WELSH STATUTORY INSTRUMENTS

2012 No. 284 (W.48) (C.9)

WATER,WALES

The Water Act 2003 (Commencement No. 3) (Wales) Order 2012

Made - - - - 3 February 2012

The Welsh Ministers, in exercise of the powers conferred by section 105(3), (4) and (6) of the Water Act 2003(**1**) and now vested in them(**2**), make the following Order:

Title and application

1.—(1) The title of this Order is the Water Act 2003 (Commencement No.3) (Wales) Order 2012.

(2) This Order applies in relation to Wales.

Appointed day

2. The day appointed for the coming into force of section 86 of the Water Act 2003 so far as not already in force is 6 April 2012.

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

3 February 2012

(**1**) 2003 c. 37.
(**2**) The functions of the National Assembly for Wales under section 105 of the Water Act 2003 are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 6 April 2012, section 86 of the Water Act 2003 ("the Act") in relation to Wales 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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
s.69	1.4.2004	2004/910 (W.93) (C.39)
s.75	1.4.2004	2004/910 (W.93) (C.39)
ss. 77 and 78	11.11.2004	2004/2916 (W. 55) (C.120)
ss. 80 and 81	11.11.2004	2004/2916 (W. 55) (C.120)
s.86 (partially)	11.11.2004	2004/2916 (W. 55) (C.120)
s.101(1) and Sch. 7 (partially)	1.4.2004 and 11.11.2004	2004/910 (W.93) (C.39) and 2004/2916 (W. 55) (C.120)
s.101(2) and Sch. 9 (partially)	1.4.2004 and 11.11.2004	2004/910 (W.93) (C.39) and 2004/2916 (W. 55) (C.120)

The following provisions of the Act have been brought into force in England and Wales by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
s. 1	1.4.2006	2006/984 (C.30)
s. 2	1.4.2006	2006/984 (C.30)

(*) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(†) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(‡) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

Provision	*Date of Commencement*	*S.I. No.*
s. 3	1.4.2006	2006/984 (C.30)
s. 4	1.4.2006	2006/984 (C.30)
s.6	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
s. 8 (partially)	1.4.2006	2006/984 (C.30)
s.9	1.4.2004	2004/641 (C.24)
s.10	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
s. 11	1.4.2006	2006/984 (C.30)
s.12	1.4.2006	2006/984 (C.30)
s.13	1.4.2006	2006/984 (C.30)
s.14	1.4.2006	2006/984 (C.30)
s.15	1.4.2004	2004/641 (C.24)
s.16	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
s.17	1.4.2005	2005/968 (C.43)
s.18	1.4.2004	2004/641 (C.24)
s.19	1.4.2004 and 1.4.2006	2004/641 (C.24) and 2006/984 (C.30)
s.20	1.4.2004	2004/641 (C.24)
s.21	1.4.2006	2006/984 (C.30)
s.22	1.4.2006	2006/984 (C.30)
s.23	1.4.2006	2006/984 (C.30)
s.24	1.4.2005	2004/641 (C.24)
s.25	1.4.2004 and 1.4.2006	2004/641 (C.24) and 2006/984 (C.30)
s.26	1.10.2004 2004/2528(C.106)	
s.27	1.4.2004	2004/641 (C.24)
ss.28 and 29	1.10.2004	2004/2528 (C.106)
s.30	1.4.2006	2006/984 (C.30)
s.31	1.10.2004	2004/2528 (C.106)
s.33	1.4.2006	2006/984 (C.30)

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