
STATUTORY INSTRUMENTS

2009 No. 3042

The Flood Risk Regulations 2009

PART 1

GENERAL PROVISIONS

Citation, commencement and extent

- 1.—(1) These regulations may be cited as the Flood Risk Regulations 2009.
- (2) They come into force on 10th December 2009.
- (3) A duty imposed under these regulations to prepare or publish a document may be satisfied by having prepared or published a document before these regulations came into force.
- (4) Subject to paragraph (5) these regulations extend to England and Wales only.
- (5) This regulation and regulation 37 also extend to Scotland.

“Flood”

- 2.—(1) “Flood” includes any case where land not normally covered by water becomes covered by water.
- (2) It does not matter for the purpose of paragraph (1) whether a flood is caused by—
 - (a) heavy rainfall,
 - (b) a river overflowing or its banks being breached,
 - (c) a dam overflowing or being breached,
 - (d) tidal waters, or
 - (e) any other event (or combination of events).
- (3) But “flood” does not include—
 - (a) a flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system, or
 - (b) a flood caused by a burst water main (within the meaning given by section 219 of the Water Industry Act 1991⁽¹⁾).

“Risk”

3. “Risk” means a risk in respect of an occurrence assessed and expressed (as for scientific and insurance purposes) as a combination of the probability of the occurrence with its potential consequences.

(1) 1991 c. 56. Relevant amendments were made by section 101 of, and Schedule 8 to, the Water Act 2003.

“Main river” and “reservoir”

- 4.—(1) “Main river” has the meaning given by section 113 of the Water Resources Act 1991(2).
(2) “Reservoir” has the meaning given by the Reservoirs Act 1975(3).

“River basin district”

5. “River basin district” has the meaning given by regulation 2 of the Water Environment Regulations.

“Minister”

- 6.—(1) “The Minister” means—
(a) the Secretary of State in relation to England, and
(b) the Welsh Ministers in relation to Wales.

(2) For the purposes of anything done in relation to a river basin district which includes land in England and land in Wales, a reference to the Minister is a reference to the Secretary of State and the Welsh Ministers acting jointly.

“Lead local flood authority”

- 7.—(1) “Lead local flood authority” in relation to an area in England means—
(a) the unitary authority for the area, or
(b) if there is no unitary authority, the county council for the area.
(2) “Unitary authority” means—
(a) the council of a county for which there are no district councils;
(b) the council of a district in an area for which there is no county council;
(c) the council of a London borough;
(d) the Common Council of the City of London;
(e) the Council of the Isles of Scilly.
(3) “Lead local flood authority” in relation to an area in Wales means—
(a) the county council for the area;
(b) the county borough council for the area.

“Water Environment Regulations”

8. “Water Environment Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003(4).

(2) 1991 c. 57.
(3) 1975 c. 23.
(4) S.I. 2003/3242.