

2013 No. 1590 (C. 64)

WATER, ENGLAND

**The Flood and Water Management Act 2010 (Commencement
No. 2, Transitional and Savings Provisions) (England) Order
2013**

Made - - - -

3rd July 2013

The Secretary of State, in exercise of the powers conferred by sections 48(2) and 49(3)(h) of the Flood and Water Management Act 2010(a), makes the following Order in relation to England.

Citation

1. This Order may be cited as the Flood and Water Management Act 2010 (Commencement No. 2, Transitional and Savings Provisions) (England) Order 2013.

Interpretation

2. In this Order—

“the 1975 Act” means the Reservoirs Act 1975(b);

“the 2010 Act” means the Flood and Water Management Act 2010.

Provisions coming into force on 30th July 2013

3. Subject to article 4, the following provisions of the 2010 Act, so far as not already commenced, come into force on 30th July 2013 in relation to England only—

(a) section 33 (reservoirs) so far as it relates to the provisions mentioned in paragraph (b);

(b) paragraphs 2 to 29, 33 to 36 and 41 of Schedule 4 (reservoirs).

Transitional and savings provisions

4.—(1) Until paragraphs 2, 10 and 25 of Schedule 4 to the 2010 Act are brought fully into force in relation to England, references in sections A1(3) and (6), 6(6A) and 13(1) and (3) of the 1975 Act to “10,000” are to be read as references to “25,000”.

(2) For the relevant period, sections 11, 12 and 21(5) of the 1975 Act continue to apply in relation to a large raised reservoir in England as though paragraphs 16, 17 and 18 of Schedule 4 to the 2010 Act had not been brought into force in relation to England.

(3) In paragraph (2), “the relevant period” means the period beginning on 30th July 2013 and ending on the first date on which the Environment Agency gives notice to the undertaker of the large raised reservoir—

(a) 2010 c. 29.

(b) 1975 c. 23.

- (a) that it has designated the reservoir as high-risk under section 2B(1) of the 1975 Act; or
- (b) that it has not designated the reservoir as high-risk (whether or not having made a provisional designation under section 2A of the 1975 Act).

(4) But where the undertaker of a large raised reservoir who has been given a notice under section 2B(1) of the 1975 Act brings an appeal against the designation of the reservoir as high-risk, “the relevant period” in relation to that reservoir ends on the date on which the First-tier Tribunal either confirms or cancels the designation.

(5) In this article, “large raised reservoir” and “undertaker” have the same meanings as in section 1(1) and (4) respectively of the 1975 Act(a) as in force immediately before 30th July 2013.

3rd July 2013

de Mauley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in relation to England provisions of the Flood and Water Management Act 2010 (c. 29).

Article 3 specifies provisions of that Act that come into force (so far as not already commenced) on 30th July 2013 in relation to England only. These provisions amend the Reservoirs Act 1975 (c. 23) to introduce a new legal framework relating to the safety of large raised reservoirs.

Article 4 contains transitional and savings provisions relating to the amendments of the Reservoirs Act 1975.

An impact assessment of the effect of the provisions commenced by this Order on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.gov.uk. It is published alongside the instrument at www.legislation.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Flood and Water Management Act 2010 were brought into force by commencement order made before the date of this Order.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	1 September 2010	2010/2169 (C. 108)
Section 1 (remainder)	1 October 2010	2010/2169 (C. 108)
Section 2 (partially)	1 September 2010	2010/2169 (C. 108)
Section 2 (remainder)	1 October 2010	2010/2169 (C. 108)
Section 3 (partially)	1 September 2010	2010/2169 (C. 108)
Section 3 (remainder)	1 October 2010	2010/2169 (C. 108)
Section 4 (partially)	1 September 2010	2010/2169 (C. 108)

(a) Section 1(4) is amended by the Water Act 1989 (c. 15), Schedule 25, paragraph 49, and S.I. 1996/593, regulation 2 and Schedule 1.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4 (remainder)	1 October 2010	2010/2169 (C. 108)
Section 5	1 October 2010	2010/2169 (C. 108)
Section 6 (partially)	1 September 2010	2010/2169 (C. 108)
Section 6 (remainder)	1 October 2010	2010/2169 (C. 108)
Sections 7 to 10	1 October 2010	2010/2169 (C. 108)
Section 11 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Section 11 (in relation to Wales only)	1 November 2011	2011/2204 (C. 80)
Section 12	1 November 2011	2011/2204 (C. 80)
Section 13	1 October 2010	2010/2169 (C. 108)
Section 14	6 April 2011	2011/694 (C. 25)
Section 15 (partially)	18 January 2011	2011/95 (C. 4)
Section 15 (remainder, in relation to Wales only)	6 April 2011	2011/694 (C. 25)
Section 16	1 October 2010	2010/2169 (C. 108)
Section 17 (partially)	1 October 2010	2010/2169 (C. 108)
Section 17 (remainder)	1 April 2011	2011/694 (C. 25)
Section 18 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Section 18 (in relation to Wales only)	1 November 2011	2011/2204 (C. 80)
Section 19	6 April 2011	2011/694 (C. 25)
Section 20	1 October 2010	2010/2169 (C. 108)
Section 21	6 April 2011	2011/694 (C. 25)
Section 22 (partially)	1 October 2010	2010/2169 (C. 108)
Section 22 (remainder)	1 April 2011	2011/694 (C. 25)
Section 23	1 April 2011	2011/694 (C. 25)
Section 24	1 October 2010	2010/2169 (C. 108)
Section 25	1 April 2011	2011/694 (C. 25)
Section 26	1 October 2010	2010/2169 (C. 108)
Section 27	1 October 2011	2011/2204 (C. 80)
Sections 28 and 29	1 October 2010	2010/2169 (C. 108)
Section 30 (partially)	6 April 2011	2011/694 (C. 25)
Section 30 (remainder)	1 August 2012	2012/2000 (C. 79)
Section 31 (partially)	1 October 2010	2010/2169 (C. 108)
	1 April 2011	2011/694 (C. 25)
	6 April 2011	2011/694 (C. 25)
	19 July 2011	2011/1770 (C. 7)
	1 October 2011	2011/2204 (C. 80)
	6 April 2012	2012/879 (C. 25)
Section 33 (partially)	1 October 2011	2011/2204 (C. 80)
Section 34 (partially)	1 October 2010	2010/2169 (C. 108)
	1 April 2011	2011/694 (C. 25)
Section 35 (partially)	1 October 2010	2010/2169 (C. 108)
Section 36 (partially)	1 September 2010	2010/2169 (C. 108)
Section 36 (remainder)	1 October 2010	2010/2169 (C. 108)
Section 37	6 April 2011	2011/694 (C. 25)
Sections 38 and 39 (partially)	18 January 2011	2011/95 (C. 4)
Sections 38 and 39 (remainder)	1 December 2011	2011/2856 (C. 101)
Sections 40 and 41	1 October 2010	2010/2169 (C. 108)
Sections 42 and 43 (partially)	1 October 2010	2010/2169 (C. 108)
Section 42 (remainder, in relation to Wales only)	1 October 2012	2012/2048 (W. 239) (C. 81)
Section 44	1 October 2011	2011/2204 (C. 80)
Section 45 (partially)	1 October 2010	2010/2169 (C. 108)

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 46 and 47	1 October 2010	2010/2169 (C. 108)
In Schedule 1—		
Paragraphs 15 and 16 (partially)	6 April 2011	2011/694 (C. 25)
Paragraph 17	6 April 2011	2011/694 (C. 25)
Schedule 1 (remainder)	1 August 2012	2012/2000 (C. 79)
In Schedule 2—		
Paragraphs 1 to 24 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraphs 1 to 24 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraph 25	1 October 2010	2010/2169 (C. 108)
Paragraphs 26 and 27	6 April 2012	2012/879 (C. 25)
Paragraph 28	1 October 2010	2010/2169 (C. 108)
Paragraphs 29 and 30 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraphs 29 and 30 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraphs 31, 32(1) to (3) and (5) to (7), 33 and 34	6 April 2012	2012/879 (C. 25)
Paragraphs 35 and 36 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraphs 35 and 36 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraph 37	6 April 2011	2011/694 (C. 25)
Paragraphs 38 and 39 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraphs 38 and 39 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraphs 40, 41, 43 and 44	1 April 2011	2011/694 (C. 25)
Paragraphs 45 to 47 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraphs 45 to 47 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraph 48	1 April 2011	2011/694 (C. 25)
Paragraph 49 (in relation to England only)	19 July 2011	2011/1770 (C. 7)
Paragraph 49 (in relation to Wales only)	1 October 2011	2011/2204 (C. 80)
Paragraphs 50 to 53	1 April 2011	2011/694 (C. 25)
Paragraph 54 (partially)	1 October 2010	2010/2169 (C. 108)
Paragraph 54 (remainder)	6 April 2011	2011/694 (C. 25)
In Schedule 4—		
Paragraph 1	1 October 2011	2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33 and 37 (partially)	1 October 2011	2011/2204 (C. 80)
Paragraphs 38 to 40, 42 and 43	1 October 2011	2011/2204 (C. 80)
In Schedule 5—		
Paragraphs 1 and 2	1 April 2011	2011/694 (C. 25)
Paragraph 3 (partially)	1 October 2010	2010/2169 (C. 108)
Paragraph 4	1 April 2011	2011/694 (C. 25)
Paragraphs 5 and 6 (partially)	1 October 2010	2010/2169 (C. 108)

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£4.00

UK2013070431 07/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/1590>

ISBN 978-0-11-110102-5



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