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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 Act”).

Article 3 specifies provisions of the Act that come into force on 1st December 2011. These make provision for the Environment Agency and local authorities to carry out incidental flood or coastal erosion risk management work that may cause flooding or coastal erosion, but only if certain conditions are satisfied.

Article 4 contains transitional provisions.

An impact assessment of the effect that the commencement of sections 38 and 39 of the Act will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk). It is published alongside the Explanatory Memorandum and this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).