

# **FLOOD RISK MANAGEMENT (SCOTLAND) ACT**

---

## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 3 – Flood Risk Assessment, Maps and Plans**

##### ***Section 43 – Power of SEPA to obtain information, documents and assistance***

140. This section provides for SEPA to obtain information and assistance from the Scottish Ministers and responsible authorities (identified under section 5) and to obtain information from other persons to enable it to carry out its functions under Part 3 of the Act. It does not require disclosure of information or documents protected by the law on confidentiality (see section 46(3)).
141. Subsection (1) requires the Scottish Ministers and responsible authorities to provide SEPA with information and assistance so that SEPA can prepare and review flood risk assessments (sections 9 and 10), maps of artificial structures and natural features (section 19), assessments of possible contribution of alteration etc. of natural features and characteristics (section 20), flood hazard and flood risk maps (sections 21 and 24) and flood risk management plans (sections 27, 28 and 33). This duty only applies where SEPA's requests for information or assistance are reasonable.
142. Subsections (2) and (3) require responsible authorities to gather and provide SEPA with information which could contribute to improving understanding of flood risk. This may include information about the contribution that altering or restoring natural features and characteristics could make to managing flood risk and information about urban drainage and flooding caused by surface run-off water or a sewerage system. Again, the duty only applies where SEPA's requests for information about flood risk are reasonable.
143. Subsection (5) enables SEPA to serve a notice on any person (other than the Scottish Ministers or the responsible authorities) in order to obtain information or documents from them that it reasonably requires to prepare and review flood risk assessments, flood hazard and flood risk maps and flood risk management plans. Section 46(1), (2) and (4) sets further requirements about the content of information notices. Section 46(5) contains interpretation provisions in relation to "documents".
144. Subsection (6) allows the Scottish Ministers to decide whether requests from SEPA are reasonable where there are differences of opinion between SEPA and a responsible authority or any other person who has been asked to provide information, assistance or documents.