

2011 No. 1770 (C. 67)

COAST PROTECTION, ENGLAND
ENVIRONMENTAL PROTECTION, ENGLAND
FLOOD RISK MANAGEMENT, ENGLAND

The Flood and Water Management Act 2010 (Commencement
No. 1 and Transitional Provisions) (England) Order 2011

Made - - - -

18th July 2011

The Secretary of State, in exercise of the powers conferred by sections 48(2) and 49(3)(h) and (6) 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. 1 and Transitional Provisions) (England) Order 2011.

Interpretation

2. In this Order, “the 2010 Act” means the Flood and Water Management Act 2010.

Provisions coming into force on 19th July 2011

3. The following provisions of the 2010 Act come into force on 19th July 2011 in relation to England only—

- (a) section 11 (effect of national and local strategies: England);
- (b) section 18 (Environment Agency: reports);
- (c) section 31 (amendment of other Acts), so far as it relates to the provisions of Schedule 2 commenced by this article;
- (d) paragraphs 1 to 24 of Schedule 2 (amendment of the Coast Protection Act 1949(b));
- (e) paragraphs 29, 30, 35, 36, 38 and 39 of Schedule 2 (amendment of the Land Drainage Act 1991(c));
- (f) paragraphs 45 to 47 and 49 of Schedule 2 (amendment of the Water Resources Act 1991(d)).

(a) 2010 c. 29.
(b) 1949 c. 74.
(c) 1991 c. 59.
(d) 1991 c. 57.

Transitional provisions

4.—(1) Despite the amendments made by paragraphs 1 to 24 of Schedule 2 to the 2010 Act, the provisions of the Coast Protection Act 1949(a) as in force immediately before 19th July 2011 continue to apply to any coast protection work started before that date.

(2) Despite the amendment made by paragraph 30 of Schedule 2 to the 2010 Act, section 17 of the Land Drainage Act 1991(b) continues to apply to a local authority for an area in England unless the lead local flood authority for that area has published a summary of its local flood risk management strategy under section 9(7) of the 2010 Act.

(3) In this article—

“coast protection work” has the meaning given in section 49(1) of the Coast Protection Act 1949(c) as in force immediately before 19th July 2011; and

“local authority” has the meaning given in section 72(1) of the Land Drainage Act 1991.

18th July 2011

Richard Benyon
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 provisions of the Flood and Water Management Act 2010 (“the Act”).

Article 3 specifies provisions of the Act that come into force on 19th July 2011 in relation to England only. These include provisions relating to the effect of the national strategy and local strategies on English risk management authorities, and the requirement for the Environment Agency to report to the Secretary of State about flood and coastal erosion risk management in England. Article 3 also provides for the commencement of amendments to the Coast Protection Act 1949, the Land Drainage Act 1991 and the Water Resources Act 1991.

Article 4 contains transitional provisions relating to the amendments to the Coast Protection Act 1949 and the Land Drainage Act 1991.

An impact assessment of the effect of the provisions commenced by this Order has not been produced as no impact on the private, voluntary or business sectors is foreseen.

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- (a) 1949 c. 74. The provisions of the Coast Protection Act 1949 affected by paragraphs 1 to 24 of Schedule 2 to the Flood and Water Management Act 2010 have been previously amended by the Water Resources Act 1963 (c. 38), the Courts Act 1971 (c. 23), the Local Government Act 1972 (c. 70), the Local Land Charges Act 1975 (c. 76), the Local Government, Planning and Land Act 1980 (c. 65), the Southern Water Authority Act 1980, the Acquisition of Land Act 1981 (c. 67), the Criminal Justice Act 1982 (c. 48), the Water Act 1989 (c. 15), the Transport and Works Act 1992 (c. 42), the Criminal Justice Act 2003 (c. 44), the Marine and Coastal Access Act 2009 (c. 23) and S.I. 1955/554, 1985/442, 1991/1730, 1996/593, 1999/1820 and 2009/1307.
- (b) 1991 c. 59. Section 17 was amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 191.
- (c) 1949 c. 74. The provisions of the Coast Protection Act 1949 affected by paragraphs 1 to 24 of Schedule 2 to the Flood and Water Management Act 2010 have been previously amended by the Water Resources Act 1963 (c. 38), the Courts Act 1971 (c. 23), the Local Government Act 1972 (c. 70), the Local Land Charges Act 1975 (c. 76), the Local Government, Planning and Land Act 1980 (c. 65), the Southern Water Authority Act 1980, the Acquisition of Land Act 1981 (c. 67), the Criminal Justice Act 1982 (c. 48), the Water Act 1989 (c. 15), the Transport and Works Act 1992 (c. 42), the Criminal Justice Act 2003 (c. 44), the Marine and Coastal Access Act 2009 (c. 23) and S.I. 1955/554, 1985/442, 1991/1730, 1996/593, 1999/1820 and 2009/1307.

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	<i>partially</i> 1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Section 2	<i>partially</i> 1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Section 3	<i>partially</i> 1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Section 4	<i>partially</i> 1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Section 5	1st October 2010	S.I. 2010/2169 (C. 108)
Section 6	<i>partially</i> 1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st October 2010	S.I. 2010/2169 (C. 108)
Sections 7, 8, 9, 10 and 13	1st October 2010	S.I. 2010/2169 (C. 108)
Section 14	6th April 2011	S.I. 2011/694 (C. 25)
Section 15	<i>partially</i> 18th January 2011	S.I. 2011/95 (C. 4)
	<i>remainder, in relation to Wales only</i> 6th April 2011	S.I. 2011/694 (C. 25)
Section 16	1st October 2010	S.I. 2010/2169 (C. 108)
Section 17	<i>partially</i> 1st October 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st April 2011	S.I. 2011/694 (C. 25)
Section 19	6th April 2011	S.I. 2011/694 (C. 25)
Section 20	1st October 2010	S.I. 2010/2169 (C. 108)
Section 21	6th April 2011	S.I. 2011/694 (C. 25)
Section 22	<i>partially</i> 1st October 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i> 1st April 2011	S.I. 2011/694 (C. 25)
Section 23	1st April 2011	S.I. 2011/694 (C. 25)
Section 24	1st October 2010	S.I. 2010/2169 (C. 108)

<i>Provision of the Act</i>		<i>Date of commencement</i>	<i>S.I. No.</i>
Section 25		1st April 2011	S.I. 2011/694 (C. 25)
Sections 26, 28 and 29		1st October 2010	S.I. 2010/2169 (C. 108)
Section 30	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
Section 31	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>partially</i>	1st April 2011	S.I. 2011/694 (C. 25)
	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
Section 34	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>partially</i>	1st April 2011	S.I. 2011/694 (C. 25)
Section 35	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 36	<i>partially</i>	1st September 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Section 37		6th April 2011	S.I. 2011/694 (C. 25)
Sections 38 and 39	<i>partially</i>	18th January 2011	S.I. 2011/95 (C. 4)
Sections 40 and 41		1st October 2010	S.I. 2010/2169 (C. 108)
Sections 42, 43 and 45	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
Sections 46 and 47		1st October 2010	S.I. 2010/2169 (C. 108)
<i>In Schedule 1—</i>			
Paragraphs 15 and 16	<i>partially</i>	6th April 2011	S.I. 2011/694 (C. 25)
Paragraph 17		6th April 2011	S.I. 2011/694 (C. 25)
<i>In Schedule 2—</i>			
Paragraphs 25 and 28		1st October 2010	S.I. 2010/2169 (C. 108)
Paragraph 37		6th April 2011	S.I. 2011/694 (C. 25)
Paragraphs 40, 41, 43, 44, 48, 50, 51, 52 and 53		1st April 2011	S.I. 2011/694 (C. 25)
Paragraph 54	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)
	<i>remainder</i>	6th April 2011	S.I. 2011/694 (C. 25)
<i>In Schedule 5—</i>			
Paragraphs 1 and 2		1st April 2011	S.I. 2011/694 (C. 25)
Paragraph 3	<i>partially</i>	1st October 2010	S.I. 2010/2169 (C. 108)

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

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STATUTORY INSTRUMENTS

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