



Flood Risk Management (Scotland) Act 2009 2009 asp 6

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009

PART 1

GENERAL DUTY, DIRECTIONS AND GUIDANCE

- 1 General duty
- 2 Directions and guidance

PART 2

PRINCIPAL EXPRESSIONS

- 3 “Flood” and “flood risk”
- 4 SEPA
- 5 Responsible authorities
- 6 “The Directive”

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Purpose of Part

- 7 General purpose of Part 3

Flood risk management districts

- 8 Flood risk management districts

Flood risk assessment

- 9 SEPA to prepare flood risk assessments
- 10 Flood risk assessments: review
- 11 Flood risk assessments: regulations

Status: This is the original version (as it was originally enacted).

- 12 Flood risk assessments: availability for public inspection

Identification of potentially vulnerable areas and local plan districts

- 13 SEPA to identify potentially vulnerable areas and local plan districts
14 Potentially vulnerable areas and local plan districts: review
15 Potentially vulnerable areas and local plan districts: regulations

Assessment of flood risk from sewerage systems

- 16 Scottish Water to assess flood risk from sewerage systems

Bodies of water etc.: mapping and assessment

- 17 Local authorities to prepare maps of bodies of water etc.
18 Local authorities to assess bodies of water

Artificial structures and natural features: mapping and assessment

- 19 SEPA to prepare maps of artificial structures and natural features

Assessment of possible contribution of alteration etc. of natural features and characteristics

- 20 SEPA to assess possible contribution of alteration etc. of natural features and characteristics

Flood hazard maps and flood risk maps

- 21 SEPA to prepare flood hazard maps and flood risk maps
22 Flood hazard maps
23 Flood risk maps
24 Flood hazard maps and flood risk maps: review
25 Flood hazard maps and flood risk maps: availability for public inspection
26 Flood hazard maps and flood risk maps: regulations

Flood risk management plans

- 27 SEPA to prepare flood risk management plans
28 Flood risk management plans: objectives and measures
29 Flood risk management plans: guidance
30 Flood risk management plans: publicity of drafts etc. and consultation
31 Flood risk management plans: submission for approval
32 Flood risk management plans: approval and publication
33 Flood risk management plans: review

Local flood risk management plans

- 34 Local authorities to prepare local flood risk management plans
35 Local flood risk management plans: publicity and consultation
36 Local flood risk management plans: completion and publication
37 Local flood risk management plans: interim report
38 Local flood risk management plans: final report
39 Local flood risk management plans: joint working

Regulations about plans

- 40 Regulations relating to flood risk management plans and local flood risk management plans

Duty to have regard to plans

- 41 Duty to have regard to flood risk management plans and local flood risk management plans
42 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Provision of information and assistance

- 43 Power of SEPA to obtain information, documents and assistance
44 Power of lead authorities to obtain information, documents and assistance
45 Power of local authorities to obtain information
46 Power to obtain information, documents and assistance: supplementary
47 Power to obtain information, documents and assistance: offence

Consistency and co-ordination with river basin management planning under the 2003 Act

- 48 Consistency and co-ordination with characterisations and plans under the 2003 Act

Advisory groups

- 49 District flood risk advisory groups
50 Sub-district flood risk advisory groups

Supplementary

- 51 Power to give effect to Community obligations etc.
52 Annual report on implementation of Directive
53 Availability of documents for public inspection
54 Publicity of matters
55 Interpretation of Part 3

PART 4

FLOOD RISK MANAGEMENT: LOCAL AUTHORITY FUNCTIONS

General power

- 56 General power to manage flood risk
57 Limits of general power
58 Limits of general power: statutory undertakings

Clearance and repair works

- 59 Duty to carry out clearance and repair works

Flood protection schemes

- 60 Flood protection schemes
61 Orders under the Land Drainage (Scotland) Act 1958
62 Registers of flood protection schemes

- 63 Registers of flood protection schemes: information about schemes under 1961 Act
64 Registers of flood protection schemes: regulations etc.

Deemed planning permission

- 65 Deemed planning permission for scheme work

Acquisition of land

- 66 Acquisition of land

General

- 67 Recovery of expenses
68 Information about ownership etc. of land
69 Damage to certain flood protection work
70 Repeal of Flood Prevention (Scotland) Act 1961
71 Interpretation of Part 4

PART 5

SEPA: OTHER FLOOD RISK MANAGEMENT FUNCTIONS

Advice to planning authorities and others as to flood risk

- 72 Advice to planning authorities and others as to flood risk

Other assessment and maps of flood risk

- 73 Other assessment and maps of flood risk

Flood warning

- 74 Flood warning
75 Assessment of whether flood warning system should be provided or altered
76 Provision, alteration etc. of flood warning system
77 Consultation required by sections 75 and 76

Power to obtain information about land

- 78 SEPA's power to obtain information about land

PART 6

POWERS OF ENTRY AND COMPENSATION

Powers of entry

- 79 Powers of entry
80 Warrants authorising entry
81 Powers of entry: supplementary

Compensation

- 82 Compensation
83 Compensation: supplementary

PART 7

RESERVOIRS

SEPA to be enforcement authority under the Reservoirs Act 1975

- 84 SEPA to be enforcement authority under the Reservoirs Act 1975
- 85 Transitional arrangements
- 86 Service of documents

Enforcement powers and incident reporting

- 87 Extension of enforcement authority's reserve powers
- 88 Incident reporting
- 89 Flood plans

Crown application

- 90 Reservoirs Act 1975: Crown application

PART 8

GENERAL

- 91 Crown application
- 92 Offences by bodies corporate etc.
- 93 Ancillary provision
- 94 Orders and regulations
- 95 Interpretation: general
- 96 Minor and consequential modifications
- 97 Commencement and short title

SCHEDULE 1 — Matters to be included in flood risk management plans

Part 1 — MATTERS TO BE INCLUDED IN EVERY PLAN

- 1 A description of— (a) the objectives set by SEPA for...
 - 2 The conclusions of the flood risk assessment as required by...
 - 3 Flood hazard maps and flood risk maps prepared under section...
 - 4 A summary of flood-related measures taken under—
 - 5 A description of— (a) in relation to each measure included...
 - 6 A description of— (a) how the priority given to implementing...
 - 7 In relation to measures to be implemented before the plan...
 - 8 A summary of— (a) the steps taken under subsections (2)...
 - 9 Information as to SEPA.
 - 10 A description of the coordination process with the arrangements made...
- #### Part 2 — COMPONENTS OF THE SUBSEQUENT UPDATE OF FLOOD RISK MANAGEMENT PLANS
- 11 A summary of any changes which have been made as...
 - 12 An assessment of the progress made towards the achievement of...
 - 13 A summary of any measures included in the previous plan...
 - 14 A description of any other measures implemented since the publication...

SCHEDULE 2 — Flood protection schemes: procedure etc.

- 1 Notification

Status: This is the original version (as it was originally enacted).

- 2 Public inspection of scheme proposal
- 3 Objections
- 4 Decision where no valid objections received
- 5 Preliminary decision following objections
- 6 Ministerial call-in
- 7 Ministerial consideration of proposed scheme
- 8 Local authority hearing to consider proposed scheme
- 9 Final decision following preliminary decision
- 10 Notice of final decision
- 11 Commencement of scheme
- 12 Appeals
- 13 Assessment of environmental effects
- 14 Further provision

SCHEDULE 3 — Minor and consequential modifications

- 1 Land Drainage (Scotland) Act 1958 (c. 24)
- 2 Agriculture Act 1970 (c. 40)
- 3 Civil Aviation Act 1982 (c. 16)
- 4 Roads (Scotland) Act 1984 (c. 54)
- 5 Electricity Act 1989 (c. 29)
- 6 Local Government etc. (Scotland) Act 1994 (c. 39)
- 7 Environment Act 1995 (c. 25)
- 8 Gas Act 1995 (c. 45)
- 9 Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11)
- 10 Flood Prevention and Land Drainage (Scotland) Act 1997 (c. 36)
- 11 Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)
- 12 Transport Act 2000 (c. 38)
- 13 Water Industry (Scotland) Act 2002 (asp 3)
- 14 Water Environment and Water Services (Scotland) Act 2003 (asp 3)

SCHEDULE 4 — Index