



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Bodies of water etc.: mapping and assessment

18 Local authorities to assess bodies of water

- (1) Every local authority must, from time to time (or when directed to do so by the Scottish Ministers)—
- (a) assess the relevant bodies of water (other than canals) in its area for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land within or outwith its area, and
 - (b) where—
 - (i) a body of water gives rise to such a risk, and
 - (ii) the authority considers that clearance and repair works would substantially reduce that risk,prepare a schedule of those clearance and repair works.
- (2) In subsection (1)(b), clearance and repair works are works that consist of any or all of the following—
- (a) removing obstructions from a body of water,
 - (b) removing things that are at significant risk of becoming such obstructions,
 - (c) repairing artificial structures which form part of the bed or banks of a body of water.
- (3) A schedule prepared under subsection (1)(b) must—
- (a) indicate when the local authority next intends to carry out an assessment under subsection (1)(a) of the body of water in question,
 - (b) contain such other information and be in such form as the Scottish Ministers may specify in regulations.

Status: This is the original version (as it was originally enacted).

- (4) A local authority must make available for public inspection the schedule of clearance and repair works prepared under subsection (1)(b) for the time being applicable to its area.
- (5) Where it appears to a local authority, whether or not as a result of an assessment carried out under subsection (1)(a), that any relevant body of water in its area is in a condition which is likely to cause flooding of land outwith its area, it must notify the local authority for the area in which that land is situated.
- (6) Subsection (5) does not apply where it appears to the first mentioned authority that the second mentioned authority is aware of the likelihood of the flooding.