



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Advisory groups

49 District flood risk advisory groups

- (1) Each flood risk management district is to have one or more district flood risk advisory groups (“district advisory groups”).
- (2) The function of each district advisory group is to advise SEPA on any matter which—
 - (a) relates to—
 - (i) the preparation of any of the documents mentioned in subsection (3),
 - (ii) the review and updating of any such document,
 - (iii) any assessment (of possible contribution of alteration etc. of natural features and characteristics) under section 20, and
 - (iv) the review and updating of any such assessment, and
 - (b) is within the remit of the group.
- (3) The documents mentioned in subsection (2)(a)(i) are—
 - (a) the flood risk assessment for the district,
 - (b) the document (under section 13) identifying—
 - (i) potentially vulnerable areas in the district, and
 - (ii) local plan districts,
 - (c) each flood hazard map and flood risk map for the district,
 - (d) the flood risk management plan for the district.
- (4) SEPA must, in preparing, reviewing and updating the documents referred to in subsection (3) and in carrying out or reviewing any assessment under section 20, have regard to any advice given by a district advisory group for the district.

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Advisory groups. (See end of Document for details)

- (5) The number of district advisory groups, and their remits, membership and procedure are to be such as SEPA may determine.
- (6) SEPA may determine the remit of a district advisory group for any flood risk management district by reference to one or more of the following—
 - (a) a particular geographical area,
 - (b) any other particular aspect of flood risk management within the district.
- (7) In determining the number of district advisory groups for any flood risk management district and their remits and membership, SEPA must seek to ensure appropriate representation of the interests of—
 - (a) the persons specified or referred to in section 30(5)(a) to (d), and
 - (b) such other persons as appear to SEPA to have an interest in flood risk management for the district.
- (8) SEPA may pay to members of a district advisory group such expenses and allowances as it may determine.

Commencement Information

II S. 49 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

50 Sub-district flood risk advisory groups

- (1) For the purpose of setting up sub-district flood risk advisory groups, SEPA must divide each flood risk management district into such geographical areas (“sub-districts”) as it considers appropriate.
- (2) Each sub-district is to have a sub-district flood risk advisory group (“sub-district advisory group”).
- (3) The function of each sub-district advisory group is to advise—
 - (a) SEPA, on any matter which relates to—
 - (i) the preparation of the documents mentioned in subsection (4),
 - (ii) the review and updating of those documents,
 - (iii) any assessment (of possible contribution of alteration etc. of natural features and characteristics) under section 20, and
 - (iv) the review and updating of any such assessment, and
 - (b) lead authorities for local plan districts, all or part of which form part of the sub-district, on any matter which relates to the preparation of—
 - (i) a local flood risk management plan,
 - (ii) a report under section 37 or 38,
 so far as those matters are within the remit of the group.
- (4) The documents referred to in subsection (3)(a)(i) are—
 - (a) the flood risk assessment for the flood risk management district of which the sub-district forms part,
 - (b) the document (under section 13) identifying—
 - (i) potentially vulnerable areas in the district, and
 - (ii) local plan districts in the district,

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- (c) each flood hazard map and flood risk map for the district,
 - (d) the flood risk management plan for the district.
- (5) SEPA must, in preparing, reviewing and updating the documents referred to in subsection (4) and in carrying out or reviewing any assessment under section 20, have regard to any advice given by a sub-district advisory group.
- (6) A lead authority must, in preparing a local flood risk management plan or a report under section 37 or 38, have regard to any advice given by a sub-district advisory group.
- (7) The remits, membership and procedure of sub-district advisory groups are to be such as SEPA, after consulting local authorities all or part of whose areas form part of the sub-district, may determine.
- (8) In determining the remit and membership of a sub-district advisory group, SEPA must seek to ensure appropriate representation of the interests of—
- (a) every responsible authority which has functions exercisable in or in relation to the sub-district,
 - (b) any category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the sub-district,
 - (c) Scottish Natural Heritage,
 - (d) where any part of the sub-district has been designated as a National Park, the National Park authority for the National Park, and
 - (e) such other persons as appear to SEPA to have an interest in flood risk management for the sub-district.
- (9) SEPA may pay to members of a sub-district advisory group such expenses and allowances as it may determine.

Commencement Information

I2 S. 50 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

[^{F1}50A. Cross border areas

- (1) When exercising the functions listed in subsection (2) in relation to a Scottish cross border area, the authority exercising the function must have regard to—
- (a) the impact on flood risk in an adjacent English cross border area of actions and inactions in the Scottish cross border area,
 - (b) the impact on flood risk in the Scottish cross border area of actions and inactions in an adjacent English cross border area,
 - (c) documents produced under Parts 2, 3 and 4 of the Flood Risk Regulations in relation to an adjacent English cross border area, and
 - (d) the advice given by the Cross Border Advisory Group under regulation 39 of the Flood Risk Regulations.
- (2) The functions are those contained in—
- (a) section 9(1),
 - (b) section 10(1),
 - (c) section 13(1),

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- (d) section 14(1),
 - (e) section 21(1),
 - (f) section 24(1),
 - (g) section 27(1),
 - (h) section 33(1), and
 - (i) section 34(1).
- (3) SEPA and each lead authority must—
- (a) co-operate with any English flood authority for the purpose of assisting that authority to exercise its functions under the Flood Risk Regulations in relation to an English cross border area, and
 - (b) co-ordinate the exercise of its functions which relate to a Scottish cross border area with an English flood authority so as to take into account the risk of flooding in an adjacent English cross border area.
- (4) In this section “English flood authority” means—
- (a) the Environment Agency,
 - (b) a lead local flood authority within the meaning of the Flood Risk Regulations whose area falls wholly or partly in an English cross border area.]

Textual Amendments

F1 S. 50A inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), **33**

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