



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Provision of information and assistance

43 Power of SEPA to obtain information, documents and assistance

- (1) The Scottish Ministers and any responsible authority must, on being requested by SEPA, provide SEPA with—
- (a) such information in their or, as the case may be, its possession or under their or its control, and
 - (b) such assistance,
- as SEPA may reasonably seek in connection with the exercise of any of SEPA's functions under sections 9, 10, 19, 20, 21, 24, 27, 28 and 33.
- (2) Any responsible authority must, on being requested by SEPA—
- (a) gather and provide SEPA with such information—
 - (i) as respects flood risk, and
 - (ii) which SEPA considers could contribute to improving understanding of flood risk, and
 - (b) prepare and provide SEPA with such assessments or maps which SEPA considers could contribute to such understanding,
- as SEPA may reasonably seek in connection with the exercise of any of those functions.
- (3) Information requested by SEPA in pursuance of subsection (2) may include in particular information about, or as the case may be assessments or maps relating to—
- (a) the contribution that altering (including enhancing) or restoring natural features and characteristics could make to managing flood risk, and
 - (b) urban drainage and flooding caused by surface run-off water or a sewerage system.

Status: This is the original version (as it was originally enacted).

- (4) Information and assistance which a responsible authority is required to provide to SEPA in pursuance of subsection (1) or (2) must be provided in such form and manner as SEPA may reasonably seek.
- (5) SEPA may serve a notice on any person (but not the Scottish Ministers or a responsible authority) requiring the person to—
 - (a) provide SEPA, or a person authorised by it, in the form and manner specified in the notice, with such information, or
 - (b) produce to SEPA, or to a person authorised by it, such documents,as it may reasonably require in connection with the exercise of any of the functions referred to in subsection (1).
- (6) Where a responsible authority or, as the case may be, a person on whom a notice is served under subsection (5) cannot agree with SEPA on whether information or assistance is, or assessments, maps or documents are, being sought reasonably under this section, either of them may refer the matter to the Scottish Ministers, whose decision is final.