



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 4

FLOOD RISK MANAGEMENT: LOCAL AUTHORITY FUNCTIONS

General

69 Damage to certain flood protection work

- (1) Any person who intentionally or recklessly damages any—
 - (a) barrier, embankment or other work for defence against flooding constructed or otherwise created by a local authority—
 - (i) in exercise of any of its functions under this Part, or
 - (ii) in accordance with a flood prevention scheme confirmed under section 4 of the 1961 Act, or
 - (b) apparatus ancillary to such work,commits an offence.
- (2) For the avoidance of doubt, a person carrying out flood protection work under this Part does not commit an offence under subsection (1).
- (3) It is a defence to a charge in proceedings for an offence under subsection (1) that the person did not know and had no reasonable means of knowing that the works or apparatus were for defence against flooding.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction—
 - (a) in the JP court, to imprisonment for a term not exceeding 60 days, or to a fine not exceeding level 3 on the standard scale, or to both,
 - (b) in the sheriff court—
 - (i) for a first such offence, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the prescribed sum (within the

Status: This is the original version (as it was originally enacted).

meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 (c. 46)), or to both, and

- (ii) for any subsequent such offence, to imprisonment for a term not exceeding 6 months, or to the fine mentioned in sub-paragraph (i) above, or to both.