



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 4

### FLOOD RISK MANAGEMENT: LOCAL AUTHORITY FUNCTIONS

#### *Flood protection schemes*

#### **61 Orders under the Land Drainage (Scotland) Act 1958**

- (1) This section applies where an improvement order affects any land on which operations are proposed to be carried out under a flood protection scheme.
- (2) The flood protection scheme may include proposals to—
  - (a) vary the improvement order by—
    - (i) removing land from the improvement area,
    - (ii) removing or rendering ineffective all or any part of the drainage or protective works specified in the improvement order, or
    - (iii) amending, reapportioning or removing any obligations of maintenance imposed on the authorised persons under the improvement order, or
  - (b) revoke the improvement order.
- (3) But the scheme may not include proposals to vary the improvement order so as to impose any new obligations on the authorised persons in respect of operations described in the scheme.
- (4) Where the proposed operations will materially alter drainage works or protective works, the scheme must include proposals to vary the improvement order so as to remove the obligation of maintenance in respect of the part of the drainage works or protective works so altered.
- (5) On commencement of the flood protection scheme, the improvement order is varied or, as the case may be, revoked to the extent specified in the scheme.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Where an improvement order has been varied or revoked by a flood protection scheme, the local authority must cause a notice of the variation or revocation to be registered in the Land Register of Scotland or recorded in the Register of Sasines (as applicable).
- (7) The Scottish Ministers may by order specify the form and content of a notice under subsection (6).
- (8) In this section—
- “authorised persons” has the meaning given in section 2(2) of the Land Drainage (Scotland) Act 1958 (c. 24),
  - “drainage works” has the meaning given in section 18(1) of that Act,
  - “improvement area” has the meaning given in section 1(3) of that Act,
  - “improvement order” has the meaning given in section 1(1) of that Act,
  - “protective works” has the meaning given in section 2(1)(d) of that Act.