partially)	1 October 2004	2004/2528

The provisions of the Act referred to in Table 2 below will come into force in England and Wales by virtue of Commencement Orders made before the date of this Order:

TABLE 2

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 24	1 April 2005	2004/641
Section 101(1) insofar as it relates to para 27(2) of Sch.7	29 December 2004	2004/2528

The provisions of the Act referred to in Table 3 below have been brought into force in Wales by a Commencement Order made before the date of this Order.

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

TABLE 3

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67	1 April 2004	2004/910 (W.93)
Section 69	1 April 2004	2004/910 (W.93)
Section 75	1 April 2004	2004/910 (W.93)
Section 101(1) (partially)	1 April 2004	2004/910 (W.93)
Schedule 7 (partially)	1 April 2004	2004/910 (W.93)
Schedule 9 (partially)	1 April 2004	2004/910 (W.93)