



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 2

PRINCIPAL EXPRESSIONS

[^{F1}6A. Interpretation of the Directive

- (1) The Directive is to be interpreted in accordance with this section.
- (2) When interpreting the Directive for the purposes this Act—
 - (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the Scottish Ministers,
 - (b) a reference to Community legislation is to be read as a reference to [^{F2}assimilated] law,
 - (c) a reference to [Directive 2000/60/EC](#) is to be read as a reference to that Directive as interpreted in accordance with Part 1 of schedule 5 of the Water Environment and Water Services (Scotland) Act 2003,
 - (d) the Directive is to be read subject to the following rules.
- (3) The final paragraph of Article 3(2) is to be ignored.
- (4) Articles 4(3), 5(2) and 6(2) are to be ignored.
- (5) In Article 6(5)(c) the reference to “Annex I to Council [Directive 96/61/EC](#) of 24 September 1996 concerning integrated pollution and prevention control” is to be read as a reference to “Annex 1 of [Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.
- (6) Articles 7(4), 8(2) to (5), 11 to 13, 15, 16 and 17(2) are to be ignored.
- (7) Section 1 of Part A of the Annex is to be read as if—
 - (a) in paragraph 4, for “other Community acts, including Council Directives [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 6A. (See end of Document for details)

and private projects on the environment and 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances” there were substituted “ [F³assimilated] law which implemented [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, [Directive 2012/18/EU](#) of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council [Directive 96/82/EC](#)”,

- (b) in paragraph 5, for “Member States concerned” there were substituted “Scottish Ministers”.]

Textual Amendments

- F1** S. 6A inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **6(3)**
- F2** Word in s. 6A(2)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 7(2)**
- F3** Word in s. 6A(7)(a) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 7(3)**

Changes to legislation:

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 6A.