



Department
for Environment
Food & Rural Affairs

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Flood & Water Management Act 2010

Progress Report on Implementation

December 2012



Llywodraeth Cymru
Welsh Government

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Introduction

The document contains details of -

- i. the parts of the Act that have been commenced,
- ii. related other secondary legislation measures that are now in force,
- iii. published guidance for certain parts of the Act,
- iv. secondary measures that are scheduled for implementation in 2012 (subject to the outcomes of any relevant consultation, required clearances and Parliamentary approval);

Territorial extent

Unless otherwise stated, the measures are in relation to both England and Wales.

Commenced - Sections & Schedules

Part 1 Flood and Coastal Risk Management

1. FCERM - Key concepts and definitions

Section	Date - In force	SI No.	Details
1: Flood and Coastal erosion - so far as required for the exercise of the power in section 4(2)(f) of the Act.	01/09/2010	2010/2169 (C.108)	Definitions of "flood" and "coastal erosion"
1: Flood and Coastal erosion – (remaining parts).	01/10/2010	2010/2169 (C.108)	
2: "Risk" - so far as required for the exercise of the power in section 4(2)(f) of the Act.	01/09/2010	2010/2169 (C.108)	Definition of "risk"
2: "Risk – (remaining parts).	01/10/2010	2010/2169 (C.108)	
3: "Risk management" - so far as required for the exercise of the power in section 4(2)(f) of the Act.	01/09/2010	2010/2169 (C.108)	Definition of "risk management"
3: "Risk management" - (remaining parts).	01/10/2010	2010/2169 (C.108)	
4: "Flood risk management function" - so far as it provides power for the Minister, as defined in subsection (3) of that section, to make an order under subsection (2)(f) of that section.	01/09/2010	2010/2169 (C.108)	Definition of "flood risk management function"
4: "Flood risk management function" - (remaining parts).	01/10/2010	2010/2169 (C.108)	
5: "Coastal erosion risk management function"	01/10/2010	2010/2169 (C.108)	Definition of "coastal erosion risk management function"
6: "Other definitions" - so far as required for the exercise of the power in section 4(2)(f) of the Act	01/09/2010	2010/2169 (C.108)	Other definitions
6: "Other definitions" - (remaining parts)	01/10/2010	2010/2169 (C.108)	

2. FCERM - Strategies, Co-operation and funding

Section	Date - In force	SI No.	Details
7: National flood and coastal erosion risk management strategy: England (in relation to England only)	01/10/2010	2010/2169 (C.108)	Requires the Environment Agency to develop a national for flood and coastal erosion risk management in England; to maintain and monitoring its application.
8: National flood and coastal erosion risk management strategy: Wales (in relation to Wales only)	01/10/2010	2010/2169 (C.108)	Requires the Welsh Ministers to develop, maintain and apply a national strategy for flood and coastal erosion risk management in Wales.
9: Local flood risk management strategies: England (in relation to England only)	01/10/2010	2010/2169 (C.108)	Requires all lead local flood authorities in England to develop, maintain, review, update as well as apply, and monitor the application of a strategy for local flood risk in their area.
10: Local flood risk management strategies: Wales (in relation to Wales only)	01/10/2010	2010/2169 (C.108)	Requires each lead local flood authority in Wales (county and county borough councils) to develop, maintain, review, update as well as apply, and monitor the application of a strategy for local flood risk in their area.
11: Effect of national and local strategies: England (in relation to England only)	19/07/2011	2011/1770 (C.7)	Requires English risk management authorities, in exercising their flood and coastal erosion risk management functions, to act in a manner consistent with the national flood and coastal erosion risk management strategy and guidance under section 7. Provisions are made for the cross border internal drainage districts, which are mainly in Wales but partly in England.
11: Effect of national and local strategies: England (in relation to Wales only)	01/11/2011	2011/2204 (C.80)	
12: Effect of national and local strategies: Wales	01/11/2011	2011/2204 (C.80)	Welsh risk management authorities are required in exercising their flood and coastal erosion risk management functions, to act in a manner consistent with the national flood and coastal erosion risk management strategy and guidance under section 8.

Section	Date - In force	SI No.	Details
13: Co-operation and arrangements	01/10/2010	2010/2169 (C.108)	A relevant authority is required to co-operate with any other relevant authority, which is exercising flood or coastal erosion risk management functions.
14: Power to request information	06/04/2011	2011/2169 (C.108)	The section empowers the Environment Agency and lead local flood authorities to request a person to provide information in connection with that body's flood and coastal erosion risk management function. It provides a similar power for the Welsh Ministers.
15(8): Civil sanctions	18/01/2011	2011/95 (C. 4)	Provides power for the Minister, as defined in subsection (10) of that section, to make regulations to provide a right of appeal against penalties imposed for those who do not comply with requests for information made under section 14.
15 (remaining parts): Civil sanctions (in relation to Wales only)	06/04/2011	2011/694 (C. 25)	This section provides a non-criminal sanction to encourage compliance with section 14. It allows an authority to serve an enforcement notice if a request under section 14 to provide information is not complied with.
16(1): Funding (in relation to England only)	01/10/2010	2010/2169 (C. 108)	The Environment Agency may make grants in respect of expenditure incurred or expected to be incurred in connection with flood or coastal erosion risk management in England.
16(2): Funding (in relation to Wales only)	01/10/2010	2010/2169 (C. 108)	Welsh Ministers may make grants in respect of expenditure incurred or expected to be incurred in connection with flood or coastal erosion risk management in Wales.
16(3): Funding	01/10/2010	2010/2169 (C. 108)	A grant may be subject to conditions (including conditions as to repayment and interest).
17 (2) & (3): Levies	01/10/2010	2010/2169 (C. 108)	As far as those provisions provide power for the Secretary of State to make regulations under section 74 of the Local Government Finance Act 1988(a) for the purpose of section 17 of the Flood and Water Management Act 2010. Environment Agency to issue levy in accordance with regulations

Section	Date - In force	SI No.	Details
17 – (remaining parts): Levies	01/04/2011	2011/694 (C. 25)	Allows the Environment Agency to issue levies to the LLFAs (with the consent of the LLFA members on the RFCC) for a committee area in respect of the Agency's flood and coastal erosion risk management functions in that area.

3. FCERM - Supplemental powers and duties

Section	Date - In force	SI No.	Details
18: Environment Agency: reports (in relation to England only)	19/07/2011	2011/1770 (C. 7)	The Environment Agency are required to report about flood and coastal erosion risk management to the Minister (who may by way of regulations specify reporting times or intervals and the information which a report should contain). The report must include information about the application of the national flood and coastal erosion risk management strategies under sections 7 and 8.
18: Environment Agency: reports (in relation to Wales only)	01/11/2011	2011/2204 (C. 80)	
19: Local authorities: investigations	06/04/2011	2011/694 (C. 25)	Assigns responsibility for investigating flooding incidents to the lead local flood authority where responsibility is not immediately obvious or accepted.
20: Ministerial directions	01/10/2010	2010/2169 (C. 108)	The section allows the Minister (the Secretary of State in England and the Welsh Ministers in Wales) to direct a risk management authority to exercise a flood or coastal erosion risk management function on behalf of another risk management authority. The Secretary of State and the Welsh Ministers can act separately in respect of risk management authorities in England or Wales, or jointly in respect of a risk management authority that operates in both England and Wales.
21: Lead local authorities: duty to maintain a register	06/04/2011	2011/694 (C.25)	<p>The section requires lead local flood authorities to establish and maintain a register of structures, or features, which may significantly affect a flood risk in their area as well as a record of information about such structures and features including ownership and state of repair.</p> <p>The Minister may make regulations about the content of the register and record and also describe information to be excluded from them.</p>

4. FCERM - Regional Flood and Coastal Committees

Section	Date - In force	SI No.	Details
22 (1) (b): Establishment	01/10/2010	2010/2169 (C. 108)	Establishment - only so far as it defines an "English Committee"
22 (1) (c): Establishment	01/10/2010	2010/2169 (C. 108)	Establishment - only so far as it defines a "Welsh Committee."
22 (1) - (remaining parts): Establishment.	01/04/2011	2011/694 (C.25)	The section requires the Environment Agency to establish Regional Flood and Coastal Committees (RFCCs) for regions in England and Wales. To do so, it must divide England and Wales into regions for this purpose.
22(2): Establishment	01/10/2010	2010/2169 (C. 108)	Power to make regulations in relation to establishment of Regional Flood and Coastal Committees
23: Consultation and consent	01/04/2011	2011/694 (C.25)	The section requires the Environment Agency to consult a Regional Flood and Coastal Committees about the way in which it intends to exercise its flood and coastal erosion risk management functions in the Committee's region, and to take into account any representations made.
24: Membership	01/10/2010	2010/2169 (C. 108)	Power to make regulations about the membership of Regional Flood and Coastal Committees.
25: Money	01/04/2011	2011/694 (C.25)	Allows the Minister to direct the Environment Agency to make specified payments to or in respect of persons who chair or have chaired Regional Flood and Coastal Committees, or to members and to determine amounts.
26: "The Minister"	01/10/2010	2010/2169 (C. 108)	Definition of "the Minister" relating to Regional Flood and Coastal Committees.

5. FCERM - General

Section	Date - In force	SI No.	Details
27: Sustainable development	01/10/2011	2011/2204 (C. 80)	The section gives lead local flood authorities, district councils, internal drainage boards and highway authorities a duty to aim to make a contribution towards the achievement of sustainable development when discharging their flood or coastal erosion risk management functions.
28: Power to make further amendments	01/10/2010	2010/2169 (C. 108)	The section allows the Minister to amend, by order, the Public Health Act 1936 (so far as relevant to water), the Coast Protection Act 1949, The Highways Act 1980 (so far as relevant to water) the Land Drainage Act 1991, the Water Resources Act 1991 and the Environment Act 1995. If the Minister considers that, this is necessary or desirable in consequence of this Part of the Act.
29: Restructuring	01/10/2010	2010/2169 (C. 108)	The section gives the Minister the power to, by order, transfer the responsibilities of lead local flood authorities, district councils and internal drainage boards for flood risk or coastal erosion risk to other risk management authorities or other bodies.
30: Designation of features	06/04/2011	2011/694 (C.25)	Schedule 1 (para 15 and 16 (for the purpose of making regulations) and 17)
30: Designation of features	01/08/2012	2012/2000 (C.79)	The designation of third party flood and coastal erosion risk management features by the Environment Agency, local authorities or internal drainage boards.
31: Amendment of other Acts	01/10/2010	2010/2169 (C. 108)	Amendment of other Acts - as far it relates to the provision of Schedule 2 (para. 25, 28 and part of 54)
31: Amendment of other Acts	01/04/2011	2011/694 (C.25)	Amendment of other Acts - as far it relates to the provision of Schedule 2 (para. 40, 41, 43, 44, 48, 50, 51, 52 and 53)
31: Amendment of other Acts	06/04/2011	2011/694 (C.25)	Amendment of other Acts - as far as it relates to the provisions of Schedule 2 (para. 37 and remainder of 54)
31: Amendment of other Acts (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amendment of other Acts - as far it relates to the provision of Schedule 2 (paragraphs 1 to 24, 29,30, 35, 36, 38,39, 45 to 47 and 49)

Section	Date - In force	SI No.	Details
31: Amendment of other Acts (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	

Part 2 – Miscellaneous

Section	Date - In force	SI No.	Details
33: Reservoirs - (partially)	01/10/2011	2011/2204 (C. 80)	Commences those provisions of Schedule 4 (paras 1, 38-40, 42, and 43 and, for purposes of making statutory instruments, paras 2, 4, 7, 10, 12, 22, 25, 27, 30, 31, 32, 33, 37) which relate to definitions and statutory instrument making powers related to the amendment of the Reservoirs Act 1975 and introduction of a risk-based approach to reservoir safety.
34: Special administration	01/10/2010	2010/2169 (C. 108)	As far as it relates to the provisions of Schedule 5 (para. 3 and 5 for the purpose of providing power to amend other enactments and make regulations) being commenced by 2010/2169 (C. 108).
34: Special administration	01/04/2011	2011/694 (C.25)	As far as it relates to the provisions of Schedule 5 – para. 1, 2, 4 & 7) being commenced by 2011/694 (C.25) relating to amendments of the Water Industry Act 1991.
35 (partially): Provision of infrastructure	01/10/2010	2010/2169 (C. 108)	The section inserts a new Part 2A into the Water Industry Act 1991 under the title of “Regulation of Provision of Infrastructure” - only as far as it relates to water or sewerage undertakers whose areas are wholly or mainly in England
36 (partially): Provision of infrastructure	01/09/2010	2010/2169 (C. 108)	Water use: temporary bans - provide power for the Minister, as defined in section 76A(4) of the Water Industry Act 1991, to make an order under section 76A(2) of that Act.
36 (remaining parts): Water use: temporary bans	01/10/2010	2010/2169 (C. 108)	Replaces section 76 of the Water Industry Act 1991 with a similar power to allow a water undertaker, in relation to water, which it supplies, to temporarily prohibit or restrict specific uses of water.
37: Civil sanctions	06/04/2011	2011/694 (C.25)	The section relates to the existing ability under the Regulatory Enforcement and Sanctions Act 2008 for certain regulators (such as the Environment Agency) to be given (by order) the ability to impose various kinds of civil sanctions on persons who have committed offences, as an alternative to prosecution.

Section	Date - In force	SI No.	Details
38 (partially): Incidental flooding or coastal erosion: Environment Agency	18/01/2011	2011/95 (C. 4)	Incidental flooding or coastal erosion (Environment Agency) - provides power for the Minister, as defined in subsection (10) of that section, to make an order under subsection (8) of that section.
38 (remaining parts): Incidental flooding or coastal erosion: Environment Agency	01/12/2011	2011/2856 (C. 101)	Allows the Environment Agency to carry out works under certain conditions that may or will cause flooding, an increase in the amount of water below the ground or coastal erosion.
39 (partially): Incidental flooding or coastal erosion: local authorities	18/01/2011	2011/95 (C. 4)	Incidental flooding or coastal erosion (local authorities) - provides power for the Minister, as defined in subsection (14) of that section, to make an order under subsection (12) of that section.
39 (remaining parts): Incidental flooding or coastal erosion: local authorities	01/12/2011	2011/2856 (C. 101)	Allows lead local authority, district council or internal drainage board to carry out works under certain conditions that may or will cause flooding, an increase in the amount of water below the ground or coastal erosion.
40: Building regulations: flood resistance	01/10/2011	2010/2169 (C. 108)	Building regulations: flood resistance – the section amends Schedule 1 to the Building Act 1984.
41: Compulsory works orders	01/10/2010	2010/2169 (C. 108)	Compulsory works orders - the section provides that the amendments made to section 167 of the Water Industry Act 1991 by the Planning Act 2008 cease to have effect, so that the Welsh Ministers retain their powers to make compulsory works orders.
42: Agreements on new drainage systems	01/10/2010	2010/2169 (C. 108)	Agreements on new drainage systems - as far as the amendments made by that section provide power for the Minister, as defined in section 106B(8) of the Water Industry Act 1991(a), to make regulations under section 106B(5) or (6) of that Act.
	01/10/2012	2012/2048 (W. 239) (C.81)	In relation to sewerage undertakers whose areas are wholly or mainly in Wales, commences the parts of Section 42 that have not already been commenced.
43: Drainage: concessionary charges for community groups	01/10/2010	2010/2169 (C. 108)	Drainage: concessionary charges for community groups - so far as it relates to water or sewerage undertakers whose areas are wholly or mainly in England.

Section	Date - In force	SI No.	Details
44: Social tariffs	01/10/2011	2011/2204 (C. 80)	<p>Allows a water or sewerage undertaker to include in its charges scheme provision for a social tariff, which is designed to reduce charges for individuals who would otherwise have difficulty paying in full.</p> <p>Such a scheme must be approved by the Water Services Regulation Authority (Ofwat) before it can take effect and both the undertakers and Ofwat must have regard to the published guidance.</p>
45: Water and sewerage charges: non-owner occupiers	01/10/2010	2010/2169 (C. 108)	The power for the Minister as defined in section 144C(8) of the Water Industry Act 1991(b), to make regulations under section 144C(4) or (5) of that Act, regarding liability of payment for water and sewerage charges.
46: Abolition of Fisheries Committee (Scotland)	01/10/2010	2010/2169 (C. 108)	Abolition of Fisheries Committee (Scotland)

Part 3 – General

Section	Date - In force	SI No.	Details
47: Pre-consolidation amendments	01/10/2010	2010/2169 (C. 108)	Pre-consolidation amendments
48: Subordinate legislation	08/04/2010		Subordinate legislation – came into force on Royal Assent
49: Technical provision	08/04/2010		Technical – came into force on Royal Assent

Schedule 1 – Risk Management: Designation of Features

Paragraph	Date - In force	SI No.	Details
1	01/08/2012	2012/2000 (C.79)	Defines the 'Designating authority'
2			Defines the 'Responsible authority'
3			Defines the 'Owner'
4			Defines the conditions of 'Designation'
5			Defines the 'Effect of designation'
6			Defines 'Consent to alteration, removal or replacement' procedure.
7			Defines 'Provisional designation notice: procedure'.
8			Defines 'Designation notice: procedure'
9			Defines the 'Cancellation' procedure
10			Defines need to provide a 'Notice to other authorities' that may have an interest
11			Defines the 'Enforcement notice'
12			Defines the 'Emergency powers'.
13			Defines the 'Powers of entry'
14			Defines the 'Compensation for owners and third parties' provisions.
15	06/04/2011	2011/694 (C. 25)	The Minister is obliged to provide, by regulations, the right to an appeal for landowners affected by decisions taken by operating authorities to protect third party assets.
16			The Minister may, by regulations, make provision about notices issued.
17			Defines the Minister (who makes regulations) as the Secretary of State and Welsh Ministers

Schedule 2 – Risk Management: Amendments of Other Acts

Paragraph	Date - In force	SI No.	Details
1-24 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amendments to the Coast Protection Act
1-24 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
25	01/10/2010	2010/2169 (C. 108)	Amendment of the Land Drainage Act 1991(c)
26, 27, 31, 32(1), (2), (3), (5), (6) & (7), 33 & 34	06/04/2012	2012/879 (C.25)	<p>Transfers the Environment Agency's responsibility for flood defence consents and enforcement powers under sections 23, 24 and 25 of the Land Drainage Act 1991 (LDA) to Lead Local Flood Authorities.</p> <p>Removes the following powers from the Environment Agency in relation to ordinary watercourses —</p> <ul style="list-style-type: none"> concurrent flood risk management powers (section 8 of the LDA); default powers in relation to flooding (section 9(1) of the LDA); and enforcement powers in relation to watercourse, bridge or drainage maintenance obligations (section 21 of the LDA); <p>Amends the prohibition on obstructions to ordinary watercourses to preclude the erection of any culvert without prior consent, and allows the relevant authority to attach reasonable conditions to a consent issued under section 23 of the LDA; and</p> <p>Removes powers to require works for maintaining flow of watercourses from district councils (section 25 of the LDA)</p>
28	01/10/2010	2010/2169 (C. 108)	Amends section 11 of the Land Drainage Act which makes provision for the Environment Agency and internal drainage boards to enter into arrangements for the purposes of carrying out certain works and, in particular, for internal drainage boards to carry out and maintain drainage works on behalf of one another.

Paragraph	Date - In force	SI No.	Details
29 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amends the Land Drainage Act by adding a new section - 14A.
29 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
30 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Repeals section 17 of the Land Drainage Act.
30 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
35 & 36 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amends sections 33 and 34 of the Land Drainage Act .
35 & 36 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
37	06/04/2011	2011/694 (C. 25)	Amendment of the Land Drainage Act 1991 in respect of grants
38 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amends section 66 of the Land Drainage Act which provides a power to make byelaws.
38 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
39 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Introduces a definition of a culvert.
39 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
40, 41, 43 & 44	01/04/2011	2011/694 (C.25)	Consequential amendments for the Water Resources Act 1991.
45 & 46 (in relation to England only)	19/07/2011	2011/1770 (C. 07)	Amends sections 159 and 160 of the Water Resources Act 1991, and allow the pipe laying powers in those sections to be used for flood risk

Paragraph	Date - In force	SI No.	Details
45 & 46 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	management purposes.
47 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Adds new provisions to the beginning of section 165 of the Water Resources Act 1991, which allow the Environment Agency to carry out flood and coastal erosion risk management works'
47 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
48	01/04/2011	2011/694 (C.25)	Consequential amendments for the Water Resources Act 1991.
49 (in relation to England only)	19/07/2011	2011/1770 (C. 7)	Amends paragraph 5(1) of Schedule 25 to the Water Resources Act 1991 to extend the powers of the Environment Agency to make byelaws.
49 (in relation to Wales only)	01/10/2011	2011/2204 (C. 80)	
50	01/04/2011	2011/694 (C.25)	Consequential amendments for the Water Industry Act 1991
51, 52 & 53	01/04/2011	2011/694 (C.25)	Consequential amendments for the Environment Act 1995
54 - (partially)	01/10/2010	2010/2169 C. 108)	Provide power for the Secretary of State to make regulations under section 21F of the Local Government Act 2000 (overview and scrutiny committees: flood risk management)(d)
54 - (remaining parts).	06/04/2011	2011/694 (C.25)	Amendments to Local Government Act 2000 to provide for lead local flood authority scrutiny of flood risk management authorities,

Schedule 4 – Reservoirs

Paragraph	Date - In force	SI No.	Details
1	01/10/2011	2011/2204 (C. 80)	Introduces the specific amendments to the Reservoirs Act 1975 as it applies to England and Wales.
2, 4, 7, 10, 12	01/10/2011	2011/2204 (C. 80)	Commences definitions and statutory instrument making powers related to the amendment of the Reservoirs Act 1975 and introduction of a risk-based approach to reservoir safety.
22	01/10/2011	2011/2204 (C. 80)	In so far as the amendments amend the power of the Minister to make regulations.
25, 27, 30	01/10/2011	2011/2204 (C. 80)	Commences definitions and statutory instrument making powers related to the amendment of the Reservoirs Act 1975 and introduction of a risk-based approach to reservoir safety.
31	01/10/2011	2011/2204 (C. 80)	In so far as the amendments amend the power of the Minister to make regulations.
32, 33, & 37	01/10/2011	2011/2204 (C. 80)	Commences definitions and statutory instrument making powers related to the amendment of the Reservoirs Act 1975 and introduction of a risk-based approach to reservoir safety.
38	01/10/2011	2011/2204 (C. 80)	Amends the power in section 5 of the Reservoirs Act 1975 to prescribe by regulations.
39	01/10/2011	2011/2204 (C. 80)	Amends the Environment Act 1995 power to make schemes imposing charges.
40	01/10/2011	2011/2204 (C. 80)	Power to make further amendments to the Reservoirs Act 1975 as a consequence of amendments made in Schedule 4.
42	01/10/2011	2011/2204 (C. 80)	Clarifies Ministerial responsibility in the Reservoirs Act 1975.
43	01/10/2011	2011/2204 (C. 80)	Clarifies the application of the “English regime” or the “Scottish regime” to cross-border England-Scotland reservoirs.

Schedule 5 – Special Administration

Paragraph	Date - In force	SI No.	Details
1 & 2	01/10/202011	2011/694 (C. 23)	<p>Para. 1 amends Schedule 2 to the Water Industry Act 1991, which in certain circumstances allow a water or sewerage undertaker or qualified licensed water supplier to transfer its business (or part of its business) to a new appointee by way of a transfer scheme.</p> <p>Para. 2 makes a further amendment to provide that a transfer scheme may not impose new liabilities on third party undertakers.</p>
3	01/10/2010	2010/2169 (C. 108)	As far as the amendments made by that paragraph provide power for the Secretary of State to make regulations under section 23(2E) of the Water Industry Act 1991(e)
4	01/10/2011	2011/694 (C. 23)	Amends sections 153 and 154 of the Water Industry Act 1991, which contain provisions relating to the granting of financial assistance by the Secretary of State or the Welsh Ministers where a special administration order has been made.
5	01/10/2010	2010/2169 (C. 108)	As far as it provides power for the Secretary of State to amend Schedule 2 to the Water Industry Act 1991(f)
6	01/10/2010	2010/2169 (C. 108)	As far as the amendments made by that paragraph provide power for the Secretary of State to make regulations under section 23(3A) of the Water Industry Act 1991(a)
7	01/10/2011	2011/694 (C. 23)	Amends sections 66G(10) and 66H(10) of the Water Industry Act 1991. These sections allow the Water Services Regulatory Authority (Ofwat) to designate an introduction of water by a licensed water supplier as a strategic supply where, without the introduction or introductions, there would be a substantial risk that the undertaker would not be able to maintain supplies to all customers.

Regulations & Orders

Part 1 of the Act - Flood and Coastal Risk Management

Section/ Schedule	Title	Date - In force	SI No.	Details
S. 15: Civil Sanctions	The Flood and Coastal Erosion Risk Management Information Appeal (Wales) Regulations 2011 (in relation to Wales only)	06/04/2011	2011/865 (W.127)	Provide a right of appeal against penalties imposed under section 15 of the Flood and Water Management Act 2010.
S. 17: Levies	The Environment Agency (Levies) (England and Wales) Regulations 2011	01/04/2011	2011/696	The Regulations are made under sections 74 and 143(1) and (2) of the Local Government Finance Act 1988. They provide for the issue of levies by the Environment Agency to lead local flood authorities under section 17(1) and (2) of the Flood & Water Act in respect of the Agency's flood and coastal erosion risk management functions.
S. 22: Establishment	The Regional Flood and Coastal Committees (England and Wales) Regulations 2011	01/04/2011	2011/695	The regulations make provision for the procedure to be followed by the Environment Agency when dividing England and Wales into regions under section 22(1)(a) of the 2010 Act, and when establishing Regional Flood and Coastal Committees under sections 22(1)(b) and (c) of that Act. They also make provision for the composition of Committees, the method of appointment for members, holding office, proceedings and transitional arrangements (24).

Section/ Schedule	Title	Date - In force	SI No.	Details
S. 30/ Sch. 1 Designation of features	The Designation of Features (Appeals) (England) Regulations 2012	24/07/2012	2012/1945	The Minister is obliged under paragraph 15 of Schedule 1 of the Act to provide, by regulations, the right to an appeal for landowners affected by decisions taken by operating authorities to protect third party assets.
	Designation of Features (Appeals) (Wales) Regulations 2012	11/07/2012	2012/1819 (W.228)	
S. 30/ Sch. 1 Designation of features	The Designation of Features (Notices) (England) Regulations 2012	25/07/2012	2912/1693	The Notice Regulations provide a requirement for all 'proactive consent decision' notices issued under paragraph 6(3)(b) of Schedule 1 to specify a minimum notice period of 28 days before they have effect.
	The Designation of Features (Notices) (Wales) Regulations 2012	20/07/2012	2012/1692 (W.218)	
S. 31/Sch. 2 (para 54): Amendment of other Acts	The Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011 (in relation to England only)	06/04/2011	2011/697	The Regulations relate to the duty of a risk management authority under section 21F(3) of the Local Government Act 2000 (c. 22) to comply with any request made by an overview and scrutiny committee for information or a response to a report.

Part 2 of the Act - Miscellaneous

Section/ Schedule	Title	Date - In force	SI No.	Details
S. 36: Water use: temporary bans	The Water Use (Temporary Bans) Order 2010	01/10/2010	2010/2231	The Order defines words and phrases used in section 76(2) of the Water Industry Act, provides for certain exceptions to the categories of use in that section and provides that certain activities are to be or not to be treated as falling within the categories of use in that section.
S. 38: Incidental flooding or coastal erosion: Environment Agency	The Incidental Flooding and Coastal Erosion (England) Order 2011 (in relation to England only)	01/12/2011	2011/ 855	These Orders relates to the incidental flooding and coastal erosion works powers of the Environment Agency and local authorities under sections 38 and 39 respectively of the Flood and Water Management Act 2010.
S. 39: Incidental flooding or coastal erosion: local authorities	The Incidental Flooding and Coastal Erosion (Wales) Order 2011 (in relation to Wales only)	01/12/2011	2011/2829 (W.302)	Those sections empower the Environment Agency and local authorities to carry out certain works in the interests of nature conservation, the preservation of cultural heritage or people's enjoyment of the environment or of cultural heritage.
S. 42: Agreements on new drainage systems	The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011	01/07/2011	2011/1566	Regulations provide for the Secretary of State and the Welsh Ministers to make schemes for the adoption by sewerage undertakers in England and Wales of private sewers and private lateral drains under section 102 of the Water Industry Act 1991.

Publications

Section/ Schedule	Publication Date	Details
S. 7 (5 & 6): National flood and coastal erosion risk management strategy: England (in relation to England only)	01/10/2010	National Flood and Coastal Erosion Risk Management Strategy for England
S. 8 (5 & 6): National flood and coastal erosion risk management strategy: Wales (in relation to Wales only)	14/11/2011	National Strategy for Flood and Coastal Erosion Risk Management in Wales.
S. 13(1): Co-operation and arrangements and 14: Power to request information (in relation to England only)	18/07/2011	Guidance on co-operation and requesting information in flood and coastal erosion risk management.
S. 27: Sustainable development	01/10/2011	The Minister is required to issue guidance on how the specified authorities should contribute to the achievement of sustainable development through their flood or erosion risk management functions.
S. 30/ Sch. 1: Designation of features	21/06/2012	Information note - sets out recommendations on the practical considerations for designating and responsible authorities to enable designations to be made.
S. 30/ Sch. 1: Designation of features	21/06/2012	Questions and answers - for asset owners.
S. 43: Drainage: concessionary charges for community groups	01/12/2010	Concessionary charges for community groups - Guidance issued by the Minister on, which the Water Services Regulation Authority (Ofwat) and undertakers have regard to.
S. 44. Company Social Tariffs	21/06/2012	Guidance to water and sewerage undertakers and the Water Services Regulation Authority under Section 44 of the Flood and Water Management Act 2010

Future Implementation

Defra is committed in its Business Plan to implement the remaining provisions of the Flood Water Management Act by December 2014.

Secondary measures scheduled for implementation in 2013 and 2014, subject to the outcomes of any relevant consultation, required clearances and Parliamentary approval.

In force - 2013

Section or Schedule	Details	Status
Section 33 and Schedule 4	Reservoirs	Subject to the outcome of consultation exercises held by Defra and Welsh Government on the Policy and a consultation exercise by the Environment Agency on the definition of a High Risk Reservoir
Section 34 and Schedule 5	Special administration	Impact assessment has received a green rating from the RPC. Package of statutory instruments will be delayed and implementation now likely to be by Summer 2013.
Section 42 (in relation to England only)	Agreements on new drainage systems	Defra officials are working with stakeholders to address the issues that arose from the consultation exercise with a view to implementing in the second half of 2013.
Section 45	Water and sewerage charges non-owner occupiers.	Consultation completed with divided responses. The Government will continue to work with all parties to support the development of the existing voluntary approach, whilst weighing the costs and benefits associated with regulation for all parties. .

In force - 2014

Section or Schedule	Details	Status
Section 32 and Schedule 3	Sustainable drainage	Defra officials are working with stakeholders to address the issues that arose from the consultation on SuDS in new and re-developments earlier this year and from which many respondents called for adequate time to prepare for the implementation.

Provisions not to be commenced

Section 15 (within England only) - Civil Sanctions

It has been concluded that it is not necessary at this time to commence s15 in England. Section 15 gives the Environment Agency and Lead Local Flood Authorities the power to issue enforcement and penalty notices in the event of non-compliance with a request for information made under section 14 of the Act. Recent experience indicates that those approached are prepared to share requested information voluntarily with the Environment Agency and lead local flood authorities. We will keep this under review

Regulators are reminded that they should ensure that requests are reasonable and proportionate, and recommend seeking compliance with a section 14 request through advice and guidance, as most information will be provided as a result of simple negotiation. Regulators should work with those who do not comply with a request, to explain what is needed and why it is important to supply that information

In Wales, Section 15 was commenced on the 06/04/2011 (2011/694 (C. 25)) with the bringing into force an Order (2011/865 (W.127)) that provides a right of appeal against penalties imposed under section 15 of the Flood and Water Management Act 2010.

Links

- Flood Water Management Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/29/contents>
- Flood Water Management Act 2010 (Explanatory Notes) - <http://www.legislation.gov.uk/ukpga/2010/29/notes/contents>
- Defra: Flood Water Management Act 2010 secondary legislation and other key publications - <http://www.defra.gov.uk/environment/flooding/legislation/publications-documents/>
- Environment Agency: National Flood and Coastal Erosion Risk Management Strategy for England - <http://www.environment-agency.gov.uk/research/policy/130073.aspx>
- Welsh Government: Flood and Water Management Act - <http://cymru.gov.uk/topics/environmentcountryside/epq/waterflooding/flooding/floodwaterbill/?lang=en>
- Welsh Government: National Strategy for Flood and Coastal Erosion Risk Management in Wales - <http://cymru.gov.uk/desh/policy/enviroprotect/water/flooding/strategy/item;jsessionid=468A8C6E149CADC1A7C263E9490413C2?lang=en>
- UK legislation - <http://www.legislation.gov.uk/aboutus>