

---

WELSH STATUTORY INSTRUMENTS

---

**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.

---

(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

---

<sup>(3)</sup> 1985/177.  
<sup>(4)</sup> 2016/78.

---

## 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>   |

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

| <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)            |

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

| <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)   |

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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