
STATUTORY INSTRUMENTS

2010 No. 2232

The Flood Risk Management Functions Order 2010

Citation and commencement

1. This Order—

- (a) may be cited as the Flood Risk Management Functions Order 2010; and
- (b) comes into force on 1st October 2010.

Flood risk management functions

2.—(1) The following are specified for the purposes of section 4(2)(f) of the Flood and Water Management Act 2010—

- (a) a function of the Environment Agency under the Flood Risk Regulations 2009⁽¹⁾;
- (b) a function of a lead local flood authority⁽²⁾ under the Flood Risk Regulations 2009;
- (c) a function of a sewerage undertaker under section 94 of the Water Industry Act 1991⁽³⁾ in relation to any sewer that conveys surface water.

(2) But, for the purposes of section 20 of the Flood and Water Management Act 2010, a function of a sewerage undertaker under section 94 of the Water Industry Act 1991 is not a flood risk management function.

(3) In this article, “sewer” and “surface water” have the same meaning as in section 219 of the Water Industry Act 1991.

2nd September 2010

6th September 2010

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs
Jane Davidson
Minister for Environment, Sustainability and
Housing
one of the Welsh Ministers

(1) [S.I. 2009/3042](#), amended by [S.I. 2010/1102](#).

(2) This term has the same meaning in the Flood Risk Regulations 2009 as in the Flood and Water Management Act 2010.

(3) [1991 c. 56](#); section 94 was amended by sections 36(2), 88(2) and 97(1) and (3) of the Water Act 2003 ([c. 37](#)). The functions of the Secretary of State under section 94 of the Water Industry Act 1991, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)) in relation to any water or sewerage undertaker whose area is wholly or mainly in Wales. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 ([c. 32](#)).