
WELSH STATUTORY INSTRUMENTS

2011 No. 2829

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

Application of compulsory purchase provisions to section 38 of the 2010 Act

3.—(1) Subject to paragraphs (3) and (4), section 154 of the 1991 Act(1) applies for the purposes of section 38 of the 2010 Act as if the functions referred to in section 154(1) of the 1991 Act included functions under section 38 of the 2010 Act.

(2) Section 157 of the 1991 Act(2) applies for the purposes of section 38 of the 2010 Act as if—

- (a) section 157(2)(b) were omitted;
- (b) the reference in section 157(6)(a) to an order under section 168 were omitted; and
- (c) section 157(6)(c) to (e) were omitted.

(3) An authorisation to the Environment Agency under section 154 of the 1991 Act as applied by paragraph (1) may be given only for the purposes of enabling the United Kingdom to comply with its obligations under—

- (a) the Habitats Directive in relation to any steps and measures under Article 6 of that Directive or policies under Article 10 of that Directive;
- (b) the Water Framework Directive in relation to any environmental objectives; or
- (c) the Wild Birds Directive in relation to any steps and measures under Articles 2, 3 or 4 of that Directive.

(4) In this article—

- (a) “environmental objectives” has the same meaning as in the Water Framework Directive;
- (b) “the Habitats Directive” (“y Gyfarwydddeb Cynefinoedd”) means Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora(3);
- (c) “the Water Framework Directive” (“y Gyfarwydddeb Fframwaith Dŵr”) means Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(4); and

(1) Section 154 was amended by the Environment Act [1995 \(c. 25\)](#), section 120 and Schedule 22, paragraphs 128 and 157. The functions are conferred on the Ministers which is defined in section 222(1) of the Water Resources Act 1991 as the Secretary of State and the Minister. The relevant functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of article 2 to, and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).

(2) Section 157 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraphs 128 and 159. The functions are conferred on the Ministers which is defined in section 222(1) of the Water Resources Act 1991 as the Secretary of State and the Minister. The relevant functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of article 2 to, and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) OJ No L 206, 22.7.1992, p.7, last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p.368).

(4) OJ No L 327, 22.12.2000, p.1, last amended by Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide (OJ No L 140, 5.6.2009, p.114).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Incidental Flooding and Coastal Erosion (Wales) Order 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (d) “the Wild Birds Directive” (“ y Gyfarwyddeb Adar Gwyllt”) means Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds⁽⁵⁾.

Commencement Information

II Art. 3 in force at 1.12.2011, see [art. 1](#)

(5) OJ No L 20, 26.1.2010, p.7.

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Changes and effects yet to be applied to :

- art. 3(2)(b) words substituted by S.I. 2013/755 Sch. 5 para. 74(2)(a)
- art. 3(2)(c) words inserted by S.I. 2013/755 Sch. 5 para. 74(2)(b)
- art. 3(3) words inserted by S.I. 2013/755 Sch. 5 para. 74(3)
- art. 3(3) words substituted by S.I. 2013/755 Sch. 5 para. 73
- art. 3(3) words substituted by S.I. 2019/460 reg. 4(a)
- art. 3(4) word omitted by S.I. 2018/1216 reg. 10(c)
- art. 3(4)(a) substituted by S.I. 2019/460 reg. 4(b)
- art. 3(4)(b) words inserted by S.I. 2018/1216 reg. 10(a)
- art. 3(4)(c) words inserted by S.I. 2018/1216 reg. 10(b)
- art. 3(4)(d) words inserted by S.I. 2018/1216 reg. 10(d)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 4(1)(c)(ia) inserted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(iii)
- art. 4(1)(e) inserted by S.I. 2013/755 Sch. 5 para. 75(2)(c)
- art. 4(2)(ca) inserted by S.I. 2013/755 Sch. 5 para. 75(3)(d)
- art. 6(3)(fa) inserted by S.I. 2013/755 Sch. 5 para. 76(4)(b)