

FLOOD AND WATER MANAGEMENT ACT 2010

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

13. The Act extends to England and Wales.
14. Ministerial powers in flood and water policy areas do not always follow the geographical boundary of England and Wales. The extent of the Secretary of State's and Welsh Ministers' jurisdictions may instead follow, for example, water and sewerage undertakers' areas of appointment rather than the national boundary.
15. The Act does not generally extend to Scotland. However, it includes a section for the abolition of the Fisheries Committee (Scotland), a Scottish Body concerned with advising on the effects of hydroelectric power activities on water quality and fish stocks in freshwater fisheries in Scotland. The functions of that Committee are now carried out by the Scottish Environment Protection Agency. The provision does not fall within the terms of the Sewel Convention.
16. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.
In relation to a provision in this Act which triggered the Convention, the Scottish Parliament's consent was secured in the form of a Legislative Consent Motion (LCM).
The LCM covers the provision on cross-border reservoir safety, which creates an enabling power to make provision by order for responsibility for any future cross-border reservoirs to be established based on the particular circumstances.
17. The Act does not extend to Northern Ireland.