Flood and Water Management Act 2010

CHAPTER 29

FLOOD AND WATER MANAGEMENT ACT 2010

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FLOOD AND COASTAL EROSION RISK MANAGEMENT

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SCHEDULES

SCHEDULE 1 — Risk Management: Designation of Features

"Designating authority"

1. In this Schedule “designating authority” means— (a) the Environment Agency,...

"Responsible authority"

2. (1) The responsible authority in relation to a structure or...

"Owner"

3. In this Schedule “owner” in relation to anything which is...

Designation

4. (1) If the following conditions are satisfied, a designating authority...

Effect of designation

5. (1) A person may not alter, remove or replace a...

Consent to alteration, removal or replacement

6. (1) The responsible authority may by notice given to the...

Provisional designation notice: procedure

7. (1) A designating authority may make a provisional designation by...

Designation notice: procedure

8. (1) A designating authority may make a designation by giving...

Cancellation

9. (1) The responsible authority may cancel a designation by giving...

Notice to other authorities

10. (1) This paragraph applies where an authority—

Enforcement notice

11. (1) If a person contravenes paragraph 5(1) the responsible authority...

Emergency powers

12. (1) This paragraph applies if— (a) a person has contravened...

Powers of entry

13. (1) A person authorised by the responsible authority may at...
Compensation for owners and third parties

14  (1) The relevant authority must pay compensation if, as a...

Appeals

15  (1) The Minister must by regulations provide a right of...

Notices and applications

16  The Minister may by regulations make provision about—

“The Minister”

17  (1) This paragraph defines “the Minister” in this Schedule.

SCHEDULE 2 — Risk Management: Amendment of Other Acts

Coast Protection Act 1949

1  The Coast Protection Act 1949 is amended as follows.
2  Section 2 (constitution of coast protection boards) is repealed.
3  After section 2 insert— Coastal erosion risk management authorities
   The following are “coastal erosion risk management authorities” for the...
4  (1) Section 4 (general powers) is amended as follows.
5  (1) Section 5 (coast protection work: objections and approvals) is...
6  In section 6 (power to make schemes for carrying out...
7  (1) In section 8(1) (confirmation of works schemes)—
8  In section 9 (carrying out of work) in subsection (4)...  
9  In section 10 (recovery of coast protection charges) in subsections...
10  In section 12 (maintenance and repair) in subsections (1) and...
11  In section 13 (recovery of maintenance cost) in subsections (1),...
12  (1) Section 14 (compulsory acquisition of land) is amended as...
13  In section 19 (compensation for depreciation of value of an...
14  Section 20 (contributions towards expenses) is repealed.
15  Section 21 (grants to coast protection authorities) is repealed.
16  In section 23 (power to sell materials) in subsections (1)...
17  In section 24 (arbitrations) in subsection (3) for “coastal protection...
18  In section 25 (powers of entry and inspection) in subsections...
19  In section 26 (power to require information) in subsections (1)...  
20  In section 27 (acquisition of right of passage) in subsections...
21  In section 28 (power of Minister to facilitate coast protection...
22  In section 44 (regulations and orders) in subsection (2) for...
23  In section 45 (service) in subsection (2) for “coast protection...
24  In section 49 (interpretation) for the definition of “coast protection...

Land Drainage Act 1991

25  The Land Drainage Act 1991 is amended as follows.
26  Section 8 (concurrent powers of the Environment Agency) is repealed....
27  In section 9(1) (default powers of the Agency)—
28  At the end of section 11 (arrangements between drainage authorities)...
29  (1) After section 14 (general drainage powers of boards and...
30  Section 17 (supervision by the Agency: works) is repealed.
31  (1) Section 21 (enforcement of obligations to repair watercourses and...
32 (1) Section 23 (prohibitions on obstructions) is amended as follows....
33 (1) Section 25 (powers to require works for maintaining the...
34 Section 26 (competing jurisdictions under section 25) is repealed.
35 (1) Section 33 (commutation of obligations) is amended as follows....
36 (1) Section 34 (financial consequences of commutation) is amended as...
37 In section 59 (grants) omit subsection (4)(c).
38 (1) Section 66 (byelaws) is amended as follows.
39 In section 72 (interpretation) in subsection (1) after the definition...

Water Resources Act 1991
40 The Water Resources Act 1991 is amended as follows.
41 Section 106 (obligation to carry out flood defence functions through...
42 In section 110 (main river structures: applications for consent) in...
43 (1) Section 118 (special duties with respect to flood defence...
44 Section 133 (power to authorise the Agency to issue levies)...
45 In section 159 (powers to lay pipes in streets) after...
46 In section 160 (power to lay pipes in other land)... 
47 (1) Section 165 (powers to carry out works) is amended...
48 After section 204(2)(c) (exceptions to prohibition on disclosure of information)...
49 In Schedule 25 (byelaws) for paragraph 5(1)(a) and (b) substitute—...

Water Industry Act 1991
50 After section 206(3)(c) of the Water Industry Act 1991 (exceptions...

Environment Act 1995
51 The Environment Act 1995 is amended as follows.
52 For section 6(4) (general supervision by the Environment Agency) substitute—...
53 Sections 14 to 19 and Schedules 4 and 5 (flood...

SCHEDULE 3 — Sustainable Drainage

"Drainage system"
1 (1) In this Schedule “drainage system” means a structure designed...

"Sustainable drainage"
2 “Sustainable drainage” means managing rainwater (including snow and other precipitation)... 

Cross-border systems
3 Where a drainage system is partly in Wales and partly...

"The Minister"
4 In this Schedule “the Minister” means— (a) for drainage systems...
National standards

5  (1) The Minister shall publish national standards for the implementation...

Approving body

6  (1) The approving body for a drainage system is—

Requirement for approval

7  (1) Construction work which has drainage implications may not be...

Applications for approval

8  (1) This paragraph provides two approaches for applying for approval...

Free-standing application for approval

9  (1) This paragraph provides for free-standing applications for approval under...

Combined applications

10 (1) This paragraph provides for the combination of an application...

Determination of application for approval

11 (1) On considering an application for approval the approving body...

Non-performance bonds

12 (1) A non-performance bond is a bond of a kind...

Fees

13 (1) The Minister shall by regulations provide for fees for...

Enforcement

14 (1) The Minister shall by order provide for the enforcement...

Guidance

15 The Minister may issue guidance about the process of seeking...

Sewers and roads

16 (1) After section 106(1A) of the Water Industry Act 1991...

Duty to adopt

17 (1) An approving body must adopt a drainage system which...

Exception 1: single-property systems

18 (1) The adoption duty does not apply to a drainage...
Exception 2: roads

19 (1) The adoption duty does not apply to any part...

Exception 3: systems under section 114A Water Industry Act 1991

19A The adoption duty does not apply to a drainage system...

Additional exceptions

20 The Minister may by order provide additional exceptions to the...

Power to adopt

21 An approving body may voluntarily adopt all or part of...

Effect of adoption

22 (1) Where an approving body adopts a drainage system it...

Process of adoption in pursuance of duty to adopt

23 (1) This paragraph describes the procedure for adoption in pursuance...

Process of voluntary adoption

24 (1) This paragraph applies where an approving body decides to...

Appeals

25 (1) The Minister must by regulations provide a right of...

Building Act 1984

26 (1) At the end of section 21 of the Building...

New Roads and Street Works Act 1991

27 At the end of section 63 of the New Roads...

Works on public land

28 (1) The Minister may make regulations requiring a statutory undertaker...

SCHEDULE 4 — Reservoirs

Introduction

1 The Reservoirs Act 1975 is amended as follows.

“Large raised reservoir”

2 Before section 1 insert— Large raised reservoir”: England and Wales...
3 (1) Omit section 1(1) to (3) (meaning of “reservoir”).

Registration

4 After section 2(2A) (registration) insert— (2B) The undertaker must register...
5  In section 21 (duty to provide information)—
6  In section 22 (criminal liability) before subsection (1) insert—

   High-risk reservoirs

7  After section 2 (registration) insert— Consideration of risk and provisional...
8  In section 7 (certificates of construction engineers) in subsection (5)...

   Panels of engineers

9  At the end of section 4 (panel of civil engineers)...

   Construction and alteration

10 (1) Section 6 (construction and alteration) is amended as follows....
11 (1) In section 7 (certificates of construction engineers) in subsection...

   High-risk reservoirs: inspections

12 (1) Section 10 (inspections) is amended as follows.
13 In section 17 (powers of entry) in subsection (1)(b) after...
14 In section 19(1)(a) after “safety” insert “ , or as...
15 In section 22 (criminal liability) after subsection (1) insert—

   High-risk reservoirs: monitoring and supervision

16 In section 11 (records) in subsection (1) for “large raised...
17 (1) Section 12 (supervision) is amended as follows.
18 In section 21(5) (information) for “large raised reservoir” substitute “...
19 In section 22 (criminal liability) after subsection (1AB) (inserted by...

   Flood plans

20 (1) Section 12A (flood plans) is amended as follows.
21 After section 12A insert— Flood plans: preparation (1) This section applies where an undertaker is directed to...
22 (1) Section 19 (references) is amended as follows.
23 (1) Section 20 (reports, certificates etc.) is amended as follows....
24 In section 22 (criminal liability) after subsection (1AD) (inserted by...

   Discontinuance

25 (1) Section 13 (discontinuance) is amended as follows.
26 (1) In section 15 (reserve powers) in subsection (1) after...

   Abandonment

27 (1) Section 14 (abandonment) is amended as follows.
28 In section 20 (reports, certificates etc.) in subsection (4)(b) omit...

   Powers of entry

29 In section 17 (powers of entry) for subsection (1)(a) substitute—...
Appeals

30 After section 19 (references) insert— Appeals (1) The Minister must by regulations provide a right of...

Directions of engineers

31 In section 20(1) (general provision about documents: prescribed form) for...

Assessment of reports and statements

32 After section 20 insert— Assessment of reports and statements (1) The Minister may by regulations make provision for the...

Information and reports

33 After section 21 (duty to provide information) insert— Power to...

34 In section 22 (criminal liability) after subsection (4) insert—

Enforcement: supplementary

35 In section 22 (criminal liability) in subsection (1)—

36 After section 22B insert— Expenses The undertaker must pay to the appropriate agency the amount...

Arrangements for civil protection: charges

37 After section 22C (inserted by paragraph 36) insert— Arrangements for...

Regulations and orders

38 (1) Section 5 (power to prescribe by regulations) is amended...

Charges

39 In section 41(1) of the Environment Act 1995 (power to...

Power to make further provision

40 (1) The Minister may by order make such further amendments...

Regulatory impact assessment

41 (1) The Minister must carry out a review of the...

Ministerial responsibility

42 (1) In this Schedule, and the amendments of the Reservoirs...

Cross-border England-Scotland reservoirs

43 (1) In this paragraph— (a) a “cross-border reservoir” means a...

SCHEDULE 5 — Special Administration
Transfer schemes
1  (1) This paragraph amends paragraph 2 of Schedule 2 to...
2  At the end of paragraph 3(2)(b) of Schedule 2 add...

Objectives
3  After section 23(2A) of the Water Industry Act 1991 (special...

Financial assistance
4  (1) This paragraph amends sections 153 and 154 of the...

Hive down
5  (1) In section 23 of the Water Industry Act 1991...

Application of general administration law
6  (1) For section 23(3) of (and Schedule 3 to) the...

Strategic supplies
7  (1) In section 66G(10) of the Water Industry Act 1991...
**Changes to legislation:**
Flood and Water Management Act 2010 is up to date with all changes known to be in force on or before 05 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
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<tbody>
<tr>
<td>– s. 35(2) words repealed by 2014 c. 21 Sch. 7 para. 145</td>
</tr>
<tr>
<td>– s. 42(2) repealed by 2014 c. 21 Sch. 7 para. 146(a)</td>
</tr>
<tr>
<td>– s. 42(3) repealed by 2014 c. 21 Sch. 7 para. 146(b)</td>
</tr>
<tr>
<td>– Sch. 3 para. 12(4)(c) words inserted by 2014 c. 21 s. 88(a)</td>
</tr>
<tr>
<td>– Sch. 3 para. 12(4)(c) words substituted by 2014 c. 21 s. 88(b)</td>
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