



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 1

### GENERAL DUTY, DIRECTIONS AND GUIDANCE

#### **2 Directions and guidance**

- (1) The Scottish Ministers may give directions (whether general or specific) and guidance to—
  - (a) SEPA, in relation to the exercise of its flood risk related functions, and
  - (b) any responsible authority, in relation to the exercise of its flood risk related functions.
- (2) SEPA and the responsible authorities must comply with any such directions and have regard to any such guidance.
- (3) Directions under subsection (1) may include provision for any matter to which the directions relate to be determined, in such manner (if any) as the directions may specify, by a person other than the Scottish Ministers.
- (4) Before giving a direction under subsection (1), the Scottish Ministers must consult—
  - (a) the person to whom the direction is to be given, and
  - (b) such of the following persons as they consider appropriate—
    - (i) SEPA, and
    - (ii) responsible authorities.
- (5) The Scottish Ministers must give guidance under subsection (1) to SEPA and all responsible authorities on their duties under—
  - (a) subsection (2)(b) of section 1, and
  - (b) subsection (2)(c)(i) of that section.
- (6) The guidance given in pursuance of subsection (5) must be given not later than 18 months after the provision to which the guidance relates is commenced.

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*Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 2. (See end of Document for details)*

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- (7) The Scottish Ministers must review and where appropriate update the guidance given in pursuance of subsection (5) not later than 6 years after it was first given or, as the case may be, last reviewed under this subsection.
- (8) Before giving guidance in pursuance of subsection (5) or updating the guidance under subsection (7), the Scottish Ministers must consult—
- (a) SEPA,
  - (b) every responsible authority, and
  - (c) such other persons as they consider appropriate.

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**Commencement Information**

**II** S. 2 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 2.