
WELSH STATUTORY INSTRUMENTS

2016 No. 79

The Flood and Water Management Act 2010 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2016

Provisions coming into force on applicable day in relation to pre-commencement large raised reservoirs

3.—(1) Paragraphs 12 and 15 to 19 of Schedule 4 to the 2010 Act come into force on the applicable day in relation to any pre-commencement large raised reservoir.

(2) A reservoir is a pre-commencement large raised reservoir if it was registered as a large raised reservoir under the Reservoirs Act 1975 (Registers, Reports and Records) Regulations 1985⁽¹⁾ immediately before 1 April 2016.

(3) Subject to paragraphs (4) and (5), the applicable day in relation to any pre-commencement large raised reservoir is the sooner of—

- (a) 28 days after the date upon which the Natural Resources Body for Wales designates that reservoir by virtue of a notice under section 2B(1) of the 1975 Act; and
- (b) 1 April 2017.

(4) Paragraph (5) applies where a pre-commencement large raised reservoir—

- (a) has been designated by virtue of a notice under section 2B (1) of the 1975 Act; and
- (b) the undertaker of the reservoir appeals against the designation under regulation 4(1) of the Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016⁽²⁾.

(5) In any case where paragraph (4) applies, the applicable day is the sooner of—

- (a) the date on which the Welsh Ministers decide the appeal by virtue of regulation 4(2) of the Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016; and
- (b) 1 April 2017.