
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 393

**The Flood Risk Management (Scotland)
Act 2009 (Commencement No. 1 and
Transitional and Savings Provisions) Order 2009**

PART I

GENERAL AND COMMENCEMENT

Citation and interpretation

1.—(1) This Order may be cited as the Flood Risk Management (Scotland) Act 2009 (Commencement No. 1 and Transitional and Savings Provisions) Order 2009.

(2) In this Order—

“the Act” means the Flood Risk Management (Scotland) Act 2009;

“the appointed day” means 26th November 2009; and

“the 1970 Act” means the Agriculture Act 1970(1).

Appointed day

2. The provisions of the Act which are specified in column 1 of the Schedule come into force on the appointed day, but where a particular purpose is specified in relation to any provision in column 2 of the Schedule that provision comes into force on the appointed day only for that purpose.

PART II

TRANSITIONAL AND SAVINGS PROVISIONS: FLOOD WARNING SYSTEMS

Existing flood warning systems: consultation

3. Where, before the appointed day, SEPA is doing anything under section 92(2) of the 1970 Act it may continue to do it under section 76 of the Act without consulting in accordance with section 77(2).

(1) 1970 c. 40.

(2) Section 92 was amended by the Local Government and Planning (Scotland) Act 1982 (c.43), section 21; the Telecommunications Act 1984 (c.12), section 109 and Part 1 of Schedule 7; the Local Government etc. (Scotland) Act 1994 (c.39), section 180(1) and paragraph 85(3) of Schedule 13 (as amended by the Environment Act 1995 (c.25) (“the 1995 Act”), section 120(3) and Schedule 24); and the 1995 Act, sections 21 and 120(1) and (3), paragraph 14 of Schedule 22 and Schedule 24.

Consultations under the 1970 Act

4. Where, before the appointed day, SEPA has consulted or is in the process of consulting in relation to doing anything under section 92 of the 1970 Act, that consultation will be treated as if it were a consultation under section 77(2) of the Act.

Arrangements with other persons under the 1970 Act

5. The repeal of section 94(3) of the 1970 Act does not affect the validity of any arrangements entered into by SEPA in exercise of its powers under that section.

St Andrew's House,
Edinburgh
10th November 2009

RICHARD LOCHHEAD
A member of the Scottish Executive