



Flood and Water Management Act 2010

2010 CHAPTER 29

PART 1

FLOOD AND COASTAL EROSION RISK MANAGEMENT

3. Supplemental powers and duties

18 Environment Agency: reports

- (1) The Environment Agency must report to the Minister about flood and coastal erosion risk management.
- (2) In particular, the report must include information about the application of the national flood and coastal erosion risk management strategies under sections 7 and 8.
- (3) The Minister may make regulations about—
 - (a) the times or intervals at which a report must be made, and
 - (b) the content of a report.
- (4) In this section “the Minister” means—
 - (a) the Secretary of State in relation to flood and coastal erosion risk management in England, and
 - (b) the Welsh Ministers in relation to flood and coastal erosion risk management in Wales.

19 Local authorities: investigations

- (1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate—
 - (a) which risk management authorities have relevant flood risk management functions, and
 - (b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

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- (2) Where an authority carries out an investigation under subsection (1) it must—
- (a) publish the results of its investigation, and
 - (b) notify any relevant risk management authorities.

20 Ministerial directions

- (1) The Minister may direct a risk management authority to exercise a flood or coastal erosion risk management function on behalf of another risk management authority (the “defaulting authority”).
- (2) The Minister may give a direction under subsection (1) only if satisfied that the defaulting authority—
- (a) has failed to exercise the function, or
 - (b) has failed to exercise the function in accordance with the national strategies under sections 7 and 8 or the local strategies under sections 9 and 10.
- (3) A direction under subsection (1) may include provision about the recovery of costs of compliance from the defaulting authority.
- (4) The Minister must—
- (a) send a copy of the direction to the defaulting authority, and
 - (b) publish the direction.
- (5) But the Minister may decide not to publish a direction if it appears that to do so would be contrary to the interests of national security.
- (6) In this section “the Minister” means—
- (a) the Secretary of State in relation to risk management authorities that exercise functions only in England,
 - (b) the Welsh Ministers in relation to risk management authorities that exercise functions only in Wales, and
 - (c) the Secretary of State and the Welsh Ministers acting jointly in relation to risk management authorities that exercise functions in both England and Wales.

21 Lead local authorities: duty to maintain a register

- (1) A lead local flood authority must establish and maintain—
- (a) a register of structures or features which, in the opinion of the authority, are likely to have a significant effect on a flood risk in its area, and
 - (b) a record of information about each of those structures or features, including information about ownership and state of repair.
- (2) The Minister may by regulations make provision about the content of the register and record.
- (3) The lead local flood authority must arrange for the register to be available for inspection at all reasonable times.
- (4) The Minister may by regulations provide for information of a specified description to be excluded from the register or record.
- (5) In this section, “the Minister” means—
- (a) the Secretary of State in relation to authorities in England, and

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- (b) the Welsh Ministers in relation to authorities in Wales.