
WELSH STATUTORY INSTRUMENTS

2011 No. 2829

**The Incidental Flooding and
Coastal Erosion (Wales) 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”—
 - (i) where they appear in section 170(1); and
 - (ii) where they first appear in section 170(3);
 - (b) the words “the local authority” were substituted for the words “the Agency”—
 - (i) where they appear in section 170(2); and
 - (ii) the second place 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” where they appear in section 171(1);
 - (b) the words “the local authority” were substituted for the words “the Agency” 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) 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;

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*

- (f) the words “a local authority” were substituted for “the Agency” in paragraphs 6(3)(b) and 8;
- (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.

Commencement Information

II Art. 6 in force at 1.12.2011, see [art. 1](#)

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Changes and effects yet to be applied to :

- art. 6(1)(a) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(2\)\(a\)\(i\)](#)
- art. 6(1)(a)(ii) word omitted by [S.I. 2013/755 Sch. 5 para. 76\(2\)\(a\)\(ii\)](#)
- art. 6(1)(b) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(2\)\(b\)\(i\)](#)
- art. 6(1)(b)(ii) word substituted by [S.I. 2013/755 Sch. 5 para. 76\(2\)\(b\)\(ii\)](#)
- art. 6(2)(a) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(3\)\(a\)](#)
- art. 6(2)(b) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(3\)\(b\)](#)
- art. 6(2)(d) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(3\)\(c\)](#)
- art. 6(3)(f) words inserted by [S.I. 2013/755 Sch. 5 para. 76\(4\)\(a\)\(i\)](#)
- art. 6(3)(f) words omitted by [S.I. 2013/755 Sch. 5 para. 76\(4\)\(a\)\(ii\)](#)

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\(4\)\(b\)](#)