
Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Exception 2: roads. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SUSTAINABLE DRAINAGE

Exception 2: roads

- 19 (1) The adoption duty does not apply to any part of a drainage system which is a publicly-maintained road.
- (2) If part of an adopted drainage system becomes a publicly-maintained road, the adoption lapses in respect of that part.
- (3) Sub-paragraphs (4) and (5) apply—
- (a) where a drainage system is adopted and part of the system is a publicly-maintained road (and that part therefore need not be adopted);
 - (b) where a drainage system is entirely on a publicly-maintained road (and the adoption duty does not therefore apply to it).
- (4) The maintaining authority must exercise its functions in respect of the road—
- (a) in accordance with the approved proposals for the drainage system (including any conditions of approval), and
 - (b) in accordance with national standards for sustainable drainage.
- (5) The maintaining authority must designate the road under section 63 of the New Roads and Street Works Act 1991 (streets with special engineering difficulties).
- (6) “Publicly-maintained road” means a highway to which the duty under section 41 of the Highways Act 1980 applies (maintenance at public expense); (and a reference to a road includes a reference to part of a road).

Commencement Information

- I1** Sch. 3 para. 19 in force at 2.5.2018 for specified purposes for W. by S.I. 2018/557, art. 2(b)
- I2** Sch. 3 para. 19 in force at 7.1.2019 for W. in so far as not already in force by S.I. 2018/557, art. 3(b)

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