



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Bodies of water etc.: mapping and assessment

17 Local authorities to prepare maps of bodies of water etc.

- (1) Every local authority must prepare a map which shows (or more than one map which, taken together, show) relevant bodies of water and sustainable urban drainage systems in its area.
- (2) Each map must—
 - (a) be prepared by such date as the Scottish Ministers may direct,
 - (b) be prepared at a scale that the authority considers most appropriate, and
 - (c) contain such information and be in such form as the Scottish Ministers may specify in regulations.
- (3) A local authority must, from time to time, review and where appropriate update the map (or maps) prepared for its area under subsection (1).
- (4) A local authority must make available for public inspection the map (or maps) prepared under this section for the time being applicable to its area.
- (5) In this section and section 18—

“relevant body of water”—

 - (a) means—
 - (i) a body of surface water other than a stretch of coastal water, or
 - (ii) a body of underground water forming part of a watercourse (but not including a watercourse which is wholly underground), but
 - (b) does not include sewers and drains which drain into sewers,

“sustainable urban drainage system” has the meaning given in section 59(1) of the Sewerage (Scotland) Act 1968 (c. 47).

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.
- (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.