
STATUTORY INSTRUMENTS

2011 No. 2855

The Incidental Flooding and Coastal
Erosion (England) Order 2011

Application of power of entry provisions to section 39 of the 2010 Act

- 6.—(1) Section 170 of the 1991 Act applies for the purposes of section 39 of the 2010 Act as if—
- (a) the words “a local authority” were substituted for the words “the Agency [^{F1}or by the NRBW]”—
 - (i) where they appear in section 170(1); and
 - (ii) where they^{F2}...appear in section 170(3);
 - (b) the words “the local authority” were substituted for the words “the Agency [^{F3}or the NRBW]”—
 - (i) where they appear in section 170(2); and
 - (ii) [^{F4}where] they appear in section 170(3);
 - (c) the reference in subsection (4) to any power conferred by any of the provisions of sections 159, 160, 162(2) and (3) and 163 of the 1991 Act were a reference to any power conferred by section 39 of the 2010 Act; and
 - (d) “local authority” had the same meaning as in section 39(6) of the 2010 Act.
- (2) Section 171 of the 1991 Act applies for the purposes of section 39 of the 2010 Act as if—
- (a) the words “a local authority” were substituted for the words “the Agency [^{F5}or by the NRBW]” where they appear in section 171(1);
 - (b) the words “the local authority” were substituted for the words “the Agency [^{F6}or the NRBW]” where they appear in section 171(2)(a) and (3)(c);
 - (c) the functions referred to in section 171(2)(a) included functions under section 39 of the 2010 Act;
 - (d) section 171(2)(b) [^{F7}and (6)] were omitted; and
 - (e) “local authority” had the same meaning as in section 39(6) of the 2010 Act.
- (3) Schedule 20 to the 1991 Act applies for the purposes of section 39 of the 2010 Act as if—
- (a) the references in paragraphs 1 and 2(1)(a) to powers conferred by sections 169 to 172 of the 1991 Act were references to powers conferred by section 170 or 171 of the 1991 Act as applied by this article;
 - (b) the words “the premises in question are on agricultural land,” were inserted after “where” in paragraph 1(2);
 - (c) the reference in paragraph 1(3) to the power conferred by section 170 of the 1991 Act were a reference to that power as applied by this article;
 - (d) the reference in paragraph 2(4) to the power conferred by section 171 of the 1991 Act were a reference to that power as applied by this article;

- (e) references to a power to which Schedule 20 applies were references to any power conferred by section 170 or 171 of the 1991 Act as applied by this article, including a power exercisable by virtue of a warrant under Schedule 20;
- (f) the words “a local authority” were substituted for “the Agency [^{F8}or the NRBW] ” in paragraphs 6(3)(b) ^{F9}...;
- [^{F10}(fa) the words “or a local authority” were substituted for “, the Agency or the NRBW” in paragraph 8(1);]
- (g) paragraph 8(2) were omitted;
- (h) “agricultural land” had the same meaning as in section 145 of the 1991 Act; and
- (i) “local authority” had the same meaning as in section 39(6) of the 2010 Act.

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| F1 | Words in art. 6(1)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(2)(a)(i) (with Sch. 7) |
| F2 | Word in art. 6(1)(a)(ii) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(2)(a)(ii) (with Sch. 7) |
| F3 | Words in art. 6(1)(b) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(2)(b)(i) (with Sch. 7) |
| F4 | Word in art. 6(1)(b)(ii) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(2)(b)(ii) (with Sch. 7) |
| F5 | Words in art. 6(2)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(3)(a) (with Sch. 7) |
| F6 | Words in art. 6(2)(b) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(3)(b) (with Sch. 7) |
| F7 | Words in art. 6(2)(d) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(3)(c) (with Sch. 7) |
| F8 | Words in art. 6(3)(f) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(4)(a)(i) (with Sch. 7) |
| F9 | Words in art. 6(3)(f) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(4)(a)(ii) (with Sch. 7) |
| F10 | Art. 6(3)(fa) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) , art. 1(2), Sch. 4 para. 416(4)(b) (with Sch. 7) |

Changes to legislation:

There are currently no known outstanding effects for the The Incidental Flooding and Coastal Erosion (England) Order 2011, Section 6.