

# **FLOOD RISK MANAGEMENT (SCOTLAND) ACT**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 4 – Flood Risk Management: Local Authority Functions**

##### ***Section 62 - Registers of flood protection schemes***

188. **Section 62** places a duty on each local authority to create and update a register of flood protection schemes relevant to the local authority area. A relevant scheme is one proposed by a local authority or one for which it has received notification from another local authority under paragraph 1(1)(f)(iii) of schedule 2.
189. **Subsection 2(a)** sets out the details pertaining to each scheme that must initially be included in the register. **Subsection 2(b)(i)** specifies that the register must include a note of whether any preliminary decision to confirm, confirm with modifications or reject the scheme has been taken by the local authority, and whether any final decision to confirm, confirm with modifications or reject has been taken by the local authority or the Scottish Ministers. **Subsection 2(b)(ii)** requires the register to show whether the scheme has been referred to the Scottish Ministers because of an objection from a relevant objector, and whether that objector is a local authority or a National Park Authority. **Subsection 2(b)(iii)** requires the register to show whether the Scottish Ministers or local authority have notified relevant objectors and anyone else affected by the scheme of any proposed modifications.
190. **Subsection (4)** enables a local authority to remove details of proposed schemes that were rejected by the local authority or by the Scottish Ministers. **Subsection (5)** requires a local authority to amend the register to reflect any decision by a sheriff to quash any part of a scheme on appeal.
191. **Subsection (6)** requires a local authority to inform any other local authority that it has notified about a proposed scheme about any information entered in its register relating to the proposed scheme.
192. **Subsection (7)** requires the local authority to make the register available for public inspection, and allows it to make a reasonable charge for doing so.