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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2880 (W.308)**

**FLOOD RISK MANAGEMENT, WALES**

**The Flood Risk (Amendment) (Wales) Regulations 2011**

<i>Made</i>	- - - -	<i>30 November 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>1 December 2011</i>
<i>Coming into force</i>	- -	<i>22 December 2011</i>

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to flood risk management.

The Welsh Ministers make these Regulations in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972.

**Title, application and commencement**

1. The title of these Regulations is the Flood Risk (Amendment) (Wales) Regulations 2011; they apply in relation to Wales and come into force on 22 December 2011.

**Amendments**

2.—(1) The Flood Risk Regulations 2009<sup>(3)</sup> are amended as follows.

(2) In regulation 1(3) delete “these regulations came into force” and insert “22nd December 2010”.

(3) For regulation 4(2) substitute—

“(2) “Reservoir” means a large raised reservoir as defined by the Reservoirs Act 1975.”.

(4) For regulation 36(2) substitute—

“(2) The Environment Agency and an authority listed in paragraph (3) must comply with a request of a lead local flood authority or the Minister to provide information reasonably required in connection with the exercise of functions under these regulations.”.

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(1) S.I. 2011/1683.

(2) 1972 c. 68.

(3) S.I. 2009/3042 as amended by S.I. 2010/1102.

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**Status:** This is the original version (as it was originally made).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

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30 November 2011

*John Griffiths*  
Minister for Environment and Sustainable  
Development, one of the Welsh Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Flood Risk Regulations 2009 (S.I.2009/3042) (“the principal regulations”) in relation to Wales.

Regulation 1(3) of the principal regulations provides that a duty in those regulations to prepare or publish a document may be satisfied by having prepared or published a document before the principal regulations came into force (10 December 2009). That provision is amended by these Regulations, so that persons subject to duties under the principal regulations will be able to satisfy those duties through acts of preparation or publication undertaken before 22 December 2010.

These Regulations amend the definition of reservoir (regulation 4 of the principal regulations) so that the definition refers to large raised reservoirs as defined by the Reservoirs Act 1975<sup>(4)</sup>.

These Regulations also amend regulation 36 of the principal regulations to refer to the Minister so as to give the Welsh Ministers the power to request information which is reasonably required in connection with the exercise of functions under the principal regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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(4) 1975 c. 23.