



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 3

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Supplementary*

#### 51 Power to give effect to [<sup>F1</sup>EU] obligations etc.

- (1) The Scottish Ministers may by regulations provide that the provisions of this Part are to have effect with such modifications as the regulations may specify for the purpose of giving effect to any [<sup>F2</sup>obligation arising from [<sup>F3</sup>assimilated] law] or of exercising any related right.
- (2) In this section “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.

#### Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F2** Words in s. 51(1) substituted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022](#) (S.S.I. 2022/138), regs. 1, 6(5)
- F3** Word in s. 51(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023](#) (S.S.I. 2023/374), reg. 1(1), [sch. 1 para. 7\(5\)](#)

#### Commencement Information

- I1** S. 51 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

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

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## 52 Annual report on implementation of Directive

- (1) The Scottish Ministers must either—
  - (a) as soon as practicable after the end of each calendar year lay before the Parliament a report summarising the action referred to in subsection (2) taken during the year by—
    - (i) the Scottish Ministers,
    - (ii) SEPA, and
    - (iii) the responsible authorities, or
  - (b) incorporate into their report under section 26 of the 2003 Act for the calendar year concerned a report summarising such action.
- (2) The action is—
  - (a) action taken in accordance with this Part (including, in particular, action taken for securing compliance with the requirements of the Directive), and
  - (b) action taken to implement measures identified in a flood risk management plan approved under section 32.

### Commencement Information

**I2** S. 52 in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

## 53 Availability of documents for public inspection

- (1) Where, under this Part, any order, assessment, map, plan, or report is to be made available for public inspection, it—
  - (a) must be made available—
    - (i) free of charge,
    - (ii) at all reasonable times, and
  - (b) may be made available by such means, or in such formats, as the person required to make it available considers appropriate for the purpose of encouraging the inspection of it by members of the public.
- (2) The person required to make available the document referred to in subsection (1) must publicise the arrangements for making it available unless the document is—
  - (a) a map prepared under section 17, or
  - (b) a schedule prepared under section 18(1)(b).

### Commencement Information

**I3** S. 53 in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

## 54 Publicity of matters

- (1) Where, under this Part, a person (“the publisher”) is required to publicise any matter, the publisher—
  - (a) must do so by means of a notice published in the appropriate newspapers, and
  - (b) may further publicise the matter by such electronic or other means as the publisher considers appropriate.

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- (2) In subsection (1), the appropriate newspapers are—
- (a) in relation to a local flood risk management plan, such newspapers circulating in the local plan district, or any part of the district, as the publisher considers appropriate,
  - (b) in relation to any other matter—
    - (i) at least one newspaper circulating throughout Scotland, and
    - (ii) such local newspapers circulating in any part of the flood risk management district to which the matter relates as the publisher considers appropriate.

#### Commencement Information

**I4** S. 54 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

## 55 Interpretation of Part 3

- (1) In this Part—
- “appropriate scale” means such scale as SEPA considers most appropriate,
- “body of surface water”, “loch” <sup>F4</sup>... and “watercourse” have the same meanings as in section 28(1) of the 2003 Act,
- [<sup>F5</sup>“English cross border area” has the same meaning as in regulation 5A of the Flood Risk Regulations,]
- [<sup>F5</sup>“Flood Risk Regulations” means the Flood Risk Regulations 2009,]
- [<sup>F5</sup>“river basin” has the same meaning as in section 28(1) of the 2003 Act except that, in the case of a river basin which is partly in Scotland and partly in England, it means the part of that basin which is in Scotland,]
- [<sup>F5</sup>“Scottish cross border area” means a flood risk management district which comprises of, or includes, the Scottish part of a river basin (within the meaning of section 28(1) of the 2003 Act) which is partly in Scotland and partly in England,]
- “sub-basin” means an area of land from which all surface run-off water flows through a series of streams, rivers, other watercourses and, as the case may be, lochs to a particular point in a watercourse or loch,
- “wetland” means an area of ground the ecological, chemical and hydrological characteristics of which are attributable to frequent inundation or saturation by water.
- (2) The Scottish Ministers may by order specify boundaries of any coastal area for the purposes of this Part.

#### Textual Amendments

- F4** Words in s. 55 omitted (30.4.2010) by virtue of [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), [34\(a\)](#)
- F5** Words in s. 55 inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), [34\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Supplementary.