
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 6th April 2012, section 86 of the Water Act 2003 (“the Act”) in relation to England so far as not already in force.

Section 86 of the Act makes amendments to Part 2A of the Environmental Protection Act 1990 (“the 1990 Act”) in relation to the definition of contaminated land. The definition of “contaminated land” in section 78A of the 1990 Act is amended so that, in relation to the pollution of controlled waters, for land to be determined as contaminated land, it must cause significant pollution or the significant possibility of such pollution of controlled waters. Section 86 of the Act also makes related changes to sections 78A, 78C, 78E, 78K, 78X and 78YB, consequential on the amendment of that definition.

An impact assessment of the effect that changes to the contaminated land regime, making reference to the main impacts of this Order, will have on the costs of business and the voluntary sector has been produced, and a copy is available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. It is published alongside this instrument at www.legislation.gov.uk. No separate impact assessment was made for this Order.

Changes to legislation:

There are currently no known outstanding effects for the The Water Act 2003 (Commencement No. 11) Order 2012.