

FLOOD RISK MANAGEMENT (SCOTLAND) ACT

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Flood Risk Assessment, Maps and Plans

Section 44 – Power of lead authorities to obtain information, documents and assistance

145. This section provides for lead authorities to obtain information and assistance from SEPA and the responsible authorities, and to obtain information from other persons to enable them to prepare and review local flood risk management plans (section 34) and interim and final reports (sections 37 and 38). As with section 43, it does not require disclosure of information or documents protected by the law on confidentiality (see section 46(3)).
146. Subsections (1) and (2) require SEPA and the responsible authorities with flood risk related functions exercisable in a local plan district to provide the lead authority with such information and assistance as it may reasonably seek in connection with preparing and reviewing local flood risk management plans and interim and final reports.
147. Subsection (3) enables lead authorities to serve a notice on any person (other than SEPA, a responsible authority or the Scottish Ministers) in order to obtain information or documents from them that it needs to prepare and review local flood risk management plans and interim and final reports. Section 46(1), (2) and (4) provides more detail about the form and content of and procedures in relation to such notices.
148. Subsection (4) allows the Scottish Ministers to decide whether requests from lead authorities are reasonable where there are differences of opinion between lead authorities and SEPA, responsible authorities or any other person who has been asked to provide information, assistance or documents.