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WELSH STATUTORY INSTRUMENTS

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**2016 No. 79 (W. 36) (C. 6)**

**FLOOD RISK MANAGEMENT, WALES**

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

*Made* - - - - 26 January 2016  
*Coming into force* - - 1 April 2016

The Welsh Ministers make this Order in exercise of the powers conferred by sections 48(2) and 49(3)(i) of the Flood and Water Management Act 2010(1).

**Title, application and interpretation**

1.—(1) The title of this Order is the Flood and Water Management Act 2010 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2016.

(2) This Order applies in relation to Wales.

(3) In this Order—

- (a) “the 2010 Act” means the Flood and Water Management Act 2010; and
- (b) “the 1975 Act” means the Reservoirs Act 1975(2).

**Provisions coming into force on 1 April 2016**

2. The following provisions of the 2010 Act, so far as not already commenced, come into force on 1 April 2016—

- (a) section 33 (reservoirs);
- (b) paragraphs 2 to 11, 13 and 14 of Schedule 4 (reservoirs);
- (c) paragraphs 12 and 15 to 19 of Schedule 4 except in relation to any pre-commencement large raised reservoir (see article 3);
- (d) paragraphs 20 to 29, 33 to 36 and 41 of Schedule 4.

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(1) 2010 c. 29.  
(2) 1975 c. 23.

**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 was registered as a large raised reservoir under the Reservoirs Act 1975 (Registers, Reports and Records) Regulations 1985<sup>(3)</sup> 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<sup>(4)</sup>.

(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.

26 January 2016

*Carl Sargeant*  
Minister for Natural Resources, one of the Welsh  
Ministers

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<sup>(3)</sup> 1985/177.

<sup>(4)</sup> 2016/78.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Flood and Water Management Act 2010 (“the 2010 Act”) in relation to Wales.

Article 2 specifies provisions of the 2010 Act that come into force (so far as not already commenced) on 1 April 2016 in relation to Wales 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 3 contains transitional and savings provisions relating to the amendments of the Reservoirs Act 1975.

## 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>No.</i>
Section 1 ( <i>partially</i> )	1 September 2010	<a href="#">2010/2169 (C. 108)</a>
Section 1 ( <i>remainder</i> )	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 2 ( <i>partially</i> )	1 September 2010	<a href="#">2010/2169 (C. 108)</a>
Section 2 ( <i>remainder</i> )	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 3 ( <i>partially</i> )	1 September 2010	<a href="#">2010/2169 (C. 108)</a>
Section 3 ( <i>remainder</i> )	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 4 ( <i>partially</i> )	1 September 2010	<a href="#">2010/2169 (C. 108)</a>
Section 4 ( <i>remainder</i> )	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 5	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 6 ( <i>partially</i> )	1 September 2010	<a href="#">2010/2169 (C. 108)</a>
Section 6 ( <i>remainder</i> )	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Sections 7 to 10	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 11 ( <i>in relation to England only</i> )	19 July 2011	<a href="#">2011/1770 (C. 7)</a>
Section 11 ( <i>in relation to Wales only</i> )	1 November 2011	<a href="#">2011/2204 (C. 80)</a>
Section 12	1 November 2011	<a href="#">2011/2204 (C. 80)</a>
Section 13	1 October 2010	<a href="#">2010/2169 (C. 108)</a>
Section 14	6 April 2011	<a href="#">2011/694 (C. 25)</a>

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<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>No.</i>
Section 15 ( <i>partially</i> )	18 January 2011	2011/95 (C. 4)
Section 15 ( <i>remainder; in relation to Wales only</i> )	6 April 2011	2011/694 (C. 25)
Section 16	1 October 2010	2010/2169 (C. 108)
Section 17 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Section 17 ( <i>remainder</i> )	1 April 2011	2011/694 (C. 25)
Section 18	19 July 2011	2011/1770 (C. 7)
( <i>in relation to England only</i> )		
Section 18	1 November 2011	2011/2204 (C. 80)
( <i>in relation to Wales only</i> )		
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 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Section 22 ( <i>remainder</i> )	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 ( <i>partially</i> )	6 April 2011	2011/694 (C. 25)
Section 30 ( <i>remainder</i> )	1 August 2012	2012/2000 (C. 79)
Section 31 ( <i>partially</i> )	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 ( <i>partially</i> )	1 October 2011	2011/2204 (C. 80)
Section 33, ( <i>partially in relation to England</i> )	30 July 2013	2013/1590 (C. 64)
Section 34 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>No.</i>
	1 April 2011	2011/694 (C. 25)
Section 35 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Section 36 ( <i>partially</i> )	1 September 2010	2010/2169 (C. 108)
Section 36 ( <i>remainder</i> )	1 October 2010	2010/2169 (C. 108)
Section 37	6 April 2011	2011/694 (C. 25)
Sections 38 and 39 ( <i>partially</i> )	18 January 2011	2011/95 (C. 4)
Sections 38 and 39 ( <i>remainder</i> )	1 December 2011	2011/2856 (C. 101)
Sections 40 and 41	1 October 2010	2010/2169 (C. 108)
Sections 42 and 43 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Section 42 ( <i>remainder in relation to Wales only</i> ).	1 October 2010	2010/2169 (C. 108)
Section 44	1 October 2011	2011/2204 (C. 80)
Section 45 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Section 45 ( <i>remainder; in relation to Wales only</i> )	1 January 2015	2014/3155 (W. 317) (C. 137)
Sections 46 and 47	1 October 2010	2010/2169 (C. 108)
<b><i>In Schedule 1—</i></b>		
Paragraphs 15 and 16 ( <i>partially</i> )	6 April 2011	2011/694 (C. 25)
Paragraph 17	6 April 2011	2011/694 (C. 25)
Schedule 1 ( <i>remainder</i> )	1 August 2012	2012/2000 (C. 79)
<b><i>In Schedule 2—</i></b>		
Paragraphs 1 to 24 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraphs 1 to 24 ( <i>in relation to Wales only</i> )	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 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraphs 29 and 30 ( <i>in relation to Wales only</i> )	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)

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<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>No.</i>
Paragraphs 35 and 36 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraphs 35 and 36 ( <i>in relation to Wales only</i> )	1 October 2011	2011/2204 (C. 80)
Paragraph 37	6 April 2011	2011/694 (C. 25)
Paragraphs 38 and 39 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraphs 38 and 39 ( <i>in relation to Wales only</i> )	1 October 2011	2011/2204 (C. 80)
Paragraphs 40, 41, 43 and 44	1 April 2011	2011/694 (C. 25)
Paragraphs 45 to 47 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraphs 45 to 47 ( <i>in relation to Wales only</i> )	1 October 2011	2011/2204 (C. 80)
Paragraph 48	1 April 2011	2011/694 (C. 25)
Paragraph 49 ( <i>in relation to England only</i> )	19 July 2011	2011/1770 (C. 7)
Paragraph 49 ( <i>in relation to Wales only</i> )	1 October 2011	2011/2204 (C. 80)
Paragraphs 50 to 53	1 April 2011	2011/694 (C. 25)
Paragraph 54 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Paragraph 54 ( <i>remainder</i> )	6 April 2011	2011/694 (C. 25)
<b><i>In Schedule 4—</i></b>		
Paragraph 1	1 October 2011	2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33 and 37 ( <i>partially</i> )	1 October 2011	2011/2204 (C. 80)
Paragraphs 2, 4, 7, 10, 12, 22, 25, 27 and 33 ( <i>remainder in relation to England only</i> ).	30 July 2013	2011/2204 (C.80)
Paragraphs 3, 5, 6, 8, 9, 11, 13 to 21, 23, 24, 26, 28, 29, 34 to 36 and 41 ( <i>in relation to England only</i> ).	30 July 2013	2013/1590 (C. 64)
Paragraphs 38 to 40, 42 and 43	1 October 2011	2011/2204 (C. 80)
<b><i>In Schedule 5—</i></b>		
Paragraphs 1 and 2	1 April 2011	2011/694 (C. 25)

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<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>No.</i>
Paragraph 3 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)
Paragraph 4	1 April 2011	2011/694 (C. 25)
Paragraphs 5 and 6 ( <i>partially</i> )	1 October 2010	2010/2169 (C. 108)