

**2012 No. 2000 (C. 79)**

**COAST PROTECTION, ENGLAND AND WALES**

**ENVIRONMENTAL PROTECTION, ENGLAND AND  
WALES**

**FLOOD RISK MANAGEMENT, ENGLAND AND WALES**

**WATER INDUSTRY, ENGLAND AND WALES**

The Flood and Water Management Act 2010 (Commencement  
No. 7) Order 2012

*Made* - - - -

*30th July 2012*

This Order is made—

- (a) in relation to England, in exercise of the powers conferred on the Secretary of State by section 49(3)(h) of the Flood and Water Management Act 2010(a); and
- (b) in relation to Wales, in exercise of the powers conferred on the Welsh Ministers by section 49(3)(i) of that Act.

The Secretary of State and the Welsh Ministers make the following Order.

**Citation**

**1.** This Order may be cited as the Flood and Water Management Act 2010 (Commencement No. 7) Order 2012.

**Provisions coming into force on 1st August 2012**

**2.** The following provisions of the Flood and Water Management Act 2010 come into force on 1st August 2012—

- (a) section 30 (designation of features), so far as not already commenced; and
- (b) Schedule 1 (risk management: designation of features) so far as not already commenced.

30th July 2012

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

29th July 2012

*John Griffiths*  
Minister for Environment and Sustainable Development  
one of the Welsh Ministers

### **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 2 specifies provisions of the Act that come into force on 1 August 2012. These make provision for the designation of features for the purposes of flood and coastal erosion risk management. Under section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c. 29) (“the Act”), the Environment Agency, local authorities or an internal drainage board may designate structures or environmental features that affect a flood or coastal erosion risk, though they may not necessarily have been designed or constructed for that purpose. Once designated, the owner of the designated feature cannot alter, remove or replace it without consent from the relevant authority, being either the authority which designated the feature or the authority who has since taken over responsibility for the designation in accordance with Schedule 1 to the Act (the “Responsible Authority”). Under Schedule 1 the Responsible Authority also has powers to cancel a designation, grant, vary or withdraw consent (other than in response to an application) and issue enforcement notices in respect of designated features.

An impact assessment of the effect the provisions commenced by this Order 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 this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

### **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) |

---

| <i>Provision of the Act</i>                   |   | <i>Date of commencement</i> | <i>S.I. No.</i>         |
|---|---|-----------------------------|-------------------------|
| 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 to 10                              |   | 1st October 2010            | S.I. 2010/2169 (C. 108) |
| Section 11 <i>in relation to England only</i> |   | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Section 11 <i>in relation to Wales only</i>   |   | 1st November 2011           | S.I. 2011/2204 (C. 80)  |
| Section 12                                    |   | 1st November 2011           | S.I. 2011/2204 (C. 80)  |
| Section 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 18 <i>in relation to England only</i> |   | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Section 18 <i>in relation to Wales only</i>   |   | 1st November 2011           | S.I. 2011/2204 (C. 80)  |
| 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) |
| Section 25                                    |   | 1st April 2011              | S.I. 2011/694 (C. 25)   |
| Section 26                                    |   | 1st October 2010            | S.I. 2010/2169 (C. 108) |
| Section 27                                    |   | 1st October 2011            | S.I. 2011/2204 (C. 80)  |

| <i>Provision of the Act</i>                           |   | <i>Date of commencement</i> | <i>S.I. No.</i>         |
|---|---|-----------------------------|-------------------------|
| Sections 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)   |
|   | <i>partially</i>                            | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
|   | <i>partially, in relation to Wales only</i> | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
|   | <i>partially</i>                            | 6th April 2012              | S.I. 2012/879 (C.25)    |
| Section 33  | <i>partially</i>                            | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| 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 38 and 39                                    | <i>remainder</i>                            | 1st December 2011           | S.I. 2011/2856 (C. 101) |
| Sections 40 and 41                                    |   | 1st October 2010            | S.I. 2010/2169 (C. 108) |
| Sections 42 and 43                                    | <i>partially</i>                            | 1st October 2010            | S.I. 2010/2169 (C. 108) |
| Section 44  |   | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Section 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 1 to 24 <i>in relation to England only</i> |   | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraphs 1 to 24 <i>in relation to Wales only</i>   |   | 1st October 2011            | S.I. 2011/2204 (C. 80)  |

| <i>Provision of the Act</i>  | <i>Date of commencement</i> | <i>S.I. No.</i>         |
|--|-----------------------------|-------------------------|
| Paragraph 25   | 1st October 2010            | S.I. 2010/2169 (C. 108) |
| Paragraphs 26 and 27   | 6th April 2012              | S.I. 2012/879 (C. 25)   |
| Paragraph 28   | 1st October 2010            | S.I. 2010/2169 (C.108)  |
| Paragraphs 29 and 30 <i>in relation to England only</i>                        | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraphs 29 and 30 <i>in relation to Wales only</i>                          | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraph 31   | 6th April 2012              | S.I. 2012/879 (C. 25)   |
| Paragraph 32 <i>partially</i>  | 6th April 2012              | S.I. 2012/879 (C. 25)   |
| Paragraphs 33 and 34   | 6th April 2012              | S.I. 2012/879 (C. 25)   |
| Paragraphs 35 and 36 <i>in relation to England only</i>                        | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraphs 35 and 36 <i>in relation to Wales only</i>                          | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraph 37   | 6th April 2011              | S.I. 2011/694 (C. 25)   |
| Paragraphs 38 and 39 <i>in relation to England only</i>                        | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraphs 38 and 39 <i>in relation to Wales only</i>                          | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraphs 40, 41, 43 and 44   | 1st April 2011              | S.I. 2011/694 (C. 25)   |
| Paragraphs 45 to 47 <i>in relation to England only</i>                         | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraphs 45 to 47 <i>in relation to Wales only</i>                           | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraph 48   | 1st April 2011              | S.I. 2011/694 (C. 25)   |
| Paragraph 49 <i>in relation to England only</i>                                | 19th July 2011              | S.I. 2011/1770 (C. 7)   |
| Paragraph 49 <i>in relation to Wales only</i>                                  | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraphs 50 to 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 4—</i>  |                             |                         |
| Paragraph 1  | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraphs 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33 and 37 <i>partially</i> | 1st October 2011            | S.I. 2011/2204 (C. 80)  |
| Paragraphs 38 to 40, 42 and 43   | 1st October 2011            | S.I. 2011/2204 (C. 80)  |

| <i>Provision of the Act</i> |                  | <i>Date of commencement</i> | <i>S.I. No.</i>         |
|-----------------------------|------------------|-----------------------------|-------------------------|
| <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) |
| 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) |