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**Changes to legislation:** There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 7. (See end of Document for details)

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## SCHEDULE 2 FLOOD PROTECTION SCHEMES: PROCEDURE ETC.

### *Ministerial consideration of proposed scheme*

- 7 (1) This paragraph applies where the Scottish Ministers are required under paragraph 6(1), or decide under paragraph 6(2), to consider the proposed scheme.
- (2) The Scottish Ministers must cause a public local inquiry to be held unless all objections made by relevant objectors have been withdrawn.
- (3) Subsections (2) to (9) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (which relate to the holding of local inquiries) apply in relation to a public local inquiry held under sub-paragraph (2) as they apply in relation to local inquiries held under that section.
- (4) After considering the material received under paragraph 5(5) and the report of the person who held the public local inquiry (if one was held), the Scottish Ministers must—
- (a) confirm the scheme without modification,
  - (b) confirm the scheme with modifications, or
  - (c) reject the scheme.
- (5) The Scottish Ministers may not confirm a scheme with modifications unless they have—
- (a) given notice of the proposed modification to the relevant objectors and anyone else the Scottish Ministers consider is affected by them at least 28 days before confirming the scheme,
  - (b) given those persons an opportunity to make objections about the proposed modifications, and
  - (c) considered any objections so made.
- (6) The Scottish Ministers must notify the local authority of their decision as soon as reasonably practicable after making it.

#### **Annotations:**

#### **Commencement Information**

**II** Sch. 2 para. 7 in force at 24.12.2010 by S.S.I. 2010/401, art. 3(g)

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