WELSH STATUTORY INSTRUMENTS

2004 No. 2916 (W.255) (C.120)

ENVIRONMENTAL PROTECTION, WALES

The Water Act 2003 (Commencement No. 2) (Wales) Order 2004

Made - - - - 9 November 2004

The National Assembly for Wales, in exercise of the powers conferred on it by section 105(3) and (6) of the Water Act 2003(**1**) ("the Act"), makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Water Act 2003 (Commencement No.2) (Wales) Order 2004.

(2) This Order applies to Wales only.

Appointed Day

2. The day appointed for the coming into force of the following provisions of the Act is 11 November 2004—

(a) section 77 (flood plans: large raised reservoirs);

(b) section 78 (national security);

(c) section 80 (Crown application);

(d) section 81 (duty to encourage water conservation);

(e) section 86(2)(f), and subsection (1) insofar as it relates thereto (contaminated land: pollution of controlled waters);

(f) section 101(1), insofar as it relates to the amendment made by paragraph 38 of Schedule 7; and

(g) section 101(2), insofar as it relates to sections 147 to 149 and section 222(1) of the Water Resources Act 1991(**2**) and section 101(1) of the Environment Act 1995(**3**) specified in Schedule 9.

(**1**) 2003 c. 37. See the table to section 105(6) for the meaning of "*the appropriate authority*" in relation to the commencement of sections 77, 78, 80, 81, 86 and 101of, and Schedule 9 to the Act.
(**2**) 1991 c. 57.
(**3**) 1995 c. 25.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**).

D. Elis-Thomas
9 November 2004 The Presiding Officer of the National Assembly

(**4**) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in Wales, on 11 November 2004, certain provisions of the Water Act 2003, namely sections 77, 78, 80, 81 and 86(2)(f) (and section 86(1) as it relates to that paragraph).

Sections 77, 78 and 80 amend the Reservoirs Act 1975(**5**) ("the 1975 Act").

Section 77 inserts a new section 12A into the 1975 Act, enabling the Secretary of State (to be understood as the National Assembly for Wales in Wales) to require undertakers to prepare plans setting out the action they would take in the case of flooding from large raised reservoirs.

Section 78 inserts new sections 2(2A) and 12B into the 1975 Act, empowering the National Assembly, on the grounds of national security, to direct the Environment Agency not to include certain information in registers maintained under the 1975 Act ; not to consult persons on the preparation of plans referred to in section 12A of the 1975 Act; and not to publish such plans.

Section 80 inserts a new section 27A into the 1975 Act, which applies the provisions of the 1975 Act to the Crown.

Section 81 requires the National Assembly to take steps to encourage the conservation of water and enables it to make an Order requiring it to prepare reports on such steps.

Section 86 amends the Environmental Protection Act 1990(**6**) as it concerns contaminated land and the pollution of controlled waters. Section 86(2)(f) clarifies the definition of "controlled waters" in section 78A(9)(a) of that Act.

Section 101(1) and (2) partially commences Schedule 7 (minor and consequential amendments) and Schedule 9 (repeals and revocations).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order)

The provisions of the Act referred to in Table 1 below have been brought into force in both England and Wales by Commencement Orders made before the date of this Order —

TABLE 1

Provision	*Date of Commencement*	*S.I. No.*
Section 6(1) (partially)	1 April 2004	2004/641
Section 9	1 April 2004	2004/641
Section 10(11)	1 April 2004	2004/641
Section 15	1 April 2004	2004/641
Section 16 (except subsections (4) and (5))	1 April 2004	2004/641
Section 18	1 April 2004	2004/641

(**5**) 1975 c. 23.
(**6**) 1990 c. 43.