

Status: Point in time view as at 02/05/2018.

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Non-performance bonds. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SUSTAINABLE DRAINAGE

Non-performance bonds

- 12 (1) A non-performance bond is a bond of a kind and to a value specified in a condition imposed on the grant of an application for approval.
- (2) The effect of the bond must be that the value of the bond is payable to the approving body if it certifies that the drainage system—
- (a) has been constructed in a manner that is not in accordance with the approved proposals, or
 - (b) is unlikely to be completed.
- (3) Before giving a certificate under sub-paragraph (2) the approving body must consult the applicant for approval (“the developer”).
- (4) Where an approving body gives a certificate under sub-paragraph (2)—
- (a) it must notify the developer,
 - (b) the approving body may undertake any work necessary to ensure that the drainage system is completed in such a manner as to make it likely to operate in compliance with national standards for sustainable drainage, and
 - (c) the sums received under the bond may be applied to the expenses of that work, and any excess is to be paid to the developer.
- (5) In requiring a non-performance bond an approving body must specify a value which does not exceed the best estimate of the maximum likely cost of work required to ensure that the drainage system accords with the approved proposals.
- (6) The Minister may issue guidance about what amounts may be required by way of non-performance bonds; and approving bodies must have regard to the guidance.

Commencement Information

II Sch. 3 para. 12 in force at 2.5.2018 for specified purposes for W. by S.I. 2018/557, art. 2(b)

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