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**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 29. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

##### *Land Drainage Act 1991*

29 (1) After section 14 (general drainage powers of boards and local authorities) insert—

**“14A General powers: flood risk management works**

- (1) A lead local flood authority may carry out flood risk management work if Conditions 1 and 2 are satisfied.
- (2) An authority listed in subsection (3) may carry out flood risk management work if—
  - (a) Conditions 1 and 3 are satisfied, or
  - (b) Conditions 1 and 4 are satisfied.
- (3) The authorities are—
  - (a) an internal drainage board,
  - (b) a district council, and
  - (c) a lead local flood authority for an area for which there is no district council.
- (4) Condition 1 is that the authority considers the work desirable having regard to the local flood risk management strategy for its area under section 9 or 10 of the Flood and Water Management Act 2010.
- (5) Condition 2 is that the purpose of the work is to manage a flood risk in the authority's area from—
  - (a) surface runoff, or
  - (b) groundwater.
- (6) Condition 3 is that the purpose of the work is to manage a flood risk in the authority's area from an ordinary watercourse.
- (7) In subsection (6) the reference to an ordinary watercourse includes a reference to a lake, pond or other area of water which flows into an ordinary watercourse.
- (8) Condition 4 is that the purpose of the work is to manage a flood risk in the authority's area from the sea and either—
  - (a) the work is within subsection (9)(a), (b) or (f), or
  - (b) the Environment Agency has consented to the work.
- (9) In this section “flood risk management work” means anything done—

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- (a) to maintain existing works (including buildings and structures) including cleansing, repairing or otherwise maintaining the efficiency of an existing watercourse or drainage work;
  - (b) to operate existing works (such as sluiceways or pumps);
  - (c) to improve existing works (including buildings or structures) including anything done to deepen, widen, straighten or otherwise improve an existing watercourse, to remove or alter mill dams, weirs or other obstructions to watercourses, or to raise, widen or otherwise improve a drainage work;
  - (d) to construct or repair new works (including buildings, structures, watercourses, drainage works and machinery);
  - (e) for the purpose of maintaining or restoring natural processes;
  - (f) to monitor, investigate or survey a location or a natural process;
  - (g) to reduce or increase the level of water in a place;
  - (h) to alter or remove works.
- (10) Nothing in this section authorises a person to enter land except for the purpose of maintaining existing works.
- (11) Section 14(5) and (6) applies in relation to the exercise by any authority of powers under this section as to the exercise of powers under section 14.
- (12) The powers under section 62 and 64 are available to an authority for a purpose in connection with the exercise of powers under this section.
- (13) In this section the following terms have the meaning given by Part 1 of the Flood and Water Management Act 2010—
- (a) flood risk,
  - (b) lead local flood authority,
  - (c) surface runoff, and
  - (d) groundwater.”
- (2) In section 14(1)(b)—
- (a) omit “either”, and
  - (b) omit sub-paragraph (ii) (and the “or” before it).
- (3) Omit section 14(4)(b) (and the “or” before it).

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**Commencement Information**

- I1** Sch. 2 para. 29 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(e)  
**I2** Sch. 2 para. 29 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(c)

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