



Flood and Water Management Act 2010

2010 CHAPTER 29

PART 1

FLOOD AND COASTAL EROSION RISK MANAGEMENT

5. General

27 Sustainable development

- (1) In exercising a flood or coastal erosion risk management function, an authority listed in subsection (3) must aim to make a contribution towards the achievement of sustainable development.
- (2) The Minister must issue guidance about how authorities are to discharge the duty under subsection (1) (including guidance about the meaning of sustainable development); and the authorities must have regard to the guidance.
- (3) The authorities are—
 - (a) lead local flood authorities,
 - (b) district councils,
 - (c) internal drainage boards, and
 - (d) highway authorities.
- (4) In this section “flood risk management function” means (in place of the definition in section 4) any of the following functions which may be exercised by an authority listed in subsection (3), in so far as it is or may be exercised for a purpose connected with flood risk management—
 - (a) a function under this Part,
 - (b) a function under the Land Drainage Act 1991,
 - (c) a function under section 100, 101, 110 or 339 of the Highways Act 1980, and
 - (d) any other function specified for the purposes of this section by order made by the Minister.
- (5) In this section “Minister” means—

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 5. General. (See end of Document for details)

- (a) the Secretary of State, in relation to English authorities, and
 - (b) the Welsh Ministers, in relation to Welsh authorities.
- (6) For the purposes of subsection (5)—
- (a) an “English authority” is—
 - (i) a lead local flood authority, district council or highway authority for an area in England, and
 - (ii) an internal drainage board for an internal drainage district that is wholly or mainly in England;
 - (b) a “Welsh authority” is—
 - (i) a lead local flood authority or highway authority for an area in Wales, and
 - (ii) an internal drainage board for an internal drainage district that is wholly or mainly in Wales.

Commencement Information

II S. 27 in force at 1.10.2011 by [S.I. 2011/2204](#), [art. 3\(1\)\(a\)](#)

28 Power to make further amendments

- (1) The Minister may by order amend an Act listed in subsection (2) if the Minister thinks the amendment necessary or desirable in consequence of this Part.
- (2) The Acts are—
- (a) the Public Health Act 1936 (so far as relevant to water),
 - (b) the Coast Protection Act 1949,
 - (c) the Highways Act 1980 (so far as relevant to water),
 - (d) the Land Drainage Act 1991,
 - (e) the Water Resources Act 1991, and
 - (f) the Environment Act 1995.
- (3) In this section “the Minister” means—
- [^{F1}(a) the Welsh Ministers, where the amendment—
 - (i) relates to a matter in respect of which functions may be exercised by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (ii) would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly, and]
 - (b) the Secretary of State, for all other purposes.
- (4) An order under this section may not be made unless a draft has been laid before and approved by resolution of—
- (a) each House of Parliament, in the case of an order made by the Secretary of State, and
 - (b) the National Assembly for Wales, in the case of an order made by the Welsh Ministers.

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 5. General. (See end of Document for details)

Textual Amendments

- F1** S. 28(3)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 85](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

Commencement Information

- I2** S. 28 in force at 1.10.2010 by [S.I. 2010/2169, art. 4, Sch.](#)

29 Restructuring

- (1) The Minister may by order transfer responsibilities of lead local flood authorities, district councils or internal drainage boards in respect of flood risk and coastal erosion risk to risk management authorities or other bodies.
- (2) An order may in particular—
 - (a) amend the definition of risk management authority in section 6;
 - (b) reassign a flood risk management function;
 - (c) reassign a coastal erosion risk management function.
- (3) An order may amend this Act or another enactment.
- (4) Before making an order the Minister must consult the bodies that would be affected by it.
- (5) An order under this section may not be made unless a draft has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of an order made by the Secretary of State, or
 - (b) the National Assembly for Wales, in the case of an order made by the Welsh Ministers.
- (6) In this section “the Minister” means—
 - (a) the Secretary of State in relation to English risk management authorities and other bodies with responsibilities in relation to England, and
 - (b) the Welsh Ministers in relation to Welsh risk management authorities and other bodies with responsibilities in relation to Wales.

Commencement Information

- I3** S. 29 in force at 1.10.2010 by [S.I. 2010/2169, art. 4, Sch.](#)

30 Designation of features

Schedule 1 (designation of features) shall have effect.

Modifications etc. (not altering text)

- C1** S. 30 excluded (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\), art. 1, Sch. 19 Pt. 1 para 11](#)

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 5. General. (See end of Document for details)

Commencement Information

- I4** S. 30 in force at 6.4.2011 for specified purposes by [S.I. 2011/694, art. 4\(1\)\(d\)](#)
- I5** S. 30 in force at 1.8.2012 in so far as not already in force by [S.I. 2012/2000, art. 2\(a\)](#)

31 Amendment of other Acts

Schedule 2 (which amends other Acts in connection with this Part) shall have effect.

Commencement Information

- I6** S. 31 in force at 1.10.2010 for specified purposes by [S.I. 2010/2169, art. 4, Sch.](#)
- I7** S. 31 in force at 1.4.2011 for specified purposes by [S.I. 2011/694, art. 3\(e\)](#)
- I8** S. 31 in force at 6.4.2011 for specified purposes by [S.I. 2011/694, art. 4\(1\)\(e\)](#)
- I9** S. 31 in force at 19.7.2011 for specified purposes for E. by [S.I. 2011/1770, art. 3\(e\)](#)
- I10** S. 31 in force at 1.10.2011 for specified purposes for W. by [S.I. 2011/2204, art. 3\(2\)\(a\)](#)
- I11** S. 31 in force at 6.4.2012 for specified purposes by [S.I. 2012/879, art. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: 5. General.