



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 5

SEPA: OTHER FLOOD RISK MANAGEMENT FUNCTIONS

Flood warning

74 Flood warning

- (1) SEPA must, where it considers that a flood is occurring or likely to occur in the near future, make available warnings in relation to the flood.
- (2) Any warning under subsection (1)—
 - (a) of a flood which SEPA considers is occurring must be made available as soon as practicable after SEPA considers that is the case,
 - (b) of a flood which SEPA considers is likely to occur in the near future must be made available as soon as SEPA considers appropriate,
 - (c) is to be based on information available to SEPA, and
 - (d) must be made publicly available by SEPA by such means as it considers appropriate.

Commencement Information

II S. 74 in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

75 Assessment of whether flood warning system should be provided or altered

- (1) SEPA may, and must where the Scottish Ministers direct, assess whether in its opinion—
 - (a) provision and operation by it of a flood warning system, or alteration of any flood warning system provided and operated by it, would assist in providing earlier or more accurate flood warning as respects an area, and

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Flood warning. (See end of Document for details)

- (b) the earlier or more accurate flood warning so provided would be likely to reduce the potential adverse consequences of flooding of the area for human health, the environment, cultural heritage and economic activity there.
- (2) Any assessment under subsection (1) is to be based on such information as SEPA possesses.
- (3) In carrying out any such assessment SEPA must consult in accordance with section 77(1).
- (4) In this section and section 76, “flood warning system” means a system by which, for the purpose of detecting, forecasting or providing warning of any flood which is occurring or likely to occur in the near future, information as respects any of the following matters is obtained and transmitted—
 - (a) rainfall,
 - (b) the level or flow of any surface water (within the meaning of section 3(3) of the 2003 Act),
 - (c) such other matters as appear to SEPA to be appropriate for that purpose.

Commencement Information

I2 S. 75 in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

76 Provision, alteration etc. of flood warning system

- (1) SEPA may—
 - (a) provide and operate any flood warning system,
 - (b) alter any flood warning system provided and operated by it,
 - (c) for those purposes provide, install or alter apparatus and carry out any engineering or building operations, and
 - (d) maintain any such apparatus.
- (2) Before—
 - (a) providing a flood warning system in pursuance of paragraph (a) of subsection (1),
 - (b) for that purpose doing any of the things referred to in paragraph (c) of that subsection, or
 - (c) for either of the purposes in paragraph (a) or (b) carrying out any engineering or building operations,
 SEPA must consult in accordance with section 77(2).
- (3) Where SEPA considers—
 - (a) the alteration of any flood warning system in pursuance of paragraph (b) of subsection (1), or
 - (b) for that purpose doing any of the things referred to in paragraph (c) of that subsection (“any related thing”),
 would be material, it must consult in accordance with section 77(2) before carrying out the alteration of the system or for that purpose any related thing.

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Commencement Information

I3 S. 76 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

77 Consultation required by sections 75 and 76

- (1) The consultation required by section 75 is consultation with—
- (a) every local authority whose area includes any part of the area which is the subject of the assessment, and
 - (b) every category 1 responder (other than a local authority) which has functions exercisable in or in relation to the area which is the subject of the assessment.
- (2) The consultation required by section 76 is consultation with—
- (a) every local authority in whose area the power is to be exercised, and
 - (b) any category 1 responder (other than a local authority) which has functions exercisable in or in relation to the area in which the power is to be exercised.

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Commencement Information

I4 S. 77 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Flood warning.