

*These notes relate to the Flood Risk Management (Scotland)  
Act (asp 6) which received Royal Assent on 16 June 2009*

# **FLOOD RISK MANAGEMENT (SCOTLAND) ACT**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 3 – Flood Risk Assessment, Maps and Plans**

##### ***Section 41 – Duty to have regard to flood risk management plans and local flood risk management plans***

138. Subsection (1) requires the Scottish Ministers and every public body and office holder to have regard to the flood risk management plan approved by the Scottish Ministers when exercising any functions that could affect the flood risk management district, and to have similar regard to a local flood risk management plan, so far as the exercise of any functions affects a local plan district (for example, to have regard to flood risk management plans when exercising planning functions). Subsection (2) requires the Scottish Ministers to have regard to flood risk management plans and local flood risk management plans when determining any funding to be allocated to SEPA or any responsible authorities for the purpose of flood risk management.