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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2829**

**The Incidental Flooding and  
Coastal Erosion (Wales) Order 2011**

**Application of power of entry provisions to section 38 of the 2010 Act**

5.—(1) Section 170 of the 1991 Act(1) applies for the purposes of section 38 of the 2010 Act as if 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 38 of the 2010 Act.

(2) Section 171 of the 1991 Act(2) applies for the purposes of section 38 of the 2010 Act as if—

- (a) the functions referred to in section 171(2)(a) included functions under section 38 of the 2010 Act; and
- (b) section 171(2)(b) were omitted.

(3) Schedule 20 to the 1991 Act(3) applies for the purposes of section 38 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) paragraph 8(2) were omitted; and
- (g) “agricultural land” had the same meaning as in section 145 of the 1991 Act.

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(1) Section 170 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraph 128.  
(2) Section 171 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraph 128. The relevant functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of article 2 to, and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.  
(3) Schedule 20 was amended by the Environment Act 1995, section 120 and Schedule 22, paragraphs 128 and 188, and S.I. 2009/1307. The relevant functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of article 2 to, and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.